Pathway to justice: Examining the attrition of child sexual abuse cases

By

Larissa Sue Christensen
Bachelor of Psychological Science (Hons)

Submitted in fulfilment of the requirements for the degree of

Doctor of Philosophy

Deakin University
March, 2016
I am the author of the thesis entitled

**Pathway to justice: Examining the attrition of child sexual abuse cases**

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List of Thesis Publications

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I would also like to acknowledge my mother, brother (Timothy), and partner (Mitchell). My mother is a loving, compassionate, but most of all, driven individual. I am grateful that, from a young age, she instilled in me a drive for always giving my best. Timothy, the youngest professor I know, has taught me that the sky is not the limit, but rather, the starting ground. I am very fortunate to have a bond with my brother filled with nothing less than admiration, love, and constant humour. I will always look up to him (and not only because of his height). I am also grateful of my loving partner, Mitchell, who has been such a great sounding board and big support. I wish to also thank him for building our home while I completed my thesis.
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Abstract

In Australia, similar to other Western societies, the conviction rate for child sexual abuse (CSA) cases is low. Case attrition can occur at any time from the initial report to authorities through to an outcome in court. Prior literature that has explored the attrition (and case progression) of CSA cases has focused on the laying of charges and prosecution stages. To date, the research has not focused on the earlier stages of the criminal justice system. The overarching aim of the current thesis was to address four major gaps identified in the research: (1) the need to understand better the factors that contribute to the attrition of CSA cases from the perspective of professionals working in the system and develop further ideas for improvements to the criminal justice system; (2) to identify the various points of attrition for CSA cases, the percentage of CSA cases that resulted in attrition, and the reasons for attrition at each of these points; (3) to explore the characteristics associated with attrition at the earlier stages of the criminal justice system; and (4) to explore the characteristics associated with specific reasons for attrition at the earlier stages of the criminal justice system. Each of these gaps was addressed in one of the four studies presented in the current thesis.

The purpose of Study 1 was to elicit the views from a diverse group of professionals working in the area regarding the system factors that contribute to the attrition of CSA cases and their ideas about reducing this attrition. This study involved in-depth interviews with 31 professionals who provide services to victims of sexual offences in one jurisdiction of Australia. Qualitative inquiry was employed to examine professionals’ views of the most important factors contributing to the attrition of CSA cases. Professionals agreed that the attrition of CSA cases was problematic. Thematic analysis revealed that their ideas to reduce
attrition fell into five broad areas of system improvements: greater specialisation, facilitating the accessibility of services, making the trial process more user-friendly, overcoming misinformed beliefs, and adequate representation of CSA (through sentencing and the limited options for other paths of justice).

The focus of Study 2 was to identify the various points of attrition for CSA cases, the percentage of CSA cases that result in attrition, and the reasons for attrition at each of these points. In order to identify the various points of attrition for CSA cases, in-depth discussions were held with industry stakeholders to create a framework of attrition. Five common points of exit for CSA cases were identified: case reported, forensic interview, investigation, brief authorisation, and prosecution. For the percentages and reasons for attrition, comprehensive data from 659 CSA reports recorded in the jurisdiction’s police database over a one-year period were examined; this data included both the police and the child protection workers’ case notes. Frequency counts and descriptive analyses were used to analyse the percentages and reasons for attrition.

The results showed that attrition most commonly occurred at the investigation stage, followed by the prosecution, forensic interview, case reported, and finally, the brief authorisation stage. Examination of the case notes revealed that the main reasons for attrition during the investigation stage and prosecution stage were due to insufficient evidence and case dismissal, respectively. The primary reason for attrition at the forensic interview was the suspect not being identified. The most frequent reasons for attrition at the case reported stage and the brief authorisation stage were the child not disclosing the abuse (i.e., to police or child protection) during the disclosure interview and the case being withdrawn or discontinued, respectively.

While it cannot be absolutely certain that all children in these reports were victims (e.g., inaccurate or malicious information may have been given to authorities), the information contained in the database indicated a very strong likelihood that the children had been abused.
The purpose of Study 3 was to explore the characteristics associated with attrition at a very early stage of the criminal justice system, specifically, before a forensic interview was conducted. As mentioned above, prior literature has focused on the attrition (and case progression) of CSA cases at later stages of the system (i.e., the laying of charges and prosecution stages). However, Study 2 demonstrated that attrition is also problematic in the early stages of the system. Similar to Study 2, comprehensive data from the jurisdiction’s police database were examined. Logistic regression revealed three case characteristics that predicted the attrition of CSA cases upon entering the system before a forensic interview was conducted: previous disclosure, abuse frequency, and child’s age. Previous disclosure was the strongest predictor of attrition; the likelihood of attrition increased when there was no previous disclosure made by the child. Abuse frequency was the second strongest predictor of attrition; the likelihood of attrition increased when the abuse was a single – as opposed to a repeated – incident. Finally, the child’s age was the third strongest predictor of attrition; the quadratic effect of age indicated that younger and older children were more likely to have their case result in attrition than children in the middle of this range (approximately 7–12 years).

Finally, Study 4 examined the characteristics associated with one of the main reasons for attrition at the earlier stages of the criminal justice system: the child (or child’s parent) withdrawing the complaint. Similar to Studies 2 and 3, comprehensive data from the jurisdiction’s police database were examined. Withdrawn cases were compared to: (i) cases that exited the system for other reasons, and (ii) cases that resulted in a charge. Logistic regression revealed, for withdrawn cases compared with cases that resulted in attrition for other reasons, two significant predictors: child’s age and child–suspect relationship. With regard to child’s age, as children got older, their complaints were more likely to be withdrawn. In terms of the child–suspect relationship, cases involving an extrafamilial
relationship were more likely to be withdrawn than cases involving an intrafamilial relationship. When withdrawn cases were compared to charged cases, there were two significant predictors: child’s age and abuse frequency. In terms of child’s age, as children got older, their complaints were more likely to be withdrawn. As for abuse frequency, cases were more likely to be withdrawn if the abuse was a single incident rather than a repeated incident.

The current thesis highlights the multifaceted nature of attrition and, based on the results of the four studies, provides a number of recommendations to prevent CSA cases from exiting prematurely. These recommendations for professionals and policy makers are focused on the following four areas: (i) more effective communication between key stakeholders; (ii) enabling connections between children and trusted adults to facilitate disclosures of abuse; (iii) the establishment of peer support programs to encourage older children to remain in the system; and (iv) educating children about sexual victimisation and dating violence to reduce complaint withdrawal of extrafamilial cases. The current thesis also outlines a number of directions for future research. It is important to note that while each study was original in nature, all of the studies were conducted in the one jurisdiction of Australia; in turn, the generalisability of the findings to other Australian jurisdictions and Western societies may be limited.
CHAPTER 1 – AN INTRODUCTION TO THE CURRENT THESIS

The World Health Organization (2004, p. 6) defines CSA as, “the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to ... or that violate the laws or social taboos of society.” CSA is a global issue affecting millions of children throughout the world (Stoltenborgh, Bakermans-Kranenburg, Alink, & van IJzendoorn, 2014). Using a meta-analysis of self-report studies of CSA, it has been estimated that 12.7% of children under the age of 18 years have experienced CSA (Stoltenborgh et al., 2014). A similar prevalence rate was calculated in another study using a face-to-face survey of 3,400 individuals over the age of 18 years (Pérez-Fuentes et al., 2013); the authors found that 10.1% of individuals experienced CSA before the age of 17 years. Despite these prevalence rates, the conviction rate for CSA cases is low (Fitzgerald, 2006). In fact, in Australia, sexual offences hold the lowest conviction rate for any crime against the person (Fitzgerald, 2006). Research has shown that only 8% to 9% of reported CSA incidents result in a conviction (Fitzgerald, 2006; Western Australia Community Development and Justice Standing Committee [WA CDJSC], 2008). This low conviction rate is also evident in non-Western societies; for example, in South Africa, 5% of reported CSA incidents result in a conviction (Niekerk, 2016). Low conviction rates occur because the majority of CSA cases exit the criminal justice system before a conviction can occur; this attrition can happen at any time from the initial report to authorities through to an outcome in court (WA CDJSC, 2008).

In Australia, a few reports have attempted to address the high attrition rate of CSA cases (e.g., Crime and Misconduct Commission [CMC], 2003; Victorian Law Reform Commission [VLRC], 2004). However, the focus of the majority of these reports has been the attrition of adult sexual assault cases (e.g., Australian Capital Territory Office of the Director of Public Prosecutions and Australian Federal Police [ACT ODPP & AFP], 2005; Chapman, 2006; CMC, 2003, 2008; New South Wales [NSW] Attorney General’s Department, 2006;
NSW Violence Against Women Specialist Unit, 2006; Tasmanian Law Reform Institute, 2005; WA CDJSC, 2008). In one report, an inquiry into the prosecution of sexual assaults was conducted. The committee of the inquiry highlighted the issue of the attrition of sexual assault cases in the current jurisdiction and made the recommendation to the jurisdiction’s Attorney General for an independent taskforce to be established to analyse the incidence of attrition and make recommendations aimed at reducing attrition.

In response to this recommendation, an independent taskforce was established by the jurisdiction’s Attorney General. This taskforce elected the current PhD candidate to respond to the recommendation made to the jurisdiction’s Attorney General. In initial discussions, the taskforce highlighted their concerns to the candidate that only a limited number of reports have considered reform measures unique to the features of CSA (with the focus of the reports on the attrition of adult sexual assault cases). Consequently, the candidate’s task was to analyse the incidence of attrition and make recommendations aimed at reducing attrition of CSA cases. This task constituted the candidate’s PhD research.

Upon critical review of the attrition and case progression literature for CSA cases, it was evident that at least four areas required further research. First, it was evident that research needs to understand better the factors that contribute to the attrition of CSA cases and develop further ideas for improvements to the criminal justice system. Second, research needs to identify the various points of attrition for CSA cases, the percentage of CSA cases that result in attrition, and reasons for attrition at each of these points. Third, research needs to explore the characteristics associated with attrition at the earlier stages of the criminal justice system (i.e., before the laying of charges and prosecution of CSA cases). Finally, research needs to explore the characteristics associated with specific reasons for attrition at the earlier stages of the criminal justice system. Each of these areas will be described in more detail below.
A number of reforms have been implemented in Australia to reduce the attrition of CSA cases (e.g., CMC, 2003; VLRC, 2004). These reforms have included the introduction of pre-recorded evidence for children, improved interview techniques and child witness statements, and the implementation of closed-circuit television (CCTV) during cross-examination (Richards, 2009). However, as the attrition rate is still high, it appears that more, or different, reforms are required. To date, only a few studies have examined the views and experiences of the key professionals in the justice system and wider community to understand attrition (e.g., Murphy, Banyard, & Fennessey, 2013). Nevertheless, this research has focused only on the attrition of adult sexual assault cases rather than the attrition of CSA cases. Therefore, the first area of concern was that research lacks the views and experiences of key professionals in order to understand the attrition of CSA cases. Listening to the voices of a diverse group of professionals in the justice system and wider community allows their unique perspectives about the contemporaneous factors impacting the attrition of CSA cases to be explored. This research should focus on system improvements because these factors are within the control of the justice system; that is, these factors can be changed. Hearing the voices of key professionals involved in system delivery should assist in the targeting of interventions to reduce attrition.

The second area of concern was the varying definitions of attrition of CSA cases and, in particular, the number of points at which cases could exit and the different positions of these points in different studies. For example, Wundersitz (2003) identified four points of attrition for CSA cases, whereas Parkinson, Shrimpton, Swanston, O’Toole, and Oates (2002) identified five points of attrition. With regard to the different positions, Finkelhor (1983) identified the first point of attrition as a case being identified by a public agency that did not result in an official report to the mandated agency. In contrast, Fitzgerald (2006) identified the first point of attrition as cases in which a police report was made but the police were no
longer investigating. Given the varying number and position of exit points across studies, caution needs to be exercised when making comparisons in the rates of attrition.

Related to the issue of differing exit points is the concern that very few case-tracking studies have examined the reasons for attrition of CSA cases at each identified point of exit. In one of the few studies that have examined such reasons, Parkinson et al. (2002) analysed 183 cases of abuse that were reported in New South Wales between 1988 and 1990. While Parkinson et al.'s (2002) study provided some reasons for attrition, the data from 25 years ago (given that the laws of evidence and criminal law have changed much over time) and the small sample size make it difficult to generalise these results to the present day as well as to larger jurisdictions. In a different study, Bunting (2008) analysed all sexual offences recorded between April 2001 and October 2006 by the Police Service for Northern Ireland. While the study analysed a larger dataset than Parkinson et al. (2002), it did not examine the reasons for attrition to the same level of detail. Research needs to explore the reasons behind the attrition at the various exit points in order to facilitate the appropriate targeting of interventions.

Regarding the third and fourth areas of concern, research has primarily focused on the attrition and case progression of CSA cases at later stages of the criminal justice system; in particular, the laying of charges and prosecution of CSA cases (e.g., Brewer, Rowe, & Brewer, 1997; Cross, De Vos, & Whitcomb, 1994; Leach, Powell, & Anglim, 2015; Walsh, Jones, Cross, & Lippert, 2010). As for the laying of charges, research has established that a number of case characteristics were related to the charging of a suspect; these case characteristics included the child, suspect, and additional case characteristics. For example, research has found that cases involving female children (rather than male children) were more likely to be referred to prosecution (Stroud, Martens, & Barker, 2000). Cases involving children in the middle of childhood (rather than younger and older children) were more likely to result in charges (Leach et al., 2015). Also, male suspects (rather than female suspects) and
older suspects (rather than younger suspects) were more likely to be referred to prosecution (Stroud et al., 2000). In relation to additional case characteristics, charges were more likely to be filed in cases in which the child disclosed, the offender confessed, there was a corroborating witness, or an additional report of abuse was made (Walsh et al., 2010).

Similarly, for prosecution, research has established a number of case characteristics related to prosecution acceptance of CSA cases; these case characteristics include the child, suspect, and additional case characteristics. For example, some research suggests older children were more likely to have their cases prosecuted than younger children (e.g., Brewer et al., 1997; Bunting, 2008; Cross et al., 1994). No significant differences have been found between the accused’s gender and age in cases that were prosecuted in comparison with rejected cases (e.g., Brewer et al., 1997). With regard to additional case characteristics, Brewer et al. (1997) found that CSA cases were more likely to be prosecuted when they involved recently reported abuse, offenders who had abused multiple victims, offenders who were strangers to the victim, and the presence of medical evidence (for serious abuse). Also, cases that involved a confession from the accused were more likely to be accepted for prosecution than cases that did not involve a confession (Cross et al., 1994).

To date, research has not widely explored the case characteristics related to the attrition (or case progression) of CSA cases before the laying of charges and prosecution. There are many reasons that a case may result in attrition before these points. For example, the current jurisdiction’s police specialist investigation manual on child abuse identifies some reasons for the attrition of CSA cases, including the child’s parent not consenting for their child to be interviewed, the child refusing an interview, or the child not disclosing the abuse during the interview. Similar to the research that has identified the case characteristics associated with the attrition (and case progression) at later stages of the system, it is important to identify the case characteristics associated with the attrition at earlier stages of
the system. This identification is particularly important because the cases most likely to exit the system are most probably going to do so before they reach the charging and prosecution stages; research has found that only 15% of reported cases proceed to court (Fitzgerald, 2006). Further, in order to develop precise interventions for attrition, the relationships between case characteristics and specific reasons for attrition need to be explored.

Given these four areas of concern, the aims of the current thesis were to: (1) establish the most important factors contributing to the attrition of CSA cases and suggest ways to reduce the attrition associated with these factors; (2) identify the various points of attrition for CSA cases, the percentage of CSA cases that resulted in attrition, and the reasons for attrition at each of these points; (3) determine the case characteristics (child, suspect, and additional case characteristics) associated with attrition when a case first enters the criminal justice system; and (4) determine the case characteristics associated with one of the main reasons for attrition at the early stages of the system (as identified in Study 2: the child or the child’s parent withdrawing the complaint). Each of these four aims was explored in one of four studies.

To examine professionals’ views of the most important factors contributing to the attrition of CSA cases, Study 1 used qualitative inquiry with professionals involved in the justice system and wider community in the current jurisdiction. Professionals comprised police, intelligence analysts, judges, forensic biologists, child protection, doctors (who conduct both medical and forensic examinations of victims), senior State prosecutors, freelance investigation advisors, personnel who assist witnesses, and social workers, as well as counsellors and psychologists. Study 1 focused on factors within the control of the justice system to determine where future efforts to reduce attrition should be prioritised. The results

3 While some researchers consider the attrition of CSA cases to include cases that do not get reported to authorities (e.g., Finkelhor, 1983), in line with the task set out for the PhD candidate by the jurisdiction’s Attorney General, the current thesis focused on those cases that exited the system after a report of CSA had been made to authorities. However, the PhD candidate acknowledges the importance of studying the cases that do not get reported to authorities and the reasons for this failure to report.
of Study 1 revealed that professionals all agreed that attrition was a major issue for CSA cases; however, they had different views about the various points at which these cases could exit the criminal justice system. Although professionals acknowledged that initiatives introduced in the past had reduced attrition, they highlighted that attrition is still a persistent and problematic issue. They identified five system factors requiring attention to reduce attrition: greater specialisation (in terms of communication between agencies, quality assurance, and keeping up-to-date with emerging issues), facilitating the accessibility of services (due to the public’s lack of awareness of available services as well as the accessibility of services in remote regions), making the trial process more user-friendly (in terms of the length of time in the court process, the limited focus on the family’s needs around appointments, and the cross-examination of child witnesses), overcoming the misinformed beliefs about the nature of CSA (among the general public), and adequate representation of CSA (in terms of the weight of sentences that offenders receive and the limited options for other paths of justice). Given professionals’ differing views about the points of attrition, Study 2 was conducted to identify the common exit points in the current jurisdiction’s criminal justice system.

For Study 2, in-depth discussions were held with industry stakeholders to create a framework of attrition and to define a number of exit points. Once the framework was defined, case-tracking data were examined to determine the percentage of attrition and the reasons behind attrition at each point of exit. The case-tracking data consisted of all offences of reported CSA (e.g., indecent assault), attempted CSA (e.g., attempted penetration), and offences accompanying the abuse (e.g., trespass) from the current jurisdiction’s police database from 1 January 2011 to 31 December 2011\(^4\). Each case consisted of information from the initial contact with the complainant right through to the case outcome; it also

\(^4\) This period was the most recent full year of cases available.
included the case notes of the jurisdiction’s police and child protection workers. The results of Study 2 highlighted the high levels of attrition during the early stages of the criminal justice system.

To examine further the attrition of CSA cases at an early stage, Study 3 explored the case characteristics (child, suspect, and additional case characteristics) associated with the attrition of cases that exited before a forensic interview could be conducted. Analysis of the case-tracking data revealed a number of associations. Study 4 examined the case characteristics (child, suspect, and additional case characteristics) associated with the child (or the child’s parent) withdrawing the complaint (as Study 2 identified complaint withdrawal as a major reason for attrition in the earlier stages). Analysis of the case-tracking data identified a number of associations. The results of Studies 3 and 4 will assist professionals and researchers in developing more precise interventions to prevent attrition during these early stages of the system.

The structure of this thesis is as follows. Chapter 2 describes the nature and context of CSA. Chapter 3 provides a general overview of how Australia responds to cases of CSA – from the point a CSA report is made to authorities right through to the outcome of the trial; Chapter 3 is a general overview to ensure the anonymity of the current jurisdiction (i.e., the chapter does not discuss procedures that were only specific to the current jurisdiction). Chapter 4 provides a critical review of the attrition and case progression literature and identifies the gaps in this literature. Original research (i.e., Studies 1, 2, 3, and 4) is presented in Chapters 5 through to 8. Chapter 9 then summarises the general findings of the thesis and discusses the recommendations from the current findings and directions for future research.

It is important to note at the outset that the attrition of CSA cases does not necessarily signify a poor or failed outcome. The PhD candidate acknowledges that the prosecution of CSA cases is not always in the best interests of the child and his or her family. For example,
the child may be extremely distressed at the thought of possibly seeing the perpetrator in
court. However, as the task set out for the PhD candidate by the current jurisdiction’s
Attorney General was to analyse the incidence of attrition, the current thesis considered
attrition as any CSA case that exited the system (even if it was in the child’s best interests for
the case to no longer proceed).
CHAPTER 2 – AN INTRODUCTION TO CHILD SEXUAL ABUSE

To understand the attrition of CSA cases, the nature and context of CSA must first be understood. Therefore, the purpose of this chapter is to provide background information about CSA, including the definition of CSA, consent and age of consent laws, common victim characteristics, the disclosure (or non-disclosure) of CSA, the role of parental belief and protective action, and the short- and long-term impacts of CSA. The current chapter draws from the international literature and, where possible, the Australian literature.

2.1 Defining CSA

Due to Australia’s federal system of government, variations exist in the types of behaviour that constitute CSA across the states and territories of Australia (Australian Centre for the Study of Sexual Assault [ACSSA], 2011). Nonetheless, two commonalities exist in definitions of CSA: (1) the use of physical and/or psychological tactics to yield compliance, and (2) its non-consensual nature (ACSSA, 2011). CSA involves sexual behaviour where, “(a) the child is the subject of bribery, coercion, a threat, exploitation, or violence; or (b) the child has less power than another person involved in the behaviour; or (c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour” (Children and Community Services Act 2004 s 124A). This definition suggests that CSA is the exposure to inappropriate and/or exploitative sexual behaviours for the child’s developmental age.

2.2 Consent and Age of Consent Laws

Consensual sexual activity requires that both parties be of legal age and have both freely chosen to take part in the sexual behaviour. In the current jurisdiction, consent is considered as voluntarily and freely given without affecting the meaning attributable to those words; therefore, consent is not voluntarily and freely given if obtained by deceit, intimidation, force, threat, or any fraudulent means. Consent also involves the individual
being free to change his or her mind at any time during the sexual activity. Generally, individuals are unable to provide consent if they are: drugged, intoxicated, asleep, unconscious, have a disability that impacts on their capability to understand what he or she is consenting to, or under the age of consent.

Age of consent laws are considered an important means to protect children from sexual exploitation (Child Family Community Australia [CFCA], 2010a). In the current jurisdiction, the age of consent for sexual intercourse is 16 years for both males and females; therefore, it is an offence to have sexual intercourse with someone under the age of 16 years. It is irrelevant if a child under the age of 16 years perceives that they are taking part in consensual sexual activity with an adult; the law states that children do not hold the maturity to consent to such behaviour (CFCA, 2010a). Further, it is an offence for an individual in a position of authority over a child (e.g., police officer, school teacher) to have sexual intercourse with a young person under the age of 18 years.

Similar to other jurisdictions in Australia, the severity of the sexual offence is based on the age of the child and the class of sexual conduct\(^5\). If a person is charged with engaging in sexual dealings, there are generally two legal defences if the accused person: (1) believed the child was over the age of consent, and (2) was not more than, for example, two years older than the child. Importantly, ignorance of age is no legal defence for particularly young children or where the offender is related to the child.

### 2.3 Common Victim Characteristics

CSA is not randomly scattered across the population (CFCA, 1998). There is a greater likelihood that a child will be a victim of CSA if he or she is from a socially deprived and disorganised family background, such as, parental substance abuse; poor parental mental health; lower socio-economic status; domestic violence; marital dysfunction; parental

\(^5\) In order to ensure the anonymity of the current jurisdiction, the age of the child and class of sexual conduct has not been provided.
separation; or step-parents and foster parents (Noll, 2008). Further, CSA is not uncommon amongst other forms of maltreatment; children who suffer from one type of maltreatment are significantly more likely to also suffer from other types (Fergusson, Horwood, & Lynskey, 1997; Fleming, Mullen, & Bammer, 1997). In fact, characteristics pertaining to the child’s gender, child’s age, and the child–perpetrator relationship have been found to be associated with victimisation. Each of these characteristics will be briefly reviewed below.

Most CSA victims are female (Barth, Bermetz, Heim, Trelle, & Tonia, 2012; Finkelhor, Shattuck, Turner, & Hamby, 2014; Mohler-Kuo et al., 2014; Pereda, Guilera, Forns, & Gómez-Benito, 2009; Stoltenborgh, van IJzendoorn, Euser, & Bakermans-Kranenburg, 2011). Pereda et al. (2009) conducted a meta-analysis of 65 studies on the prevalence of CSA and found that more females reported being victims of CSA (19.7% of the sample) than did males (7.9% of the sample). These findings were similar to Stoltenborgh et al.’s (2011) figures; they found females were more likely to report CSA (18.0% of the sample) than were males (7.6% of the sample). These rates are consistent with other studies that have found that females are up to three times more likely to report being the victim of CSA than males (e.g., Barth et al., 2012; Mohler-Kuo et al., 2014). The higher victimisation rate for females may be due, in part, to a higher likelihood of disclosure by females (Priebe & Svedin, 2008; Ullman & Filipas, 2005); the topic of disclosure is discussed in the next section.

The research on age at which most children first experience CSA appears to be mixed. Some studies have found children generally have their first experience during middle childhood, rather than earlier or later childhood (Australian Bureau of Statistics [ABS], 2010). The ABS (2010) found that the most common age group for an individual’s first experience of sexual abuse or assault (across all age groups), was 11–14 years; this was followed by the 15–19 year age group and the 0–9 year age group. Other studies have found
that CSA victimisation increases from early adolescence (Kloppen, Haugland, Svedin, Mæhle & Breivik, 2016; Priebe & Svedin, 2008). For example, Priebe and Svedin (2008) found that the mean age of first experience of CSA was 14.4 years. The higher victimisation rate for older children may be partly due to the higher likelihood of disclosure by older children.

In terms of the relationship between the child and the perpetrator, the popular (lay) view is that strangers are the main perpetrators of CSA; however, the majority of perpetrators are known to the child (ABS, 2005; Cashmore & Shackel, 2013a; Gelb, 2007). For example, Mwangi et al. (2015) found that of survey respondents (children aged 13-17 years), 78% of the children who experienced indecent touching knew the perpetrator and more than 90% of children who experienced forced sexual intercourse knew the perpetrator. It is important to note that this study was conducted in a developing country (Kenya) and the results may not be generalisable to Western societies.

In many cases perpetrators are related (either biologically or through marriage) to the child (ABS, 2005; Cashmore & Shackel, 2013a; Gelb, 2007). Abuse perpetrated by an individual who is related to the child is referred to as intrafamilial abuse, whereas abuse perpetrated by an individual who is not related to the child is referred to as extrafamilial abuse. The ABS (2005) found that of all reported CSA victims aged 0–15 years, the most common perpetrator was a male relative (who was not the victim’s father or stepfather), such as an uncle or cousin (30.2%), a family friend (16.3%), a neighbour or acquaintance (15.6%), another known person (15.3%), the victim’s father or stepfather (13.5%), or a stranger (11.1%)\(^6\).

2.4 Disclosing CSA

A child’s disclosure is the most common way in which CSA is discovered (Goodman-Brown, Edelstein, Goodman, Jones, & Gordon, 2003). However, many children do not

\(^6\) Percentages do not add to 100%; this may be because more than one perpetrator took part in the abuse.
disclose the abuse even into adulthood (Smith et al., 2000; Sorenson & Snow, 1991). Many children do not disclose abuse owing to their having being groomed. Grooming is a type of emotional ‘seduction’ in which the perpetrator manipulates the child using one or more of affection, trust, material incentives, and psychological pressure (Salter, 1995). Perpetrators generally select children who are trusting, quiet and withdrawn, and/or appear vulnerable (McNamara, Tolliday, & Spangaro, 2012; Paine & Hansen, 2002). The perpetrator works persistently towards building trust prior to the abusive act, sometimes going so far as to build trust with the child’s family, to allow for greater access to the child (Elliott, Browne, & Kilcoyne, 1995; Paine & Hansen, 2002). This trust building may confound the child’s ability to see the situation as abusive (Paine & Hanson, 2002).

In terms of gaining and maintaining the child’s compliance and silence, perpetrators may give or withdraw enticements (i.e., material goods, attention), place the responsibility of the abuse on to the child, and distort society’s morals and/or the sexual acts themselves (e.g., that the abuse is normal or part of a game) (Paine & Hanson, 2002). When examining the impact of threats upon disclosure, Lyon (1996) found that children were a lot less likely to disclose the abuse when threats were involved. Threats can take numerous forms, including physical harm (e.g., “I will kill your dog”) or forecasting negative outcomes for the child, their loved ones, and/or the perpetrator (Kaufman, Hilliker, & Daleiden, 1996). For example, children are sometimes warned by the perpetrator that they will be punished or blamed by others if found out (e.g., “if you tell, no one will believe you and everyone will call you a liar”; Kaufman et al., 1996). Overall, these tactics to maintain silence place the emotional burden of responsibility for the abuse on to the child (Australian Psychological Society [APS], 2013). Further, the child often suffers from feelings of embarrassment, shame, powerlessness, and self-blame (Shakespeare-Finch & de Dassel, 2009).
A number of motivational factors have been recognised to inhibit a child’s disclosure of sexual abuse (Berliner & Conte, 1990; Bussey & Grimbeek, 1995; Finkelhor et al., 1990; Furniss, 1991; Gomes-Schwartz, Horowitz, & Cardarelli, 1990; Sorenson & Snow, 1991). The majority of research into these motivational factors is based on retrospective self-reports (i.e., adults sexually abused as children; Arata, 1998; Finkelhor et al., 1990). These motivational factors can be grouped into three categories of concern, those relating to: (1) self, (2) family and loved ones, and (3) the perpetrator (Paine & Hansen, 2002). In terms of factors related to self, many children are unwilling to disclose for fear of being disbelieved (Furniss, 1991; Gomes-Schwartz et al., 1990) and blamed by others (Berliner & Conte, 1995; Gomes-Schwartz et al., 1990).

For factors pertaining to family and loved ones, children are sometimes cautioned by the perpetrator that their family and loved ones will be hurt (emotionally and/or physically) if a disclosure is made (Berliner & Conte, 1990; Lyon, 1996). Essentially, the perpetrator imparts a sense of responsibility to the child; that is, in order to maintain the safety of the child’s family, the child must not disclose the abuse (Paine & Hansen, 2002). Regarding factors related to the perpetrator, research findings consistently show that children abused by a person close to them are less likely to disclose than children abused by a stranger (Arata, 1998; Berliner & Conte, 1990; DiPietro, Runyan, & Fredrickson, 1997; Sorenson & Snow, 1991). One reason for this is that children who are close to the perpetrator may be concerned for the wellbeing of the perpetrator should they disclose the abuse (Berliner & Conte, 1990; deYoung & Lowry, 1992; Furniss, 1991); this concern is sometimes driven by the perpetrator’s threats that they will harm themselves or commit suicide if the child discloses the abuse (Paine & Hansen, 2002). The child may also fear that the perpetrator will be incarcerated if the abuse is discovered (Furniss, 1991).
In addition to these motivational factors inhibiting disclosure, research has also identified a number of case characteristics that are associated with disclosure. The characteristics that occur most often in the literature are the child’s gender, child’s age, child–perpetrator relationship, and abuse severity. Research suggests that female and male children differ in their likelihood of disclosure (e.g., Ghetti & Goodman, 2001; Gries, Goh, & Cavanaugh, 1996; Keary & Fitzpatrick, 1994; Lamb & Edgar-Smith, 1994; Tang, Freyd, & Wang, 2007). Research has demonstrated that female children are more likely to disclose than male children (Priebe & Svedin, 2008; Ullman & Filipas, 2005). For example, Tang et al. (2007) reviewed disclosure rates of both retrospective and prospective studies, and found that males were significantly less likely to disclose sexual abuse than females. This pattern has also been found in adolescents (Hecht & Hansen, 1999; Lamb & Edgar-Smith, 1994). Male victims face additional challenges than female victims, particularly in relation to stereotypes and expectations of masculinity placed on them (Dorahy & Clearwater, 2012). In particular, with the majority of perpetrators being male (for both female and male children), older male children may be concerned that others will view them as homosexual (Alaggia, 2005).

The child’s age may inhibit his or her disclosure (DiPietro et al., 1997; Gries et al., 1996; Keary & Fitzpatrick, 1994). Some studies have found that older children were more likely to disclose than younger children (DiPietro et al., 1997; Keary & Fitzpatrick, 1994; Kogan, 2004; Leclere & Wortley, 2015). It is possible that older children are more likely to disclose because younger children may not have the cognitive or linguistic abilities to understand that the abuse was wrong – therefore hindering their intentional disclosures of abuse (Goodman-Brown et al., 2003; London, Bruck, Wright, & Ceci, 2008); younger children may instead unintentionally disclose in response to a precipitating event (Campis, Hebden-Curtis, & Demaso, 1993; Lippert, Cross, Jones, & Walsh, 2009; Sorenson & Snow,
1991). Other studies have suggested a curvilinear pattern; that is, children in the middle of the age range (e.g., 7–12 years) were more likely to disclose than younger children (e.g., 0–6 years) and older children (e.g., 13 years and older; London, Bruck, Ceci, & Shuman, 2005). London et al. (2005) suggested that children in the middle of childhood (7–12 years) hold a better understanding of social norms and can more easily identify the experience as abusive than younger children; also, 7–12 year olds do not anticipate the consequences of disclosing abuse as much as older children. Other studies have found no relationship between child’s age and disclosure (Bottoms, Rudnicki, & Epstein, 2007). When interpreting these findings, consideration needs to be given to the different treatments of the age variable (i.e., the categorisation of age as a continuous or categorical variable) across the studies.

While the child’s relationship to the perpetrator in CSA cases is most often a familiar one (ABS, 2005; Berliner & Conte, 1995; Elliott et al., 1995; Finkelhor et al., 1990; Gomes-Schwartz et al., 1990; Ligezinska et al., 1996; Sorenson & Snow, 1991), research indicates that children were less likely to disclose the closer their relationship was with the perpetrator (DiPietro et al., 1997; Smith et al., 2000; Wyatt & Newcomb, 1990). One reason for children being less likely to disclose the closer their relationship relates back to intrafamilial abuse victims being concerned for the wellbeing of the perpetrator (Berliner & Conte, 1990; deYoung & Lowry, 1992; Furniss, 1991; Paine & Hansen, 2002). Again, it is important to consider the methodological variations across studies. For example, some studies include foster parents and stepparents as intrafamilial relationships while other studies do not.

Finally, the findings on disclosure and abuse severity, while commonly cited, have been inconsistent. Some researchers have found that as the severity of the abuse increased, the likelihood of disclosure also increased (Cederborg, Lamb, & Laurell, 2007; Lamb & Edgar-Smith, 1994). Cederborg et al. (2007) suggested that children were less likely to disclose relatively minor abuse (e.g., fondling) because they were less able to recognise the
behaviour as abusive in comparison to more severe abuse (e.g., penetration) and remember the abuse. In contrast, Arata (1998) identified an inverse relationship between disclosure and abuse severity. Arata (1998) suggested that as abuse severity increased, the likelihood of disclosure decreased due to the child being more afraid of the perpetrator or amplified self-blame. In another study, Gomes-Schwartz et al. (1990) identified a curvilinear trend, with children least likely to disclose sexual abuse when at the extreme ends of the abuse severity spectrum; 54% of children did not disclose the abuse when subjected to intercourse and 50% of children did not disclose when subjected to attempted sexual activity (or noncontact types).

2.5 The Role of Parental Belief and Protective Action

Not all parents believe or protect their child upon his or her disclosure of sexual abuse. A number of studies have shown that 69% to 78% of non-offending mothers believed their child either completely or in part; that is, 22% to 31% of non-offending mothers did not believe their child at all (Elliott & Briere, 1994; Heriot, 1996; Jinich & Litrownik, 1999; Leifer, Shapiro, & Kassem, 1993; Lovett, 1995). Pintello and Zuravin (2001) studied non-offending mothers in cases of intrafamilial CSA and found that while 41% of mothers in the sample believed the child and took protective action, 20% believed the child but took no protective action, with 31% neither believing the child nor taking protective action. Thus, while the parent may believe the child, this does not ensure a protective response.

A number of patterns have emerged from studying the non-offending parent’s relationship to the perpetrator (e.g., Pintello & Zuravin, 2001). When non-offending mothers are in a relationship with the perpetrator, they may be conflicted between reconciling their maternal role and their obligation to the perpetrator (Elliott & Carnes, 2001). In such a situation, the non-offending mother may struggle with the uncertainty of who to believe (Salt, Myer, Coleman, & Sauzier, 1990). This is difficult since the non-offending parent (most commonly the mother) may experience a sense of disbelief or denial and find it challenging
to comprehend that someone she trusted could commit such an act (Elliott & Carnes, 2001).

As a result, the child’s mother is generally less protective and supportive of the child when in a current sexual relationship with the perpetrator (Pintello & Zuravin, 2001). For example, Pintello and Zuravin (2001) found that mothers were almost three times more likely to believe and protect their child when they were not in a current sexual relationship with the perpetrator.

2.6 The Short- and Long-Term Impacts of CSA

The short- and long-term impacts of CSA can range from no apparent effects to very severe effects (Shakespeare-Finch & de Dassel, 2009). CSA can have one or more of psychological, behavioural, cognitive, social, and physical effects. CSA occurs during the vital years of development; often when children have limited psychological and cognitive resources (Shakespeare-Finch & de Dassel, 2009). The duration, severity, and context in which the abuse occurs can affect victims differently (Australian Institute of Health and Welfare [AIHW], 2009). For example, a child involved in a one-off incident of fondling by a stranger may be affected differently to a child who experienced sexual penetration for many years by a once-trusted relative.

Presentation features of CSA can include hyperarousal and high stress reactivity (Maniglio, 2012), instabilities in attachment and social interactions (Huang-Storms, Bodenhamer-Davis, Davis, & Dunn, 2006), and dysregulated behaviour (Huang-Storms et al., 2006). While some children are socially withdrawn, other children may persistently seek attachment and affection, with most unable to appropriately read social cues (Geritz, Harden, & Newman, 2012). If these children are not assessed correctly and the history of abuse is unavailable, Attention Deficit Hyperactivity Disorder (ADHD) or similar disorders can be commonly diagnosed (Geritz et al., 2012).
CSA is a risk factor for a number of mental health disorders in later life (APS, 2013; Geritz et al., 2012; Gilbert et al., 2009; Vythilingam et al., 2002). These disorders include anxiety, depression, somatoform conditions, and eating disorders, as well as symptoms of Post-Traumatic Stress Disorder (PTSD) and sexual dysfunction (Geritz et al., 2012; Vythilingam et al., 2002). Suicide attempts are also associated with CSA victimisation even after controlling for comorbid psychiatric disorders (Pérez-Fuentes et al., 2013). Adults who have a history of severe abuse may receive a diagnosis of Borderline Personality Disorder (BPD), which is thought to have a neurobiological underpinning (Geritz et al., 2012). This disorder is characterised by disturbances in emotional regulation, impulse control, and interpersonal functioning, leading individuals to have great difficulty managing stress, as well as being hypersensitive to feelings of abandonment and rejection (Geritz et al., 2012). When interpreting the long-term impacts of CSA it is important to consider the methodological variations across studies. For example, some studies draw from clinical populations while others use samples drawn from the general population.

A number of approaches have been taken in order to understand the impact of trauma upon the victim and their mental health. One emerging approach is the traumagenic neurodevelopmental model (Read, Fosse, Moskowitz, & Perry, 2014; Read, Perry, Moskowitz, & Connolly, 2001). The model suggests that trauma in the early years of an individual leads to neurodevelopmental changes in the brain (Read et al., 2014). For example, during childhood, stress-induced increases in glucocorticoids selectively induce neuronal cell death in the limbic system and impact abnormal limbic circuitry (Huang-Storms et al., 2006). The neurodevelopmental changes that take part in the brain lead some patients to display psychotic disorders (Read et al., 2014). Although physiological hyperarousal may be an adaptive mental response to the abuse at the time, the more the child experiences
hyperarousal, the greater the likelihood that anxiety disorders symptoms will follow the trauma (Maniglio, 2012).

A second approach to understand the outcomes of traumatic experiences is examining the cognitive characteristics of the individual. Cognitive schemata or heuristics may mediate the pathway between early traumatic experiences and adult pathology (Beck, 1964; Beck & Freeman, 1990). Individuals with a history of childhood abuse have been found to have more maladaptive cognitive schemata than individuals without a history of childhood abuse (Cukor & McGinn, 2006). Schemata that mediate between early traumatic experiences and adult depression centre on disconnection and rejection (Cukor & McGinn, 2006). For example, those who have been abused may believe that they are damaged, find it difficult to trust other people, and feel abandoned and isolated. In turn, it is these cognitive beliefs that can lead to depressive symptomology (Cukor & McGinn, 2006).

CSA is also a risk factor for a number of physical health problems in later life (Irish, Kobayashi, & Delahanty, 2010). Exposure to stress during a child’s development can disrupt physiological processes and play a role in later diseases in adulthood (Shonkoff, Boyce, & McEwen, 2009). In particular, it is suggested that great stress endured during childhood may result in the disturbance of the sympathetic nervous system and neuroendocrine system, impacting other systems throughout the body (Shonkoff et al., 2009). Alterations of the body’s systems may result in a number of health problems in later life, including obesity, coronary artery disease, and gynaecological symptoms (Shonkoff et al., 2009). Pain – sometimes chronic pain – is also a physical symptom occasionally associated with CSA and includes gastrointestinal and pelvic pain, and migraine headaches (Hilden et al., 2004; Leener et al., 2007; Leserman, 2005).

It must be noted that not all children are affected in the same way when exposed to trauma (CFCA, 2010b). A number of protective factors associated with resilience have been
documented in the child maltreatment literature, including individual, familial, and community level factors (Afifi & MacMillan, 2011). For individual protective factors, factors including the child’s personality traits, coping mechanisms, and self-efficacy were associated with the child’s resilience (Afifi & MacMillan, 2011). For example, research has found that maltreated children with positive self-esteem had more resilient functioning (Cicchetti & Rogosch, 1997). Familial protective factors include stable caregiving and supportive relationships. For example, family support has been suggested to be a major buffer to the adverse effects of CSA (Cashmore & Shackel, 2013b). Believing the child is very important for the child’s psychological survival. A lack of maternal belief and support increases a child’s anxiety, depression, and behavioural problems, as well as disrupts their emotional functioning (Manion et al., 1996; Newberger, Gremy, Waternaux, & Newberger, 1993). Children who do not perceive high levels of maternal support are at greater risk for recanting the disclosure (Berliner & Elliott, 1996), whereas parental warmth, supportive relationships, and belief of the child’s disclosure of abuse have been found to be significant determinants of the resilience into later life (e.g., O’Leary, Coohey, & Easton, 2010; Ullman & Filipas, 2005).

Finally, community factors can include non-family member social support, peer relationships, and religion. For example, Collishaw et al. (2007) found good peer relationships across childhood, adolescence, and adulthood contributed to adult psychological wellbeing for individuals who had experienced sexual abuse in childhood. Children’s experiences in the criminal justice system, and their experiences with other government and non-government services, may also play a role. These services may include the police, child protection, medical and health services, education services, and other community services.

2.7 Summary

The current chapter provided background information about the nature and context of CSA. It discussed the importance of the age of consent laws; in particular, that it is illegal for
an adult to engage in sexual activity with a child even if the child believes he or she is willingly engaging in sexual behaviour. The chapter also explored the emotionally ‘seductive’ grooming process in which the child may experience affection, trust, bribery, and threats (to pressure them to remain involved in the abuse). Due to this manipulative grooming process, many children do not recognise the behaviour as abusive or may delay their disclosure of (or never disclose) the abuse. The non-disclosure of CSA is problematic because a disclosure is the most common way CSA is discovered. Case characteristics related to the disclosure of CSA were discussed; these case characteristics concerned the child, the perpetrator, and additional case characteristics. The current chapter also highlighted the effects CSA can have – not only in childhood but also through to adulthood. The next chapter describes the general process for how Australia responds to cases of CSA.
CHAPTER 3 – AN OVERVIEW OF HOW AUSTRALIA RESPONDS TO CASES OF CHILD SEXUAL ABUSE

When understanding the attrition of CSA cases, the context of the entire criminal justice process needs to be considered. The aim of the current chapter is to provide a brief overview of the general procedures used in Australia from the point a CSA incident is reported to authorities, including the gathering of information, the child’s disclosure interview, the forensic interview, the suspect’s video recorded interview, further evidence building, and brief authorisation, through to the outcome at trial. In order to ensure the anonymity of the current jurisdiction, the general procedures used in the investigation and prosecution of CSA cases across Australia was the focus. While some procedures relating to the investigation of CSA are clearly documented and consistently implemented, there is considerable variability with regard to other procedures. In fact, there is little agreement concerning the actual methods when dealing with CSA cases (Sedlak et al., 2006); it is difficult for child protection and law enforcement to apply guidelines consistently across all cases when each case differs greatly. For example, while in some cases a criminal conviction may be desirable for the child and child’s family, in other cases this may be detrimental to the child’s well-being (Sedlak et al., 2006). Therefore, the current chapter is a very general guide.

3.1 Reporting

Mandatory reporting laws exist for certain types of people to report suspected incidents of abuse (CFCA, 2014). Mandatory reporting laws exist across all Australian states and territories; however, the laws differ between jurisdictions. For example, in Western Australia, doctors, nurses, midwives, teachers, and police officers are all mandated reporters and must lodge a report if they reasonably believe that CSA has occurred or is occurring. In contrast, in the Northern Territory, any individual is considered a mandated reporter and must
make a report if they reasonably believe that a child has suffered from – or is likely to suffer – any form of abuse (e.g., physical, sexual, neglect, emotional, exposure to physical violence; see CFCA, 2014). Mandatory reporting has two aims: (1) to protect children, acknowledging the seriousness of the abuse, and (2) to oblige reluctant individuals with a duty to report the abuse (National Child Protection Clearinghouse [NCPC], 2009). Mandated reporters make the report directly to the jurisdiction’s mandatory reporting department (this can also be an online service). Individuals who are not considered mandated reporters can make CSA complaints directly to the police or Crime Stoppers. Irrespective of the reporting method, the police receive the report.

3.2 The Early Stages of Information Gathering

A multi-disciplinary response into the investigation of CSA is utilised across all Australian jurisdictions. Agencies involved in the multi-disciplinary response include the jurisdiction’s police force, child protection, and other related agencies (e.g., education, health). A multi-disciplinary response allows for the sharing of case information across agencies, enabling evidential aspects of a case to be sought. This integrated response minimises further trauma for the child associated with repeating his or her story across multiple agencies (State Government Victoria, 2012).

After the report has been made to authorities, the police and/or child protection service make an assessment as to the priority of the case. These levels of priority generally span from immediate danger, potential danger, through to no danger. Once the level of priority is established, meetings may be set between child protection and the police, along with other invited stakeholders (e.g., education, health). During these meetings, the available information about the case can be discussed and options are identified concerning: (a) the child’s safety, (b) the criminal investigation, and (c) the action to be taken. The detective is the member from the police force who generally plays the lead role in the investigation.
3.3 The Child’s Disclosure Interview

In some jurisdictions of Australia, a disclosure interview is conducted if the child has not made a previous verbal disclosure of the abuse. For example, the child’s parent might make a report to authorities due to the sexualised behaviour the child is displaying; in such instances, the child would be required to undergo a disclosure interview. The aim of the disclosure interview is to explore the child’s circumstances (i.e., whether the child has been subject to abuse). Parental consent is generally required prior to the child’s disclosure interview. In instances where the child’s parent refuses consent, statutory powers can be exercised to overrule this decision. In other instances, statutory powers can be used to complete the disclosure interview without informing the parent (generally in cases in which the parent is the suspect). If the child makes a clear disclosure of criminality during the disclosure interview, the interview is immediately terminated, with the child’s case warranting a forensic interview.

Generally, only one disclosure interview will be conducted. However, a second interview may be warranted if: (i) the police officer or child protection worker believes a second interview will elicit a disclosure (if the child did not disclose during the first disclosure interview) and believes it will not cause trauma to the child, (ii) another incident is reported to authorities (either a mandatory or non-mandatory report) or, (iii) the child’s parent contacts child protection or the police and outlines new concerns. Depending on the jurisdiction, specialised police officers and/or specialised child protection workers conduct the disclosure interview.

3.4 The Child’s Testimony – Forensic Interview

The forensic interview, which is visually recorded, is the child’s evidence-in-chief. It takes place before any intervention from other service providers (e.g., doctors, therapists) unless the child’s medical needs are a priority. The forensic interview aims to maximise the
child’s chances of providing a detailed account, with as little specific prompting and
suggestive questioning as possible from the interviewer (Ceci & Friedman, 2000; Poole &
Lamb, 1998; Wilson & Powell, 2001). There are a number of reasons that the visually
recorded interview is used as a primary means of capturing the child’s testimony. First, the
forensic interview prevents the child having to retell his or her account to various agencies.
Second, the forensic interview is considered to preserve the child’s earliest report of the
event(s) in a free-flowing format, as opposed to retelling the event(s) months or years later in
court. Third, it captures the child’s presentation at the time, which a written statement cannot
provide. Finally, the accused/legal representative must be given an opportunity to view this
recorded interview (as well as the verbatim transcript), potentially resulting in an early guilty
plea; therefore, an examination-in-chief may not be required of the child.

The forensic interview must be conducted by a person who has received specialised
training in forensic interviewing. This is generally a specialised police officer and, in some
jurisdictions, a specialised child protection worker. The interviewer is required to explain the
investigation and legal process to the child and/or parent prior to the interview. Similar to the
child’s disclosure interview, the child’s parent must provide consent. If the child’s parent
refuses consent, statutory powers for the child to undergo a forensic interview can be
exercised. In instances where it is in the best interests of the child not to seek parental consent
(e.g., the child’s parent is the suspect), statutory powers can also be exercised.

In most jurisdictions, the interviewer and the child are the only two individuals in the
interview room during the forensic interview. The procedure may change if English is not the
child’s first language and a translator is required. Other professionals (e.g., the detective or
other interviewers) may watch the recording live from the monitor room. These individuals
may provide the interviewer with suggestions for further areas of questioning or clarification

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7 However, in some instances, the detective may believe a written statement from the child is more appropriate
than a forensic interview (e.g., when the child does not want to be visually recorded).
(when the interviewer seeks feedback in the monitoring room during a break). While one forensic interview per child is generally conducted, more may be necessary (although this is rare) to clarify aspects of the interview or if new information comes to light (e.g., the child decides he or she has further offences to disclose).

‘Particularisation’ is a legal requirement during the forensic interview. Particularisation refers to each offence being identified with reasonable precision relative to time, place, or some other unique contextual detail (S v. R, 1989). The rationale for particularisation is that it makes clear which act forms the basis of each charge (S v. R, 1989). That is, particular occasions from the child’s memory must be provided and must be distinguished from other similar events – not vague recollections of offences without detail. One of the reasons that particularisation is important is because it would be unfair for the accused to have to defend him- or herself against an unspecified number of occasions with the defence of alibi virtually impossible to raise.

3.5 The Suspect’s Testimony – Video Recorded Interview

The interviewing of the suspect generally occurs after the full investigation of a case. That is, after the child’s forensic interview, the detective attempts to garner all evidence including: physical material (e.g., DNA, fingerprints, medical examinations), witnesses (e.g., victim, general witness, eye-witness, early complaint witness), persons of interest (e.g., trace, eliminate, or implicate persons nominated as a suspect), intelligence (e.g., identification of other offences in the area that are similar in nature or modus operandi), and public awareness (e.g., eliciting information by calling for witnesses through media releases). Interviewing the suspect after the full investigation promotes validity when challenging the suspect’s version of events, by ensuring that the greatest amount of information has already been obtained from the child and any witnesses. While interrogation was the traditional practice, with the focus on obtaining a confession from the suspect, developments in the United Kingdom during the
early 1990s have led to a different way to obtain more reliable evidence; this procedure is known as investigative interviewing.

The suspect’s interview is electronically recorded. The investigative interview process allows the suspect to relay his or her account of the incident. The suspect is questioned about his or her movements leading up to, and following, the incident. The detective then challenges the suspect; challenging is the task of covering reasons for vagueness or inconsistencies in the suspect’s account from the available evidence (e.g., witness accounts, physical evidence). The suspect is asked to provide an explanation for each challenge.

The detective then reviews the suspect’s account prior to closure of the interview. The suspect is given the opportunity to deny, confirm, alter, or clarify the detective’s summary of the interview. In contrast, if the suspect has remained silent throughout the interview, the detective will clarify the suspect’s intention to exercise his or her right to silence. The suspect can ask questions once the summary is complete, prior to closure. If the suspect voluntarily attends the interview, he or she is free to leave at any time. However, if the suspect is placed under arrest for the duration of the interview, the interview can continue until the detective is either satisfied that the suspect has not committed a crime or that there is sufficient evidence to arrest the suspect pending a formal charge. While a time limit does apply to holding a suspect in custody (the time limits vary across jurisdictions), suspects can be held in custody for longer on reasonable grounds and if approved (by a senior officer or magistrate).

3.6 Further Evidence Building

The detective examines the interviews and decides whether an investigation should continue. If he or she believes the investigation should continue, the detective compiles all evidence, referred to as a ‘brief of evidence’. Gathering various independent sources of evidence for the brief assists with corroboration – confirming the commission of the offence and the identity of the suspect as being the person who committed the offence. The detective
must follow up all avenues of inquiry during the investigation in order to negate any possible
defences and to guarantee that a professional and ethical investigation is conducted. The brief
of evidence is generally compiled within six weeks. The detective will attempt to identify,
prioritise, and resolve each avenue of evidence as soon as possible to reduce contamination of
evidence and corruption.

After the brief is compiled, the detective generally seeks the approval of the Officer in
Charge; the Officer in Charge assesses the evidence and will agree, or disagree, that there is
prima facie evidence for each element of the offence. That is, establishing evidence for each
element of the offence ‘at first sight’. If the Officer in Charge agrees that there is a prima
facie case, he or she endorses the charge. The detective then advises the suspect of the
charge, complying with other relevant legislation. The matter is referred to the Office of the
Director of Public Prosecutions (ODPP) along with any previous convictions of a similar
nature against the accused or allegations (reported incidents that have not resulted in charges)
made against the accused. These are brought to the attention of the ODPP file manager as
they may be able to adduce these previous convictions or allegations as propensity evidence.

3.7 Brief Authorisation

A prosecutor is designated the case and decides whether the evidence can adequately
sustain a charge; in particular, he or she must evaluate the case to assess whether the case can
be proven beyond reasonable doubt and/or is in the public’s interest to proceed. After
deciding to proceed with a prosecution, the ODPP prepares and files an indictment (the
formal written charge against the accused). The indictment is filed prior to the accused’s
appearance in the District or Supreme Court. The indictment states the alleged conduct with
the counts of the indictment normally reflecting the most serious offences revealed by the
evidence. Less serious offences may be indicted if the most serious offences have possible
lines of defence and if the less serious offences charged are still appropriate to the facts
alleged. From here, prosecution must provide a statement to the accused of all material facts. The authorities will use this time preparing for trial, including the liaison with the detective to obtain any additional evidence.

3.8 The Trial

The trial begins with the defendant entering a plea. The defendant will be sentenced in the normal manner if he or she pleads guilty. If the defendant pleads not guilty, the case is opened by the prosecution, who outlines the facts and calls their witnesses to the stand. The child’s pre-recorded evidence-in-chief (forensic interview) is played. CCTV technology enables children to be cross-examined by the defence counsel and re-examined by the prosecution, live, from a separate room within the same building. The use of CCTV is to prevent further traumatisation experienced at the trial (i.e., by facing the accused) and, in turn, facilitates the attentiveness and concentration of the child (Eastwood, 2003)\(^8\).

The defence counsel may argue that there is no case to answer. If the judge agrees that there is no case to answer, he or she directs the jury to enter a ‘not guilty’ verdict. If the defence counsel does not raise the argument, or if raised and the judge does not agree with the defence counsel, the defence counsel may call evidence. However, it is not compulsory for the defence counsel to call evidence for the defendant because the burden of proving the case beyond reasonable doubt lies in the hands of the prosecutor. If the defendant provides evidence, it is on oath and is open to cross-examination. This evidence must be both admissible and relevant.

The prosecution and defence counsel each finish with a closing address. The closing address involves the most favourable interpretation of facts from the respective side. That is, the defence counsel explains to the jury why the defendant should be found not guilty and the prosecutor explains why the defendant should be found guilty. If the defence counsel does

\(^8\) In contrast, adult witnesses give their evidence-in-chief at trial and in the same courtroom as the accused.
not call evidence, the defence counsel may provide the closing address after the prosecutor. However, if the defence counsel does call evidence, the defence counsel must provide the closing address prior to the prosecutor.

The closing address is followed by the reading of the charge and applicable law by the judge; the judge must also instruct the jury of the applicable law and comment, where required, on the evidence. From here, the jury retires and deliberates the verdict. The verdict must be unanimous. If a verdict has not been reached after a certain period, the judge will advise the jury that it can return a majority verdict. If a not guilty verdict is returned, the defendant is discharged. If a guilty verdict is returned, both the prosecutor and defence counsel make penalty suggestions. The judge then determines the most suitable sentence; the sentence is dependent on both the severity of the current offence and the offender’s past criminal record.

3.9 Summary

The current chapter provided a general guide to the procedures in place concerning how Australian jurisdictions investigate and prosecute cases of CSA from the point an incident is reported to authorities right through to the outcome at trial. This guide shows that a CSA report must successfully pass through a number of points in the criminal justice process before reaching an outcome at trial. These points may include the gathering of information, the child’s disclosure interview, the forensic interview, the suspect’s video recorded interview, further evidence building, brief authorisation, and the trial.
CHAPTER 4 – THE ATTRITION OF CHILD SEXUAL ABUSE CASES IN THE CRIMINAL JUSTICE PROCESS

This chapter contains a review of the literature about the attrition of CSA cases in the criminal justice process. In particular, it highlights the paucity of research on the attrition of CSA cases in the early stages of the criminal justice system (i.e., before the laying of charges and the prosecution of cases). After defining attrition, the literature will be presented in sections representing each stage at which a case might exit the system: the early stages of information gathering, the child’s disclosure interview, forensic interview, suspect’s interview, further evidence building, brief authorisation, and the outcome at trial. While the current chapter can be interpreted as a general guide for the attrition of CSA cases, the information that explores the reasons for attrition mostly draws from the current jurisdiction’s police specialist investigation manual and brief authorisation process manual. It is important to note that, in any instance where the case is closed\(^9\) by the police, child protection work closely with the child’s family to ensure safety for the child.

4.1 Defining Attrition

Despite the growing literature in the area, there is no universal definition of attrition. For example, the Australian Law Reform Commission [ALRC] (2010) defined attrition as cases that exited the system before reaching adjudication. In contrast, Fitzgerald (2006) defined attrition as cases that exited the system without a conviction. These definitions highlight the different points at which cases may exit, yet are still considered to have experienced attrition. Research has also identified varying numbers of exit points and positions of those points. For example, Parkinson et al. (2002) identified five points of exit for CSA cases, Wundersitz (2003) identified four points of exit, and Fitzgerald (2006) identified six points of exit. For the different positions for the exit points, Parkinson et al.

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\(^9\) ‘Closed’ refers to the case being filed pending new information coming to light; this closure does not necessarily mean that the child was not sexually abused.
identified the first point of the attrition for CSA cases occurring after a police report was made. In contrast, Finkelhor (1983) identified the first point as a case being identified by a public agency that did not result in an official report to the mandated agency. Different positions for attrition are evident right through to the final point of exit.

Two issues arise from the differing definitions of attrition. First, if different definitions of attrition exist across agencies, interagency collaboration may be impeded. That is, difficulties may emerge if agencies do not hold mutual understandings of attrition, potentially impinging on responsibilities, sharing of resources, and accountability for success. Second, generalisability across studies becomes problematic, as various definitions have various measurement points (i.e., start and end points) of attrition. Therefore, rates of attrition need to be interpreted with caution when comparing across studies. For example, the percentages for attrition across six points of exit (e.g., Fitzgerald, 2006) cannot be compared to the percentages of attrition across four points of exit (e.g., Wundersitz, 2003) or five points of exit (Parkinson et al., 2002). To overcome this issue, it is clear that a framework for attrition needs to be developed based on the experiences of the professionals working within the criminal justice system. Ideally, professionals from different agencies should be involved in order to create a framework of attrition that can be applied in any agency in the sector. Such a framework would allow for more precise comparisons in the rates of attrition across studies.

4.2 The Early Stages of Information Gathering

One of the first stages at which attrition may occur is after a report of CSA has been made to the police. Police officers are commonly seen as the “gatekeepers to justice” (Kerstetter, 1990; p. 268). They employ decision-making at each stage of reporting and investigation to ensure – in principle, at least – that cases that enter the criminal justice system do so via a quality control process to warrant an optimum outcome (Taylor &
Gassner, 2010). Once a report of CSA is made to authorities, a case may result in attrition even before the child undergoes a disclosure (or forensic) interview. One reason for attrition here is that the child, or child’s family, is not located (Besharov, 1991). Another reason is that inaccurate (i.e., malicious) information is given to authorities (Besharov, 1991). A third reason for attrition at this point is that authorities contact the child’s parent asking consent for the child to undergo a disclosure (or forensic) interview and the child’s parent refuses to provide consent. In these instances, if authorities believe the child appears to be in no immediate harm and the child’s parents are not the suspects, the case is generally closed by the police.

Upon reviewing the literature, it is evident that research, to date, has not examined the reasons for attrition at this early stage of the criminal justice system – that is, once the case is reported to authorities before the child’s forensic interview. Instead, the research has focused on later stages, such as when police do not proceed with a case (Bunting, 2008). Bunting (2008) found two main reasons for police not proceeding: the child did not wish to prosecute (despite there being sufficient evidence to charge a suspect), or the police (or prosecution) decided that the case was not in the public interest (Bunting, 2008). In a different study, Parkinson et al. (2002) analysed 183 cases of abuse that were reported between 1988 and 1990. While Parkinson et al. (2002) analysed the reasons for attrition, their first point of exit considered attrition to occur when no police report was made; their second point of exit considered attrition to occur when no charges were laid.

It is important to consider the attrition of CSA cases at this early stage of the system, before a forensic interview can be conducted. In particular, research needs to focus on identifying the rate of attrition at this early stage of the system to confirm that attrition is problematic here. If attrition is identified to be problematic at this early stage of the system, interventions could then begin to focus on this area of the system and not just on the later
stages. Research also needs to examine the many possible reasons for attrition at this early stage – rather than just the child (or child’s family) not being located, the giving of inaccurate information to authorities, or the child’s parent refusing to consent for the child to be interviewed. Finally, research should explore the associations of case characteristics with attrition at this early stage; once known, these associations should assist in the development of appropriate interventions. The current thesis will address these areas of research.

4.3 The Child’s Disclosure Interview

While a number of cases bypass the disclosure interview (i.e., children who have previously provided a clear disclosure of abuse), many do not and can exit the system at this point. To date, the literature has not examined the attrition that may occur around the time of the child’s disclosure interview. The current jurisdiction’s police specialist investigation manual suggested three main reasons for cases not progressing to a forensic interview: the child’s parent not consenting for their child to be interviewed, the child refusing the disclosure interview, or the child not disclosing during the disclosure interview.

In terms of consent, the specialist interviewer reviews the case file and makes contact with the family to arrange the interview. As mentioned earlier, when non-offending parents learn about the abuse, it is generally a confusing and unexpected event (Elliott & Carnes, 2001). The non-offending parent may experience a sense of disbelief or denial (Elliott & Carnes, 2001). As a result, it may be difficult for the parent to provide consent for their child to undergo a disclosure interview, particularly as consent is sought as early as possible. Chapter 3 highlighted that statutory powers may be used to gain access to interview the child if the child’s parent refuses to provide consent or if it is in the best interests of the child not to seek parental consent (e.g., if the child’s parent is a suspect). If seeking parental consent is not seen to be in the best interests of the child and the child appears to be in no danger, the case may be closed by the police.
In addition to parents refusing for their child to be interviewed, children themselves may refuse the disclosure interview. For example, children may be worried that they will be blamed for the abuse (Kaufman et al., 1996). Other children may commence the disclosure interview but become too distressed to continue and the interview is terminated. While it may seem the child’s choice to not take part in the disclosure interview, the child’s parents may inhibit the child, verbally or non-verbally, from disclosing the abuse. For example, the child may be verbally pressured by family members to recant the allegation (Furniss, 1991; Rieser, 1991; Sorenson & Snow, 1991). Alternatively, the child’s parent may fail to assign blame appropriately to the perpetrator, thus non-verbally pressuring the child to recant.

Finally, if a child fails to disclose the abuse during the disclosure interview, and the case lacks evidence, the case is likely to be closed by the police. In other instances, where the child discloses the abuse, the police may close the case if it is in the child’s best interests not to proceed. For example, a joint decision may be made between child protection and the police to close the case when the child has poor verbal skills and is very distressed yet it is clear an abusive event occurred.

Overall, the research to date has not focused on the attrition of CSA cases that are reported to authorities and result in attrition prior to the child’s forensic interview. Instead, the research has focused on the characteristics of cases that are related to attrition (or case progression) during later stages of the criminal justice system (e.g., Brewer et al., 1997; Cross et al., 1994; Leach et al., 2015; Walsh et al., 2010). This review again highlights the need for research to: (i) identify the rate of attrition at this early stage of the system to confirm that attrition is problematic here, (ii) explore the possible reasons for attrition at this early stage, and (iii) explore the associations of case characteristics with attrition. The current thesis will address these areas of research.
4.4 The Child’s Testimony – Forensic Interview

Interviewing child victims of abuse for investigative purposes is a challenging task (Guadagno, Powell, & Wright, 2006). Child forensic interviews form the main evidence to secure convictions (ACT ODPP & AFP, 2005; Powell & Wright 2009; Success Works, 2011). The current section describes the attrition that may occur around the time of the child’s forensic interview. Similar to the child’s disclosure interview, attrition may occur around the child’s forensic interview due to the child’s parent refusing to provide consent, the child him- or herself refusing the forensic interview, or the child not disclosing the abuse during the forensic interview. Other reasons may include the child not providing a particularisation during the interview or the child (or child’s parent) withdrawing the complaint.

A case may not proceed if the child gives an unclear account (Parkinson et al., 2002). That is, the child fails to disclose and/or particularise during the forensic interview. Research has shown that the child’s disclosure (of abuse) at a forensic interview is often critical to police and child protective services and paramount to the investigation of CSA (see Lawson & Chaffin, 1992; Pence & Wilson, 1994; Shackel, 2012). A lack of disclosure in the forensic interview – in combination with a lack of other evidence – makes a criminal prosecution unlikely (Stroud et al., 2000). Other children may disclose but fail to particularise the offence during the forensic interview. As mentioned in Chapter 3, for a suspect to be charged and convicted of CSA, the child will generally need to particularise each act with reasonable precision relative to time, place, or some other unique contextual detail (S v. R, 1989). The issue with particularisation is that children can experience great difficulty when separating time and context of repeated acts (and approximately 47% of CSA victims are repeatedly

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10 Attrition prior to the forensic interview was the focus of the current thesis (rather than attrition prior to the child’s disclosure interview) because children who have previously disclosed CSA to any individual forgo the disclosure interview and commence with a forensic interview.

11 When a child is uncooperative or refuses an interview, the detective would only continue the investigation in rare cases.
abused; Hershkowitz, Lanes, & Lamb, 2007), especially when the acts occurred closely
together in time and in similar contexts (Price, Connolly, & Gordon, 2006; Roberts & Blades
1998, 1999; Roberts & Powell, 2001). If a child does not disclose and particularise, police
usually have to close the case due to a lack of evidence unless there is a considerable amount
of other admissible evidence (e.g., eyewitnesses, medical evidence).

A number of case characteristics related to whether children disclose the abuse, and
the amount of information that they provide during interviews, have been identified. These
case characteristics relate to the child (gender and age) and other case characteristics (the child–
suspect relationship, abuse severity, and abuse frequency). In relation to the child’s gender, a
number of researchers have found that more female than male children disclose during the
interview (e.g., DeVoe & Faller, 1999; Gries et al., 1996; Hershkowitz, Horowitz, & Lamb,
2005; Hershkowitz et al., 2007; Lippert et al., 2009; Stroud et al., 2000). For example, Stroud
et al. (2000) found that 70% of female children disclosed during the forensic interview, in
comparison with 52% of male children. With regard to the child’s age, many researchers have
noted that a greater proportion of older than younger children disclose during the forensic
interview (e.g., DiPietro et al., 1997; Gries et al., 1996; Hershkowitz et al., 2005; Keary &
Fitzpatrick, 1994; Lippert et al., 2009; London et al., 2005; London, Bruck, Ceci, & Shuman,
2007; Pipe et al., 2007). Older children also give better quality interviews (such as providing
longer answers in response to the interviewer’s questions; Hagborg, Strömwall, & Tidefors,
2012) and provide more credible disclosures than younger children (Wood, Orsak, Murphy,
& Cross, 1996). Stroud et al. (2000) suggested that unless a young child provides a consistent
and credible account that is corroborated with other evidence, the detective may drop the case
as younger children are more easily confused and intimidated at trial.

With regard to other case characteristics, specifically the child–suspect relationship,
research has shown that children were more likely to disclose during the forensic interview
when the child’s relationship to the suspect was extrafamilial than when the relationship was intrafamilial (Stroud et al., 2000). Stroud et al. (2000) found that 95% of children disclosed when the suspect was a stranger compared to 59% of children when the suspect was a parent or step-parent. They suggested that these children were less likely to disclose due to loyalty conflict and strained family ties. Hershkowitz et al. (2005) found that children were significantly more likely to make allegations during interviews against a non-parent figure than a parent figure (including adoptive parents, step-parents, and foster parents). Research on the relationship between abuse severity and disclosure has produced mixed findings. While some studies have shown a positive relationship between abuse severity and disclosure (e.g., Lam, 2014), others studies have found an inverse relationship: severe assaults were associated with delayed disclosure (Hershkowitz et al., 2007). Finally, regarding abuse frequency, children were more likely to delay their disclosure when the abuse was repeated (86%) compared to a single incident (25%; Hershkowitz et al., 2007).

In addition to attrition that results from the child not disclosing and/or particularising the abuse, a case may result in attrition at the forensic interview stage if the child (or the child’s parent) withdraws the complaint. The complaint may be withdrawn either before, or after, the child’s forensic interview. One reason that children may withdraw their complaints is because they may not want to press charges (Parkinson et al., 2002). The child’s parent may also want to withdraw the complaint for various reasons, such as giving the suspect a second chance, protecting the child from the distress of court proceedings, or the family being intimidated by the perpetrator (Parkinson et al., 2002). If the child withdraws his or her complaint, and the case lacks evidence, the case is likely to be closed by the police. For example, if the police are not provided with the suspect’s details, it is unlikely that the case will proceed. Research should examine the case characteristics associated with attrition that
occurs when a child or their parent withdraws the complaint. The current thesis will address this area of research.

**4.5 The Suspect’s Testimony – Video Recorded Interview**

As mentioned in Chapter 3, the suspect’s interview should occur after a thorough investigation of the case. The aim of the suspect’s interview is to increase the validity and veracity of the complaint when challenging the suspect’s version of events. Where there is no direct evidence (other than the child’s account), it is important that the suspect’s account is matched to that of the child (e.g., placing the suspect and child together at particular locations, times, and dates), bolstering the evidence. The current section describes the attrition of CSA cases occurring around the time of the suspect’s video recorded interview. The reasons for attrition at this stage include the suspect refusing the interview, the suspect not being identified or located for an interview, the suspect remaining silent, and the suspect denying the allegations. This area has been particularly well researched in the literature in light of the confessional literature.

After the police have finished their investigation, the suspect will be contacted (generally in person) for an interview. The suspect is legally obliged to give the police his or her name and address. Other than that, the suspect has the right to remain silent and may refuse the interview. If the suspect refuses the interview, and there is little corroborating evidence, attrition may occur here; the case is likely to be closed by the police. If the suspect is arrested, he or she must attend the police station for an interview (irrespective of whether he or she wants to remain silent).

Attrition may occur when the suspect is not identified (Parkinson et al., 2002), located, or the decision is made to not extradite the suspect back to the current jurisdiction where the offence was committed. The identification of the suspect is a critical element that the prosecution must prove (i.e., evidence must be provided that clearly identifies the suspect
as the person who perpetrated the offence). If the suspect is not located, and there is little corroborating evidence, the case is likely to be closed by the police (with no arrest warrant being issued). However, if the police believe there is a prima facie case, an arrest warrant will be issued. If the suspect is believed to be interstate or overseas, police must liaise with the ODPP to decide whether to submit an extradition application. While few extradition applications are submitted, an arrest warrant will generally be placed on the suspect for when/if the suspect returns to the jurisdiction.

If a suspect has stated during the interview he or she wants to exercise his or her right to silence, the suspect will not be required to answer any question against his or her will. In such instances, and when there is little corroborating evidence, the case will generally be closed. In contrast to the suspect exercising his or her right to remain silent or providing ‘no comment’, the suspect may confess to the crime, make admissions to the allegations, or deny the allegations.

The terms ‘confessions’ and ‘admissions’ should not be used interchangeably. While they are both statements made by the suspect, a confession is a full acknowledgement of guilt (also referred to as a full-admission). In contrast, an admission relates to only limited aspects of a case being acknowledged (e.g., the suspect may acknowledge that he or she was alone with the child on the day of the offence) with no acknowledgement of criminality being made. Research has shown that sex offenders are less likely to confess during interviews compared to offenders of other types of crimes (Holmberg & Christianson, 2002; Sigurdsson & Gudjonsson, 1994; St-Yves, 2006). In fact, studies examining confessions for general crime have found them to range from 47.6% (Softley, Brown, Forde, Mair, & Moxon, 1980) to 62% (Baldwin, 1993), whereas confessions of CSA both partial (i.e., confessions to some of the acts) and full confessions have been found to be around 30% (Lippert, Cross, Jones, & Walsh, 2010).
Confessions play a large role in whether the case progresses (to a charge) or results in attrition (Beauregard, Deslauriers-Varin, & St-Yves, 2010). For example, Walsh et al. (2010) found that charges were more likely to be filed in the presence of a suspect’s confession. If the suspect confesses during the interview, it increases the likelihood of a secured conviction, it reduces the likelihood that the child will undergo an examination-in-chief in court reducing the negative impact for the child (Eastwood 2002), and avoids a lengthy trial reducing the financial burden of prosecution (Kebell, Hurren & Mazerolle, 2006).

Considerable research has examined the case characteristics associated with confessions (e.g., Gudjonsson, 2006; Hershkowitz, Horowitz, Lamb, Orbach, & Sternberg, 2004; Holmberg & Christianson, 2002; Kebell et al., 2006; Merrill, 1995; O’Connor & Carson, 2005; Oxburgh, Williamson, & Ost, 2006). These characteristics relate to the suspect, the child, and additional case characteristics. The suspect’s characteristics include the suspect’s gender and age. For example, confessions were more likely from female suspects than male suspects (Phillips & Brown, 1998) and from younger suspects than older suspects (Beauregard et al., 2010; Beauregard & Mieczkowski, 2011; Faller, Birdsall, Henry, Vandervort, & Silverschanz, 2002; Lippert et al., 2010; St-Yves, 2006).

The child’s characteristics include the child’s gender and age. In terms of child’s gender, perpetrators who targeted male children were more likely to confess than perpetrators who targeted female children (Beauregard et al., 2010). With regard to child’s age, suspects’ confessions have been found to increase with the child’s age (Lippert et al., 2010). Additional case characteristics have mostly focused on the child–suspect relationship and abuse severity. For example, cases involving extrafamilial child–suspect relationships were more likely to contain confessions than cases involving intrafamilial relationships (Lippert et al., 2010). Cases involving more severe abuse (i.e., penetration) had higher rates of confession than cases involving less severe abuse (Faller et al., 2002).
Denial is very common amongst CSA offenders (Kennedy & Grubin, 1992). Perpetrators of sex offences are more reluctant to confess due to the experience of humiliation during the interview and the public judging the crime more severely than other crimes (Beauregard et al., 2010). Kennedy and Grubin (1992) interviewed 74 convicted sex offenders (40 of whom were convicted for offences against children). They found that offenders who admitted the offence were still generally unwilling to accept responsibility, blamed the child, claimed an abnormal mental state, blamed a third party, or believed the child had benefited in some way, with few believing that their actions had harmed the child.

4.6 Further Evidence Building

CSA is less likely to result in charges than other types of crime (Cross, Walsh, Simone, & Jones, 2003). Cross et al. (2003) analysed 12 United States national studies of prosecution from 1977 to 1998 and compared the rates of child abuse (79% concerned sexual abuse and 21% included a combination of sexual and physical abuse) to that of all violent crimes, sexual assaults, and felonies. They found that child abuse cases were significantly less likely to have charges laid (66% of referred cases; the charging rate was similar to sexual assaults: 69% of referred cases) in comparison to violent crimes and felonies (both 79% of referred cases). The current section describes the issues concerning physical and medical evidence, the case characteristics associated with the laying of charges, and matters involving complicated evidentiary issues. This area has been particularly well researched in the literature.

The detective will attempt to attain any further evidence that might assist with the investigation (and prosecution) of the case. While physical evidence may be useful in other crimes (e.g., fingerprints at a murder scene), the difficulty with physical evidence in sexual offence cases is that, at some point, legitimate access to the child or their home has been gained by the perpetrator (Bradshaw et al., 2011). Thus, in cases where the perpetrator has
had legitimate access, it will not usually be sufficient to identify the perpetrator as being present at the scene from forensic evidence (e.g., fingerprints at scene).

Another form of physical evidence is injury. There has been a very large amount of medical literature on the diagnosis of CSA produced over the past 30 years (e.g., Adams, Harper, Knudson, & Revilla, 1994; Cantwell, 1983; Dubowitz, Black, & Harrington, 1992; Emans, Woods, Flagg, & Freeman, 1987; Hobbs & Wynne, 1987; Kellogg, Parra, & Menard, 1998; Palusci et al., 1999). Research suggests that medical, social, and legal professionals have depended on the medical examination of the child too heavily when diagnosing CSA, with most children having normal examinations (Adams, 2011; Heger, Ticson, Velasquez, & Bernier, 2002).

Heger et al. (2002) found that nearly 96% of children who had disclosed sexual abuse (N = 1,652) had a normal medical examination (i.e., no injury evident; most children were evaluated within seven days of the last abusive event). Even amongst the 68% of female children and 70% of male children who reported severe abuse (i.e., penetration of the vagina or anus), abnormal findings arose in only 6% and 1% of cases, respectively (Heger et al., 2002). Abnormal findings are rare based on two reasons. First, children can be abused in a way not to leave permanent marks. With children generally being abused by an individual who wants continued access, any violent penetrating assault might otherwise lead to the discovery of the abuse by others (Fischer & McDonald, 1998; Heger et al., 2002). Second, the epithelium lining of the genital mucosa of children regenerates rapidly, thus sexual trauma can go undetected in forensic examinations (Christian, 2011; Finkel, 1989; McCann & Voris, 1993).

A number of case characteristics have been found to be associated with the laying of charges; these include characteristics pertaining to the child, suspect, and additional case characteristics. In relation to the child’s characteristics, the research has focused on the
child’s gender and age. Regarding the child’s gender, cases involving female children were more likely to be referred to prosecution (60%) than cases involving male children (46%; Stroud et al., 2000). As for child’s age, research has suggested a curvilinear relationship between child’s age and the laying of charges (Leach et al., 2015). Leach et al. (2015) found that cases involving children in the middle of the age range were more likely to have the suspects charged than cases involving younger and older children. In terms of the suspect’s characteristics, the research has focused on the suspect’s gender and age. For example, research has found cases involving male suspects (rather than female suspects) and older suspects (rather than younger suspects) were more likely to be referred to prosecution (Stroud et al., 2000) or have charges filed (Walsh et al., 2010).

Additional case characteristics include the child–suspect relationship, abuse severity, and other types of evidence. With regard to the child–suspect relationship, Stroud et al. (2000) found that cases were less likely to be referred to prosecution the closer the suspect’s relationship was to the child. In terms of abuse severity, research has found that cases involving more severe abuse (i.e., penetration) were more likely to have charges filed (Walsh et al., 2010). As for other types of evidence, research has found cases involving a child’s disclosure, an offender’s confession, a corroborating witness, or an additional report made of abuse were more likely to have charges filed (Walsh et al., 2010).

As mentioned in Chapter 3, the detective examines all of the evidence and decides whether an investigation should continue. If he or she believes the investigation should continue, the detective compiles all evidence for the brief of evidence. While the detective may believe there is enough evidence to endorse a charge, the Officer in Charge may disagree that there is prima facie evidence for each element of the offence and the case may be closed. The Officer in Charge and detective must ensure that they have fully explored the available evidence and have valid legal grounds for their opinions prior to closing the case.
From here, the suspect and child’s family are advised that no charges are preferred, and the reasons that the case did not proceed are recorded on the databases. In matters that have complicated evidentiary issues, police officers are encouraged to liaise with the ODPP prior to a charge, in order to obtain advice on the case. Liaising with the ODPP allows police officers the opportunity to discuss potential evidential opportunities and barriers to the prosecution of the case. At this point, the case may be closed if the ODPP advises the Officer in Charge and the detective that there is no prima facie case (i.e., the trier of fact would not be able to conclude beyond reasonable doubt that all the elements of the offence have been established) and/or it is not in the public’s interest.

4.7 Brief Authorisation

Most sexual offences do not proceed further than the investigation stage (Fitzgerald, 2006). Of those cases that are referred to prosecution, not all are accepted by the ODPP (Cross et al., 1994; Gray, 1993; Stroud et al., 2000). The current section describes the issues related to the non-authorisation of cases by prosecution including the likelihood of indictments, the two key concepts the ODPP uses to decide whether to prosecute (no reasonable prospects for conviction and not in the public interest), the case characteristics associated with prosecution, followed by the reasons that some cases are terminated at the preliminary hearing. This area has been particularly well researched in the literature.

CSA is considered to be one of the most difficult crimes to prosecute in Australia (Fitzgerald, 2006). The decision to prosecute such cases is a complicated process due to the dynamics that encompass the abuse. For example, there are rarely eyewitnesses as the abuse is generally committed in private (Walsh et al., 2008) and, in turn, the child’s and suspect’s versions are the only two versions of events to consider (Benneworth, 2009). Cross et al. (1994) examined cases referred to prosecutors’ offices over a one-year period across four urban jurisdictions. They found that nearly one half of all referred CSA cases were screened
out by prosecutors. Gray (1993) found that across eight jurisdictions, 90% of CSA cases were screened out by prosecutors.

The decision to prosecute is as important as the decision to charge, as factors need to be weighed beyond those influencing a detective. The prosecutor will decide whether the case: (1) has a reasonable prospect for conviction, and/or (2) is in the public’s interest. Thus, attrition at this stage may occur when the assigned prosecutor may decide not to prosecute due to one, or both, of these reasons. Attrition arising from the decision of whether there is a reasonable prospect for conviction will first be discussed.

The ODPP receives the accused’s referral. Prosecution evaluates the case to assess whether a crime has been committed and can be proven beyond reasonable doubt. Prosecution decides whether an ordinary jury, properly instructed, could conclude beyond reasonable doubt that all the elements of the offence have been established based on the available material at hand. The case will not proceed if the prosecution believes the available material does not support a prima facie case.

If prima facie is established, prosecution must decide whether the prosecution of an offence is in the public’s interest. A prosecution has an impact on the interests of the child, and the rights of the accused, as well as the general community. Thus, cases perceived as ‘strong’ are not always prosecuted if the prosecution believes it is not in the public’s interest to continue. Factors that may render a prosecution inappropriate in the public interest include: the competence, reliability, and availability of witnesses; the age, physical or mental health, or special infirmity of the child or accused; the child’s attitude towards the case being prosecuted; where identification of the accused is an issue; any lines of defence that have been indicated by or are otherwise plainly open to the defence; when a prosecution would be perceived as counterproductive to the interests of justice; the availability or efficacy of any alternatives to prosecution; and whether the accused has cooperated in the investigation and
prosecution of other cases or has indicated an intention so to do. If prosecution believes it is not in the public’s interest, the case will not continue. However, the prosecutor can file charges in the future if more evidence is obtained or if the child (and child’s family) is ready to pursue the case.

A number of case characteristics have been found to be associated with prosecution acceptance of CSA cases; these include characteristics pertaining to the child and additional case characteristics. In terms of the child’s characteristics, the research has focused on the child’s age; the child’s age has been found to be associated with prosecution acceptance. Some research has found a positive linear relationship with child’s age and prosecution (Brewer et al., 1997; Bunting, 2008; Cross et al., 1994). For example, Brewer et al. (1997) found that cases involving older children were more likely to be prosecuted than cases involving younger children. Other research has found no relationship at all (e.g., Bradshaw & Marks, 1990; Hagborg et al., 2012), or a curvilinear relationship (Finkelhor, 1983; Tjaden & Thoennes, 1992). That is, children in the middle of the age range (7–12 years) were more likely to have their cases prosecuted (Finkelhor, 1983; Tjaden & Thoennes, 1992) than children in early childhood and those in adolescence. It is possible that younger children’s cases are less likely to be prosecuted because these children may be perceived as less credible than older children (Gilstrap & Ceci, 2005; Wood et al., 1996), and more off-task and inattentive than school-aged children (Wood et al., 1996). It is also possible that cases involving adolescence are less likely to be prosecuted because these individuals are sometimes seen as complicit to the abuse due to their sexual maturity (Finkelhor, 1983) and may be perceived as less credible (Elstein & Davis, 1997; Lanning, 2002).

Additional case characteristics have been found to be associated with prosecution acceptance, such as the child–accused relationship, evidence, abuse severity, and abuse frequency. In terms of the child–accused relationship, the findings have been inconsistent.
Some research has found no association (e.g., Bradshaw & Marks, 1990; Hagborg et al., 2012) or a weak association (e.g., Brewer et al., 1997). Studies have also demonstrated mixed associations (e.g., Cross et al., 1994; MacMurray, 1989). For example, Cross et al. (1994) found that while stepfathers and other relatives were more likely to be prosecuted, biological fathers and mothers’ boyfriends were less likely to be prosecuted. In contrast, MacMurray (1989) found that brothers and other family members were less likely to be prosecuted than fathers, stepfathers, and uncles. However, a number of researchers have found the association between prosecution and the child’s relationship to the accused disappears after controlling for the evidence available (e.g., Cross et al., 1994). With regard to evidence, research has found that cases involving medical evidence (i.e., injury) were more likely to be accepted for prosecution (than no medical evidence; Palusci et al., 1999) as well as cases involving a confession (than a non-confession; Cross et al., 1994). Finally, cases involving more severe and more frequent abuse were somewhat more likely to be prosecuted than cases involving less severe and less frequent abuse (Brewer et al., 1997).

When the prosecutor accepts the case, he or she has the opportunity to consult with the Officer in Charge and the child to supply additional information that may affect the strength of the evidence. In some jurisdictions, the accused can elect to have a preliminary hearing where the court determines whether enough evidence exists to put the accused on trial (if the accused refuses a preliminary hearing he or she will be committed to trial). Attrition may occur at the preliminary hearing if the judge dismisses the case, believing the evidence falls short of trial. The prosecution can also drop the case here if they believe a prosecution is no longer appropriate through discontinuing the case (i.e., not in the public interest), applying to withdraw the charge (i.e., limited evidence), or offering no evidence in court.
4.8 The Trial

Every offence and every element of an offence must be proven beyond reasonable doubt for a finding of guilt (Bronitt & McSherry, 2001). Consequently, the number of sexual offence cases with successful convictions has remained modest (Feist, Ashe, Lawrence, McPhee, & Wilson, 2007; Fitzgerald, 2006; Lovett & Kelly, 2009; The National Council for Civil Liberties, 2006; VLRC, 2004). It has been argued that this modest figure may make children and families question the resourcefulness of the criminal justice system (Jones et al., 2008). The current section describes attrition of CSA cases at the trial stage, including the likelihood of convictions, reasons for cases being terminated at the level of the District or Supreme Court (*nolle prosequi*, offering no evidence, and motion to quash the indictment), the impact of formal court procedures, the cross-examination of the child victim, and the characteristics associated with a conviction.

Research has found consistently low conviction rates for CSA (e.g., Fitzgerald, 2006; Gallagher, Ash, & Hickey, 1997; Goddard & Hiller, 1992; Hood & Boltje, 1998). In their examination of Australian data, Gallagher et al. (1997) found that over a one-year period involving 3,351 substantiated cases of CSA, only 12% of the cases resulted in a conviction (n = 404)\(^\text{12}\). Similarly, Goddard and Hiller (1992) followed 104 cases of reported CSA and found that only 14% of cases in which the police were involved resulted in a conviction. Hood and Boltje (1998) found only 17% of substantiated cases resulted in a conviction (n = 39).

After the indictment has been signed, yet prior to the crown court judgement, the case can be terminated through a number of methods, specifically: entering a *nolle prosequi*, offering no evidence in court, or applying for a motion to quash the indictment. A *nolle prosequi* (‘unwilling to proceed’ or otherwise known as a ‘discontinuance’) can terminate the

\(^{12}\) Substantiated cases refer to cases in which an allegation of CSA was supported or founded by child protection.
proceedings. A nolle prosequi it is not an acquittal or discharge, rather, the defendant can potentially be indicted again in the future. The defence counsel generally requests a nolle prosequi on behalf of the defendant; however, the prosecution can apply for a nolle prosequi if the prosecution elects not to proceed with its case or does not wish the termination of the case to lead to an acquittal. The trial judge may refuse to accept a nolle prosequi. In contrast, the prosecution can terminate proceedings through offering no evidence. The judge will ask the jury to return a formal verdict of not guilty. However, if a jury has not been sworn in, the judge will order the not guilty verdict. Different to a nolle prosequi, the no evidence offered verdict has the same effect as if the defendant had been acquitted at trial by a jury.

A motion to quash the indictment is generally applied for by the defence counsel if defects appear in the indictment (e.g., the indictment omits any elements necessary to constitute the offence). The indictment may also be quashed if no evidence was presented to the jury on which the indictment was based, or it was based on the testimony of an incompetent or unsworn witness. The prosecution may also apply to quash an indictment if it is believed the indictment is defective and is unamendable. Finally, court proceedings may also be terminated due to the death of the defendant (in which a certified copy of a death certificate must be provided). Therefore, attrition can occur prior to a decision at trial through a number of methods.

Despite a child holding the developmental capacities to take part in the legal process, participation may be difficult due to the processes being designed for adults (ALRC & Human Rights and Equal Opportunity Commission [HREOC], 1997). Laws are developed and implemented by adults, which is also reflected in the language used, decision-making processes, and attributes of the legal process (ALRC & HREOC, 1997). Over recent years, courts have focused on removing the child from the courtroom by creating alternative arrangements e.g., CCTV, videotaped statements used as evidence-in-chief (Powell, 2005).
These arrangements have assisted in reducing children’s uncertainty and feelings of intimidation (Powell, 2005), and in increasing their ability to answer questions reliably (Cashmore, 2002; Eastwood, 2002). Even with these system improvements, there are many other factors that may impact on children appearing at trial. For example, the Supreme Court of Western Australia (2009) has noted that formal court procedures and cross-examinations may impact the child’s capabilities as a witness and, in turn, jury members’ experiences.

Some of the difficulties that children may experience from the formal court procedures include the waiting periods while at court (resulting in tiredness, restlessness, and stress); incomprehensible processes and procedures (i.e., not understanding the purpose of court, or why he or she has to answer the same question numerous times, increasing stress); having to face the accused (despite CCTV, the child may see the accused and/or supporters of the accused in the court precincts); and the long delay from reporting to trial – approximately a 17.5-month wait (Eastwood, 2003) – exacerbating the child’s stress (Equality before the Law Bench Book, 2009).

Children may be too distressed by cross-examination to continue (Parkinson et al., 2002). Cross-examination is commonly considered by children as the most daunting part of the court process (Eastwood, 2002; Eastwood, Patton, & Stacy, 2000; Supreme Court of WA, 2009). Children may be exposed to unnecessary stress and trauma, which may, in turn, affect their ability to give evidence. Although research continues to demonstrate the best ways in which to elicit direct evidence (i.e., the child’s forensic interview) that encourages accuracy (e.g., Orbach et al., 2000; Powell & Snow, 2007), cross-examination violates such principles (Zajac, O’Neill, & Hayne, 2012).

Children are likely to find the challenges of cross-examination disconcerting due to lawyers posing a verbal exchange that may be years beyond the child’s developmental experience (Lyon, 2002). Two strategies defence counsel use that can cause children
significant difficulties during cross-examination is the use of complex language and confrontational questioning (Supreme Court of WA, 2009). Complex language may confuse the child and/or may result in the child providing the answer of “I don’t know”. Children may become intimidated through confrontational questioning and may break down or be unable to respond due to the level of distress (Supreme Court of WA, 2009). Such tactics used by the defence counsel do not work in the child’s best interests, with research showing that mock jurors can be very aware of inconsistencies between evidence-in-chief and cross-examination (e.g., Berman & Cutler, 1996; Leippe & Romanczyk, 1989, Experiment 3). It has been found that mock jurors perceive eyewitnesses who make fewer errors as more credible and accurate and the evidence presented by them as more reliable, especially adult eyewitnesses who are perceived as having more integrity than child eyewitnesses (Bruer & Pozzulo, 2014).

A number of case characteristics have been found to be associated with the conviction of CSA cases. These characteristics mainly relate to additional case characteristics and, more specifically, evidence. In one study, Bradshaw and Marks (1990) found that cases involving medical evidence were more likely to result in a conviction than cases that did not involve medical evidence (but see Lewis, Klettke, & Day, 2014 who found no relationship between medical evidence and guilty verdicts). Bradshaw and Marks (1990) also found that cases involving a shorter delay in reporting the abuse (after the incident) and a statement by the accused were more likely to result in a conviction; in fact, they found that the statement by the accused increased the likelihood of a conviction or guilty plea by 250%. Interestingly, abuse severity and characteristics related to the child (such as the child’s age) have not been found to be associated with the conviction of CSA cases (Bradshaw & Marks, 1990).

4.9 Summary

The current chapter described the many potential areas for case attrition once a case is reported to authorities. It identified four major gaps in the literature about the attrition of CSA
cases. First, it is evident that research needs to understand better the factors that contribute to the attrition of CSA cases and further ways for system improvements (i.e., factors within the control of the justice system). Second, research needs to identify the various points of attrition for CSA cases, the percentages of CSA cases that result in attrition, and the reasons for attrition at each of these points. Third, research needs to explore the characteristics associated with attrition at the early stages of the criminal justice system. Finally, research needs to explore the characteristics associated with some of the major reasons for attrition at the early stages of the criminal justice system. The overarching aim of the current thesis was to address these gaps in the research. Four studies were conducted, each of which addressed one of these gaps. The findings from this research should assist professionals and researchers in developing more precise interventions to prevent unnecessary attrition during earlier stages of the criminal justice system.
CHAPTER 5 - PROFESSIONALS’ VIEWS ON CHILD SEXUAL ABUSE ATTRITION RATES (STUDY 1)\textsuperscript{13}

This chapter presents the first study of this thesis. It seeks to address the first gap identified in the literature by examining professionals’ views on the attrition of CSA cases and their suggestions for how the system can be improved. Indeed, sexual offences have the lowest conviction rates of crimes against the person (Commission on Women and the Criminal Justice System, 2009; Fitzgerald, 2006). Only 8% of reported CSA incidents result in a conviction (Fitzgerald, 2006). Many CSA cases go undetected and unreported, never coming to the attention of the child’s family, medical personnel, child protection, or police authorities (Gilbert et al., 2009). Of the cases reported, only 15% proceed to court (Fitzgerald, 2006). These high rates of attrition are due, in part, to factors inside and outside the control of the justice system.

Factors outside the control of the justice system that contribute to the likelihood of children not disclosing abuse or recanting their allegations include the child’s fear of being blamed and judged by others, fear of being disbelieved, and the perpetrators’ bribes and threats (Berliner & Conte, 1990, 1995; Craven, Brown, & Gilchrist, 2006; Kaufman et al., 1996). Furthermore, if children disclose the abuse, whether or not protective action is taken (i.e. reported to police) depends on the parent’s relationship to the suspect and the parent’s level of belief in the child (Pintello & Zuravin, 2001). For example, research suggests that non-offending mothers are less protective of the child when the suspect is in a current relationship with the mother (Pintello & Zuravin, 2001).

Factors within the control of the justice system also contribute to the attrition of CSA cases. An array of reforms have been introduced to protect CSA victims as well as to target the high attrition rates. These reforms have included the implementation of pre-recorded

\textsuperscript{13} This study has been published in a peer-reviewed journal. The full reference is Christensen, L., Sharman, S., & Powell, M. (2014). Professionals’ views on child sexual abuse attrition rates. Psychiatry, Psychology, and Law, 22, 542-558. doi:10.1080/13218719.2014.960036
evidence for child complainants, improved interview techniques and child witness statements, and the implementation of CCTV for the child witness during cross-examination (Richards, 2009). Despite such reforms, prosecution and conviction rates remain low, which suggests that certain factors still play a part. The number of factors identified as contributing to the low prosecution and conviction rates is extensive. However, three factors commonly cited include: the lack of corroboration in CSA cases, the lack of judicial control of questioning during cross-examination, and the instructions and warnings given to the jury regarding child witnesses (Cossins, 2010). Each of these is briefly discussed below.

First, corroborating evidence includes eyewitness testimony, early complaint, and general witness statements, offenders’ confessions and physical evidence, such as medical documentation. The lack of corroborating evidence typically determines how far cases proceed through the justice system before dropping out. For example, suspects in CSA cases with corroborating witnesses were nearly twice as likely to be charged as those in cases without any corroborating witness; cases with little or no corroboration were less likely to be referred to prosecution (Walsh et al., 2010). Furthermore, in comparison with other types of offenders, sex offenders are the least likely to confess during interviews and to plead guilty (Fitzgerald, 2006; St-Yves, 2006). As a result, child forensic interviews commonly form the main evidence to secure convictions (ACT ODPP & AFP, 2005; Powell & Wright 2009).

A second major “system” contributor to the high attrition rates in sexual offence cases is the cross-examination of the child witness. Many child victims consider cross-examination the most daunting part of the court process (Department of the Attorney General WA, 2009; Eastwood, 2003; Eastwood, Patton, & Stacy, 1998). As a result, they may not wish to take part in the process and drop out of the system at this point. The purpose of defence counsel during cross-examination is to discredit and create reasonable doubt about the child’s testimony (ALRC & HREOC, 1997; Glaser 1995; Wattam, 1992). This cross-examination is
essential to the fairness of the accused’s trial, but it can have negative effects on the child (Department of the Attorney General WA, 2009). Although questions put to a child witness can be disallowed on discretionary grounds, such as if the question is inappropriate or aggressive, the ALRC and HREOC (1997) report found evidence that these types of questions are still asked. Recommendations have been made to develop guidelines and training programmes to assist judges and lawyers in identifying these types of inappropriate questions and the badgering of child witnesses (ALRC & HREOC, 1997; VLRC, 2004). Although training has not yet been implemented across all jurisdictions in Australia, many have introduced guidelines for the appropriate cross-examination of child witnesses.

Finally, jury instructions regarding the unreliability of child witnesses’ evidence also contribute to the attrition rates. Historically, the common law considered children unreliable witnesses who might affect jurors’ evaluations of the evidence (ALRC, 2010; Bromley v. The Queen, 1989). Judges were required to warn juries about the reliability of children’s evidence (ALRC, 2010). In contrast to this warning, research over the past two decades has demonstrated that children (even those as young as three years) are able to provide accurate information (Goodman, Rudy, Bottoms, & Aman, 1990). As a result, judges are now prohibited in all Australian jurisdictions, except Queensland, from providing warnings (or suggesting) that children are unreliable witnesses. Although this legislation has been introduced, it does not prevent judges from making comments about the evidence if warranted.

Although a number of reforms have been implemented in attempts to reduce the attrition rate for sexual offences, it remains high. Thus, more, or different, reforms are required. The aims of the current study were to: (1) establish the most important factors contributing to the attrition of CSA cases, and (2) suggest ways to reduce attrition associated
with these factors. In order to get a sense of where efforts should be prioritised at present, system improvements were the focus of this article.

The current study was exploratory in nature: feedback about attrition was sought from a heterogeneous group of professionals involved in the justice and community response system in one jurisdiction of Australia. Only recently has the literature turned to the exploratory analysis of professionals’ views, from various disciplines concerning the factors perceived to impact on attrition. However, the focus of this work has been on factors concerning the attrition of adult sexual assault cases (Murphy et al., 2013). The current study uncovered professionals’ views about attrition of child sexual offences rather than adult sexual offences. The importance of such a study was to hear the voice of a diverse group of professionals, each offering a unique perspective about the contemporaneous factors impacting attrition across many differing vantage points.

Method

Participants

Participants comprised 31 professionals (10 males, 21 females) who provide services to victims of sexual offences in one jurisdiction of Australia14. The professions represented covered a range of service delivery, comprising police (both operational and senior management), intelligence analysts, judges, forensic biologists, child protection (both operational and senior management), doctors (who conduct both medical and forensic examinations of sexually abused victims), senior State prosecutors, freelance investigation advisors, personnel who assist witnesses (for court proceedings), and social workers, as well as counsellors and psychologists (both government and non-government) for sexually abused victims. On average, professionals had 14 years of experience in their field (range 2–37

14 In total, 81 email invitations were sent out, giving an acceptance rate of 38%.
years). More specific information regarding the profile of these professionals has not been provided to ensure anonymity.

The final sample size was determined through data saturation; data collection was concluded once the authors believed a balanced sample of varied respondents had been reached. Professionals were recruited with the assistance of the chair of a taskforce, established by the jurisdiction’s Attorney General. Email invitations were sent out by the chair of this taskforce to professionals’ agency heads. If the heads consented for their organisation to participate, email invitations were forwarded, by the heads, to their employees. Employees interested in participating contacted the PhD candidate and an interview was arranged.

Procedure

Ethical approval was granted from Deakin University’s Human Ethics Advisory Group before starting the study. All interviews were conducted by the PhD candidate. Interview duration ranged from 18 to 85 minutes ($M = 35$, $SD = 15$ minutes). The majority of interviews ($n = 26$) were conducted face-to-face at the professional’s workplace. Five interviews were conducted by telephone because these professionals were located in remote areas or had confidential locations. A semi-structured interview schedule was employed. Each interview commenced with asking professionals to define the attrition of sexual abuse cases. Next they commented on: (1) the factors on behalf of the child and child’s family perceived to impact on attrition; (2) the factors on behalf of the system perceived to impact on attrition; and (3) how the system can be improved to overcome such factors of attrition.

Data Management and Analysis

Interviews were audiotaped and transcribed. Each transcript was read carefully, to assess and evaluate the themes, and a subsequent coding scheme was developed using grounded theory (Browne & Sullivan, 1999). Responses were coded into thematic categories.
For example, “limited awareness” is a thematic category describing the statement, “It’s about knowing where to go, going to your GP, going to the hospital, going to a pharmacy, going somewhere to get some sort of help”.

**Results**

The results are presented in three sections: defining attrition, child (victim) factors, and system factors (including system improvements). System improvements are the main focus of this section, in order to understand the areas where efforts should be prioritised for improvement and reform.

Overall, professionals consistently defined attrition as the premature exiting from the system. The overriding perspective was that attrition is still a problematic, persistent and frequent issue. However, there were differences between professionals regarding the exit points. For example, for the first point of exit, child protection workers, psychologists and social workers perceived that attrition could occur anytime from the sexual abuse event onwards; these professionals considered the non-reporting of abuse as part of attrition. By contrast, police officers and members of the judiciary reported that attrition could occur only once a sexual abuse report was lodged; they did not consider non-reporting to be attrition.

All professionals noted that the child (victim) factors contributing to attrition centred on feelings of fear: a child’s fear of not being believed and getting in trouble for making allegations, fear of family break-up, fear of seeing the offender in court, and fear of retribution. These fears decreased the likelihood that children disclosed the abuse or – for those who had disclosed – increased the likelihood of recanting the allegation or refusing to testify in court.

*In one case, [the child] felt that they weren’t being believed by one of their parents against the other parent, and so it was just not worth it for the child, [the process] was just too much to be able to go there and do the interview with the police, and so [the case] was dropped. (Clinical Psychologist; Government)*
There are a percentage of parents who make a complaint to police. But when the court date gets closer, the child is really stressed, not sleeping, not coping. A decision is made about whether the child can actually cope with the process. (Clinical Social Worker)

Even though the defendant might have bail conditions, it doesn’t stop his relatives or supporters from intimidating the child or family, so that the child won’t give evidence. It is difficult for children to disclose because of the perpetrator’s use of threats and intimidation and the secrecy around the child’s sexual abuse. (Personal Who Assists Witnesses)

Although professionals acknowledged that previously introduced initiatives had reduced attrition, they identified five system factors requiring focus for improvement: greater specialisation, facilitating the accessibility of services, making the trial process more user-friendly, overcoming the misinformed beliefs about the nature of CSA, and adequate representation of CSA. Each is described in more detail below.

**Greater Specialisation**

Professional competency was identified as a central factor in attrition. CSA is a highly specialised crime and professionals highlighted three areas for improvement in the current system that prevented such specialisation: (1) communication between agencies, (2) quality assurance, and (3) keeping up-to-date with emerging issues.

**Limited communication.** Many professionals identified the somewhat limited information sharing and communication between agencies as a potential contributor to attrition. This lack of communication can result in disjointed service delivery for children, making them, and their families, feel misinformed or uninformed.

*We had a case file come to us. Just before we got to the case file meeting, the mother phoned up and wanted to know what was going on, she had a letter from [Agency One] saying her child had been abused, and she knew nothing about her child being abused in this case whatsoever. It was very distressing and potentially could be very dangerous.* (Child Protection, Senior Management)

Professionals recommended that communication between agencies could be enhanced through professional development. Professional development should focus on how to
successfully work and engage with other involved agencies in order to prevent issues arising from professionals’ preconceived beliefs about procedures that have developed through their individual training and experience. After professional development, interagency guidelines and protocols should be established.

Rather than this lineal process – referral comes in here, this agency does that job, then it gets passed on to that one, and that one – there’s this idea of a more circular process with the victim in the middle and the services around the outside, with all of them talking to one another. (Child Protection, Senior Management)

Quality assurance. Professionals considered quality assurance to be the systematic measurement and monitoring of practice. They explained that the limited amount of current quality assurance hindered the implementation of procedural improvements, which reduced the quality of service for children and families – leading to their exit from the system. It was widely believed that in order for agencies to hold great insight and on-the-ground understandings into their provided level of qualitative performance, as well as the performance across agencies, that regular reviews of their practices and performance were required.

If you think you’ve done the perfect interview, you’ve got to go back and have a look because it wasn’t, and when we deal with a case, we think we’ve done it well, then we’ve got to have a look at it harder and see what else we could have done better because there is always something we’ve got to do better. (Child Protection, Senior Management)

Professionals highlighted the need for increased interagency communication, reasoning that long-term outcomes would be best reached with a multidisciplinary review process. Such reviews should be on-going and at regular intervals to ensure service delivery is continually improved and to help prevent attrition. Although these reviews were seen as necessary, the measure of success was not so clear. Some professionals indicated that success should refer to whether the case proceeds to court (along with the outcome of the trial); others indicated that it should focus on the child’s experiences.
One of their measures will be the number of cases they discontinue after the charge. If they charge someone and it is going to court, but before it gets there they say, “Oh we are not going to continue with that,” then that sends a negative message, when in fact that might be the best thing for the victim. (Freelance Investigation Advisor)

**Keeping up-to-date with emerging issues.** A number of professionals highlighted the need to keep up-to-date in two particular areas: professional development and technology. Professional development is particularly problematic in remote areas, with CSA cases investigated by local detectives who do not hold the same level of specialisation as those in the metropolitan area (where there is a dedicated squad to deal with CSA crimes). The absence of specialised teams may promote attrition through detectives’ prioritisation of cases (for example, cases should proceed more quickly for homicides than suspected sexual penetrations).

*Here in the [Remote Region One] we are responsible for all sexual assaults, for all child abuse, everything, including homicides as well. The [Metropolitan Area One] police unfortunately are very metro-centric, and it is due to the size of the State . . . so if something happens here, if someone is brutally raped in their home, then it would be left up to us to investigate ourselves. If it happened in, downtown or something, you would probably have a full team of specialist investigators to investigate that offence.* (Police, Senior Management; Remote)

The need to stay up-to-date with digital technology was emphasised due to the increasing problem of cybercrime. Professionals explained that with the ever-emerging online programmes and applications, police did not always have the technology to successfully detect, charge, and prosecute these crimes.

*A lot of it we can’t overcome because the technology doesn’t exist to capture it. In Ormeagul or Chat Roulette they don’t record anything; it is just live streaming. A lot of the men expose themselves on there, but it’s not recorded, it’s not captured, and there is no record of who spoke to who, so it’s gone, we haven’t got the technology to capture it.* (Intelligence Analyst; State Intelligence Division)

Professionals offered a number of suggestions to address the issue of keeping up-to-date. For professional development, they suggested improved training for police in remote
areas, which should be provided by metropolitan police. A second, less costly, suggestion was to establish small, specialised squad groups in remote areas devoted to the investigation of CSA matters and with the same level of expertise as the metropolitan specialised squad. These groups should service the broader areas of the State.

There could be a trial going on in [Metropolitan Area One] at the moment where the investigating officer is getting slammed for something that we do every day. That investigating officer will probably get feedback directly from the defence counsel cross-examining him. But if that feedback doesn’t get back to the police division who then pass it on to regional areas, we will still be making the same mistake. The only way to solve that is to have a State-wide response to sexual assault or improve training of the investigations of sexual assault crimes. (Police, Senior Management; Remote)

One suggestion was offered in regard to staying up-to-date with digital technology: the specialised cybercrime unit should be expanded to include more personnel. Additional personnel could help to identify where the digital technology in cybercrime investigations is lacking. They could also help with detecting offenders in live chat rooms and online forums.

Facilitating the Accessibility of Services

A second area perceived to contribute to attrition related to accessibility of services. High-quality services can minimise physical and psychological harm, but they must be accessible. Professionals indicated that a lack of (or perceived lack of) accessibility to support services may increase attrition through inhibiting the child’s disclosure and inhibiting the child’s family from reporting the abuse to police. Two main areas for improvement were the limited awareness and restricted availability of services.

Limited awareness. Children and their families lacked awareness of the available support services. Professionals argued that these services are not advertised to the public because CSA is still considered inappropriate to talk about in public. This lack of awareness contributes to attrition because children and their families may not report the abuse if they are
unaware of the support services available to them. They may also withdraw from the system if they do not perceive enough support to be available.

_I’ve certainly heard people say that they didn’t feel sufficiently supported immediately after they made their disclosure. Therefore, that made them feel that they wouldn’t receive sufficient support throughout the process._ (Child Protection, Senior Management)

To reduce attrition from lack of support, professionals suggested increasing public awareness of the support services available through community education. Public education about the types of services available and their locations could be provided through television advertisements and flyers placed in government offices, doctors’ surgeries and nurse stations. A number of professionals suggested that a well-known public figure should front this education campaign to gain the attention of the general public.

_Do we have anyone strong enough to stand up and say, “I was sexually abused as a child, this is where to go for help”? It’s not the flavour of the month and it should be. It’s out there, it’s happening on a daily basis._ (Counsellor, Non-Government; Remote)

The introduction of family liaison officers was also suggested as a means to reduce attrition. Liaison officers could act as a central point for children and their families, as soon as reports are lodged, to answer questions and facilitate the use of appropriate services.

_If we had a family liaison officer, [the victim] can ring this person. That [officer’s] role is to act as a conduit. [The victim] can get the emotional support, information that they need, and some sort of feedback at a regular and timely fashion; you will watch attrition go out the window._ (Police, Child Interviewer)

**Service availability in remote regions.** Service availability in remote regions is restricted, which has the greatest impact on persons in remote regions. This restricted availability was perceived to be due to an under-resourced sector with difficulty in attracting and retaining professionals. Limited services contribute to attrition due to the distance that
needs to be travelled to access services, which are often located hours away. In such cases, abuse is likely to go unreported.

Aside from travelling distance, many professionals indicated that Indigenous children (particularly adolescents) see little benefit in disclosing abuse if there are no adequate services in place to support them and to keep them safe (with it likely that they will have to live in the same community as the offender after reporting). Of cases that were reported, children were likely to recant their allegations because of the limited external support and threats of retribution being made. Indeed, some services had been brought to the children in the past but the relocation of these services was only temporary.

_We had some people say to us, “We’ve heard it all before, the government come in and tell us these things, they promise the world, they come in and we see them for two weeks, and they’re gone. So why would these children talk to you? They are not going to talk to you. Why would they talk to you and you leave and that’s it, never see you again, and put themselves in harm’s way?”_ (Police, Senior Management; Metropolitan)

_There are a huge number of suicides in [Remote Region Two]. There are lots of young people hanging themselves because of sexual abuse happening to them and they don’t know who to talk to, and they don’t know how to report it and they keep it amongst themselves for a very long time. There is probably one suicide every six weeks in [Remote Region Two], it has really got out of hand._ (Child Protection)

A number of professionals believed that the only way to increase service availability in remote areas was through the use of government funding. Other professionals suggested that service providers should act more efficiently through better communication between agencies. The current levels of (limited) communication meant that resources were not being used to their full potential, which resulted in losses of money and the under-utilisation of information sharing. Professionals recommended more meetings between metropolitan and remote agencies and increased information sharing between all parties involved. These developments should result in staff in remote regions feeling more supported and confident in
their skills; an outcome that has the potential to reduce high staff turnover rates in remote regions.

**Making the Trial Process More User-Friendly**

The third area professionals identified as contributing to attrition was the trial process. Although professionals highlighted the tremendous gains that have been made in improving this process for children (i.e. the implementation of pre-recorded evidence, the use of CCTV facilities to enable the child witness to give evidence from a private room), they suggested a need for further improvement. Professionals explained that any negative or delayed responses during the trial process may increase rates of attrition. Three areas for improvement were identified: (1) the length of time in the court process (from the time a report is lodged through to the trial date), (2) the limited focus on the family’s needs around appointments, and (3) the cross-examination of child witnesses.

**Length of time.** For the few cases that proceed to trial, one central contributor to attrition was identified as the length of time in the court process. This was drawn out due to large numbers of criminal cases going through to court, which were often prioritised over CSA cases. Because of this lengthy period, children and families may opt out because they want to put the experience behind them or because the child cannot cope with the feelings of anticipation and high levels of stress.

*There is a certain number of families who understand that the court process can be difficult and they want to protect their child from it. They don’t want to keep their child symptomatic over a longer period of time, because court processes are drawn out and the child has to keep the memory of the abuse alive.* (Clinical Social Worker)

Two recommendations were proposed. First, professionals recommended the use of specialist prosecutors and specialist courts, which would prevent criminal cases being prioritised over CSA cases. This specialisation should reduce attrition through a reduced length of time in the court process and also through the involvement of more understanding
professionals (i.e. specialised in understanding the nature and dynamics of CSA). Although the adoption of specialist prosecutors and specialist courts would be expensive and time consuming, professionals argued that the benefits would outweigh the costs. A second recommendation was that the Department of Public Prosecutions be involved earlier in the court process, particularly from the laying of charges onwards. Earlier involvement would allow children and their families to ask questions about the process, and have a better understanding about what to expect about the process. This understanding may ease some of the anticipation and stress for the children and their families. Although, it was noted that this may raise issues around criminal procedure and obligations (including but not limited to disclosure).

**Limited focus on needs.** Children and their family’s needs are not usually considered in the scheduling of appointments and court appearances because the scheduling depends on the timetable of the Department of Public Prosecutions and the judiciary. This may increase attrition if appointments or court appearances are scheduled at inconvenient times (i.e. during the child’s school exam period).

*We had a young girl that came in and spoke to us about historical abuse by her stepfather; she came in when she was about to enter Year 11. She had an interview and she was doing really well at school at the time. A year later, she has dropped out of school and, from my understanding, she said it was just too much to deal with the whole process. Her choice was to drop out of school in Year 12 and to deal with the court process rather than focusing on her studies.* (Child Protection)

In addition to scheduling problems, limited monetary compensation is provided to the child’s family for attending preparation sessions and court appearances. Often these families are struggling financially as well as emotionally and the compensation is not enough.

*For parents to bring children here for preparation sessions and proofing sessions, some parents can’t afford to drive in and pay for parking because it is hugely expensive. While there is a little bit of money available for that sort of thing, it is quite minor, so parents are out of pocket. Also, people have to wait for weeks to get their money and often they have to go through hoops and provide this and that and all the rest of it.* (Personal Who Assists Witnesses)
Finally, professionals noted the limited number of child-friendly interview rooms in remote areas, which may contribute to attrition. Whereas in the metropolitan area there are comfortable child-friendly interview rooms, in remote areas some interviews were conducted in the local police stations. Not only can this make the child feel uncomfortable and hinder their ability to give evidence, but the child may refuse a second interview if one is needed.

*I did an interview down in the bowels of the police station. We started the interview, and the guy next door in a cell, he started swearing. I just had to stop the interview as this poor girl was trying to tell me about being raped by her stepfather. It was just awful.* (Child Protection, Senior Management)

Professionals recommended that children and their families are given more suitable and conveniently scheduled appointment times. In terms of more accurate and timely recompense for costs and more child-friendly interview rooms, professionals highlighted that greater funding is required. The more accurate the recompense for the costs families have to undergo (in attending these sessions and appearances), the less likely attrition is to occur, with the financial burden taken away. All of these recommendations should reduce attrition through enhancing children’s and their family’s experience in the system.

**Cross-examination.** Children find the cross-examination process particularly difficult, which may contribute to attrition. They often become intimidated and confused with the use of legal language, double-barrelled questions, repetitive questions and suggestions that they are not telling the truth. As such, families may decide not to put their child through this process.

*I believe that the cross-examination process itself replicates a lot of dynamics of sexual abuse: we have defence counsel who engage a child in a really friendly way, start asking questions, and then accuse them of lying. So they don’t believe the child. All the things that we say to parents that are so important to a child’s recovery, “believe your child”, “don’t interrogate your child”, but this is what happens in cross-examination.* (Child Protection, Senior Management)

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15 Since data collection of the present study, child-friendly interview rooms have started being established in remote areas of the current jurisdiction.
Professionals considered Indigenous children even more vulnerable than non-Indigenous children during cross-examination, which resulted in higher attrition rates among the former group. This increased vulnerability came from language differences and cultural prohibitions against the use of certain words.

I had a young girl who could not tell me the [Suspect’s] name, because in the Aboriginal culture she couldn’t repeat that name because that person passed away. So that is also another barrier when this gets to court, and the judge or someone will say, “well was it Tony so-and-so?” and the kids get frightened straight away because they aren’t allowed to say that name. It is an insult and they can get into trouble. So they will just clam up and say nothing, “so you are saying it’s not him, you are saying you don’t know if it is him.” They throw all these questions at the kid, so there are a lot of cultural barriers. (Child Protection)

Three suggestions were put forward to improve the cross-examination of child witnesses. First, the judiciary should receive further training about CSA and the impact of cross-examination so that they can prevent inappropriate questioning by the defence counsel. This training should also lead to better jury instructions, for example, about why children delay disclosure.

I think that the only way counsel are going to change is if judges make them, because with us going and saying, “you’re being nasty to that child, that is not necessary,” is just going to make them go, “doesn’t matter, you’re a prosecutor, what do you know,” whereas if judges actually stop them doing it, particularly in front of juries they will stop very quickly. So I do think it has to come from judges. (Senior State Prosecutor)

16 While a child may not be able to say the offender’s name (for cultural reasons), if utilised, the child is able to write the offender’s name down and this evidence would still be admissible in court.
It was further suggested that legislation be introduced if the judiciary – after training – still allowed child-inappropriate questioning by the defence. The final suggestion was for intermediaries to be used during the cross-examination for all CSA cases. Intermediaries acting on a child witness’s behalf in communication with the defence counsel would eliminate any opportunities for the child to be intimidated or badgered. Overall, professionals believed that improving the child friendliness of cross-examination would not only prevent unnecessary attrition at this stage, but would also make the experience less traumatic for the child witness.

**Overcoming Misinformation about the Nature of CSA**

The fourth area professionals identified as contributing to attrition was the misinformed beliefs among the general public about the nature of CSA. These beliefs may prevent reports being made or may encourage children and families to opt out of the system. For example, one angle taken by the media is to highlight the (infrequent) cases in which children fabricated the abuse. Such stories were thought to be problematic as they affirm the public’s misinformed beliefs (i.e. that children are liars); they may have flow-on effects when members of the public act as jurors.

*In a recent case, the complainant acknowledged that she had been dishonest in making the complaint. The problem was that this got a lot of media coverage, and I think it exacerbated that perception that victims generally make things up, and I think that sets things back a little bit. This false complaint had more coverage than all the genuine ones. The media do not realise when they report certain things from a certain angle how that impacts on everyone else.* (Personal Who Assists Witnesses)

Because of the media coverage of CSA matters, professionals suggested that the general public are often not aware that the majority of cases are intrafamilial rather than extrafamilial. Families may feel that they will not be supported or believed if they do not fit the media ideal of the prototypical case.
To overcome the public’s misinformed beliefs, the need for a public conversation was highlighted. This conversation should be achieved through increasing community awareness and knowledge of CSA through a media campaign.

_We see campaigns, for those who watch TV, on drink driving and all that sort of stuff, “if you are feeling suicidal you call lifeline,” and all that sort of stuff. Sexual violence, I don’t think it is ever the flavour of the month. You know, suicide, we don’t want it to be flavour of the month but it is such a huge issue in our community that we need to talk about suicide the whole time, that we forget about sexual violence._

(Counsellor, Non-Government; Remote)

**Adequate Representation of CSA in Offender’s Outcomes**

The fifth area professionals identified as contributing to attrition was the inadequate representation of CSA. Professionals argued that the gravity of CSA is not adequately represented in offenders’ outcomes, which may inhibit children and their families from coming forward to report the abuse. Two areas for improvement were the weight of sentences that offenders receive and the limited options for other paths of justice.

**Heavier sentences.** The sentence the offender receives is often not representative of the abuse that the child endured. Professionals stressed that of the offenders convicted, most receive suspended sentences or community-based orders (forgoing imprisonment), with only some receiving short to mid-terms in prison. In addition, those convicted on multiple CSA counts can serve their multiple sentences simultaneously rather than cumulatively. This sentencing may affect attrition by discouraging other children and their families from reporting abuse.

_In a recent case, a particular person was charged with 21 separate counts. There were nine child victims. So when you break it down, nine children have given two or three times that something has happened. So even when it does get to court up to trial, that is where the system fails because even in a huge investigation where there have been numerous victims, huge investigation happening, large amount of work, but then for him to be charged and be found guilty of say 20 incidents, and to serve them concurrently, where is the justice in that really? He can be out within 5 years, 6 years._

(Child Protection)
Professionals suggested that longer sentences were needed. Once these sentences became public knowledge, more children and their families might report abuse. In addition, with heavier sentencing, offenders may be deterred from committing such acts.

**Therapeutic justice process.** Longer sentences may be appropriate for some offenders; however, a number of professionals suggested that increasing sentences is not always the most appropriate avenue for justice. If the criminal justice system is the only solution, young children are sometimes forced into the court process when it may not be the best option for them. Professionals reasoned that this might prevent some children and families coming forward to report the abuse, which may increase attrition.

_I’ve got this case before me at the moment where there is a grandparent who has fondled a young grandchild. He has touched her breasts and placed his hand between her legs, on all occasions except for two on the outside of the clothing. He got sprung by the grandmother. He is an elderly man and suddenly the child is on a treadmill, the child can’t get off because the complaint was initiated by the grandmother. She complained to [Agency Two], [Agency Two] refer it to the police, the police charge, they interview the guy and the guy makes a full-admission. As a charge, he faces a term of imprisonment, I suspect that in many cases like that, greater harm is done to the child by what happens as a result of the criminal justice. She will feel responsible for the inevitable break-up of the family and her grandfather potentially being sent to prison._ (Judiciary)

One alternative identified by professionals was a therapeutic justice process for less serious sexual offences. As a result, young children would not be forced in to the criminal justice process. This therapeutic process should target areas such as offenders taking responsibility and being accountable for their behaviour. Once offenders had admitted guilt and undergone treatment programmes, reparation (i.e., making amends for their wrongs), and healing would be enhanced, particularly for parties involved in intrafamilial cases.

*When I went to work in the [Agency Three] in the 1980s, we often got guys confessing because, unless penetration was involved, they would get probation. If they engaged in therapy, admitted what they did, and actually took responsibility, and then agreed to long-term therapy for that, we found that had better outcomes in a way for kids. That system doesn’t exist now. I think there are other processes that can exist that actually, would really reduce the attrition rate._ (Child Protection, Senior Management)
Some people say, “Take them through the system, lock them up,” but we know you take these guys out and they are exactly the same, which puts other children at risk. So I would like to see a system where the focus is on the perpetrator owning responsibility, really looking at why they did this, being engaged in moving responsibility off the child, so the child can heal from what has happened. (Child Protection, Senior Management)

Discussion

This qualitative study uncovered a diverse group of professionals’ views about the contemporaneous factors perceived to affect the attrition of CSA cases. Although these findings were consistent with past research, such as the level of professional specialisation required in the area and the restricted service availability in remote regions (ALRC & HREOC, 1997; VLRC, 2004), two areas perceived by professionals as particularly warranting further focus for improvement and reform were the amount of communication between agencies (including between metropolitan and remote areas) and the child-friendliness of the court process.

Enhancement of Communication

It is evident from the current study that agencies do not share a common understanding of the key exit points of attrition. Without a shared understanding, attrition cannot be appropriately and successfully addressed. For example, different agencies may allocate time and resources to prevent attrition at different points from other agencies based on their own definitions of attrition. These different allocations may lead to non-standardised service delivery across agencies, which may contribute to the child’s dissatisfaction with the judicial system. Although it is premature to recommend a formal framework of the key exit points for attrition, it is evident that interagency discussions should involve this topic in order to implement tangible strategies in the interim.

Similar to past literature, the current study highlights the need for enhanced communication between agencies, with collaboration among service providers integral for
responding to sexual assault (Ahrens et al., 2000; Powell & Wright, 2012). Professionals recommended a whole-system approach, in which agencies come together to develop interagency guidelines and protocols focused on information sharing, case planning and guidelines for working together. They argued that greater coordination and service delivery is more likely to be achieved if guidelines are clearly defined and agreed on, with all professionals holding collective ownership of these guidelines and protocols. If this recommendation is to be actioned, it may be advantageous for agency heads to provide professional development to their staff (i.e. on ways to professionally communicate with other agencies), prior to contacting other agency heads to propose discussions on interagency guidelines and protocols.

Professionals recommended that communication between agencies could be further enhanced through the implementation of an on-going multidisciplinary review process. Such a review involves the systematic measurement and monitoring of practice and performance, in order to prevent attrition. Long-term outcomes should be best reached using a multidisciplinary approach with agencies pooling their experiences and feedback; such practices have been adopted in the United Kingdom (Social Care Institute for Excellence [SCIE] systems model; SCIE, 2012). During multidisciplinary review discussions, the main databases used by agencies could be analysed in order to target the reoccurring points of drop out. Together, agencies could identify the deficiencies in these areas of the system and develop practical strategies aimed at improving existing procedures and policies. In this way, evidence-based decisions may be made through statistical analyses. Of course, such a review process could not be implemented without first reaching a consensus on the key exit points of attrition in the justice system, as well as defining a clear measure of success, whether it focuses on the child’s experiences or the outcome of the trial. It is important that such
discussions and review processes involve agencies in remote areas, so that attrition can be reduced State-wide.

**Making the Court Process More Child-Friendly**

Many professionals in the current study emphasised that although many improvements have been made to the court process generally, justice outcomes are unlikely to be maximised unless the way in which child witnesses are cross-examined is addressed. In line with the literature, the cross-examination of the child witness was still considered to be quite gruelling (Department of the Attorney General WA, 2009; Eastwood, 2003; Eastwood et al., 1998). Although guidelines have been developed to provide defence counsel with a summary of appropriate cross-examination approaches, similar to the VLRC (2004), professionals argued that the cross-examination guidelines are not consistently adhered to (e.g. defence counsel are not always objected to for inappropriate questioning). In line with the recommendations made in the ALRC and HREOC (1997) and the VLRC (2004) report, professionals in the current study argued that the judiciary requires further specialist training about CSA and the impact of cross-examination, and how to translate the recommended guidelines into practice. This training, provided by a team of experts, should assist the judiciary to better target and intervene in cases of inappropriate questioning, and potentially lead to better jury instructions. Such training should include a cultural proficiency component, outlining the additional difficulties Indigenous children face during cross-examination.

A few professionals raised the concern that, similar to past literature, the judiciary use their powers too sparingly to intervene during cross-examination (ALRC & HREOC, 1997; Cashmore & Bussey 1996; Cashmore & Trimboli, 2005; New South Wales Standing Committee on Law & Justice, 2002; VLRC, 2004). Given this, these professionals believed that providing further training to the judiciary would not be sufficient in preventing
inappropriate cross-examination. They argued that necessary intervention does not always occur because it is a matter of subjective assessment where no apparent consequences exist if the judicious member chooses not to intervene. Similar to the VLRC (2004), these professionals recommended that legislation is required in order to explicitly protect child witnesses. Therefore, if the implementation of specialist training does not improve cross-examination, it seems appropriate for the Department of Public Prosecutions to prepare for calls to legislation to enforce these greater controls as utilised in some jurisdictions in Australia.

The final recommendation provided by professionals, in order to improve cross-examination, was for intermediaries to become mandatory for all CSA cases. This is similar to the National Child Sexual Assault Reform Committee’s report (Cossins, 2010), which recommended the provision of intermediaries during cross-examination as a mandatory protection\(^\text{17}\). In contrast to these recommendations, Powell, Bowden, and Mattison (2014) reviewed professionals’ perceptions regarding the potential benefits of implementing an intermediary scheme in Australia and found that professionals did not support this idea. Specifically, professionals expressed concern that introducing intermediaries would add further complications to the system, arguing that the focus should instead be on improving the effectiveness and use of current measures (Powell et al., 2014). Plotnikoff and Woolfson (2007) conducted an evaluation of 140 referrals for intermediaries in the United Kingdom. Although they found great benefits in the use of intermediaries, their evaluation identified a key disadvantage in that judges and prosecutors were less willing to intervene during inappropriate questioning when intermediaries were present (as opposed to when intermediaries were not present). Therefore, due to the mixed support, it may be appropriate

\(^{17}\) In 2015, NSW introduced a pilot intermediary scheme that appointed ‘children’s champions’ (intermediaries) to explain questions to the child and to explain the child’s answer to assist the prosecution, defence, and court. The findings are yet to be published.
at present to focus on increasing the knowledge and skill level of the key players already in
the system.

Professionals recommended a few further improvements that could be made to the
system in order to make the process more child-friendly, including more suitable and
conveniently scheduled appointment times, accurate and timely recompense for costs, and
child-friendly interview rooms. In order to implement better scheduling of appointments,
more communication is deemed warranted between the Department of Public Prosecutions
and the child and their family, in identifying and compromising on more convenient times.
To implement a more accurate and timely recompense for costs and more child-friendly
interview rooms is, by contrast, a matter of greater funding in the area. Similar to the
recommendations made by the Northern Territory Government (2010), the agencies involved
could engage in discussions and strategic review of CSA services with the Australian
government, local government and the non-government sector. Such a review would lead to
the development of a strategic plan for funding, concerning services, staff and infrastructure,
as well as funding for both long-term (e.g. 3-year funding cycle to ensure accountability of
government funding) and short-term operational requirements. These changes could have
positive outcomes in the ways in which children and their families feel about their
involvement with the justice system. Although professionals highlighted that these aspects
could be improved, their primary concern in order to improve the child-friendliness of the
court process was the cross-examination of the child witness. It is important to note that these
recommendations may be specific to the jurisdiction in which the data were collected and, in
turn, the generalisability of the findings to other Australian jurisdictions and Western
societies may be limited.

In sum, in response to the factors perceived to influence attrition in cases of CSA, two
areas were perceived by professionals to particularly warrant further focus for improvement
and reform. First, the current study highlights the need for efforts to be made toward the enhancement of communication, with a whole-system approach required to address attrition, across metropolitan and remote areas. Second, the call for the court process to become more child-friendly was made, particularly the improvement in the cross-examination of the child witness. Although the recommendations provided may not be new to the literature, the current study heard the voice of a diverse group of professionals about the contemporaneous factors they perceived to affect attrition of child sexual offences, and where improvements should be focused at present. The current study highlights that these areas are awaiting further attention to fully address the issue of attrition. The next step is to develop a framework of the key exit points regarding attrition, which will ensure consistency between agencies and researchers alike; this framework can then be used as a reference point to start targeted interventions to reduce attrition.
CHAPTER 6 - FROM REPORT TO CONVICTION: POINTS, PERCENTAGES, AND REASONS FOR ATTRITION OF CHILD SEXUAL ABUSE CASES IN THE CRIMINAL JUSTICE SYSTEM (STUDY 2)

The results from Study 1 indicated that professionals identified two main factors that contributed to the attrition of CSA cases: communication between agencies and the childfriendliness of the court process. Indeed, professionals’ differing definitions of attrition highlighted the need for more communication between agencies to propagate a common understanding. Before addressing how attrition might be prevented in cases that should continue further, it is important to establish a shared understanding of the points at which cases may exit the system. Therefore, Study 2 had two aims. The first aim was to hold in-depth discussions with industry stakeholders, such as police intake workers (who receive reports from both the public and other agencies e.g., health, education etc.), detective senior sergeants, intelligence analysts, and child protection workers, to determine the common points of exit for CSA cases. The second aim was to use case-tracking data to determine the percentage of CSA cases that exited the system and the reasons for this attrition at each of these exit points.

Attrition is a problematic and persistent issue; it has been defined by professionals working in the area as the premature exiting of CSA cases from the criminal justice system before a decision of guilt can be reached (Christensen, Sharman, & Powell, 2014; see also Lea, Lanvers, & Shaw, 2003). Across the globe, only a few studies have comprehensively tracked the attrition of CSA cases (e.g., Bunting, 2008; Fitzgerald, 2006; Gallagher, 1999; Hood, & Boltje, 1998; Parkinson et al., 2002; Wundersitz, 2003). These studies have identified different numbers of exit points. For example, Parkinson et al. (2002) identified five points for the attrition of CSA cases; in another study, Wundersitz (2003) identified four points of exit. Also, these studies have identified different positions for these points. For
example, Hood and Boltje (1998) suggested that the first point of exit occurs when the case is filtered out by child protection; in contrast, Bunting (2008) identified the first point as the police not proceeding with the report. As a result, rates of attrition across these two studies cannot be compared as child protection workers and police officers make decisions using different criteria (i.e., child protection workers focus on the safety of the child whereas police officers focus on the offence that has been committed). Taken together, the research examining the exit points of CSA cases has identified many different points of attrition from study to study and also different positions of these points.

To date, few case-tracking studies have examined the reasons for attrition of CSA cases at each identified point of exit. In one of these studies, Parkinson et al. (2002) analysed 183 cases of abuse that were reported between 1988 and 1990. At the second point of exit (whether charges were laid), the reasons for attrition included the offender not being identified, the child’s parents refusing for the case to be continued, the child being too young to give a clear account, and the child having given an unclear account. While Parkinson et al.’s (2002) study provided some insight into the reasons behind attrition, the small sample size and data from 25 years ago (given that the laws of evidence and criminal law have changed much over time) makes it difficult to generalise these results to larger jurisdictions as well as to the present day.

In another study, Bunting (2008) analysed all sexual offences recorded between April 2001 and October 2006 by the Police Service for Northern Ireland. The reasons behind attrition at the first point of exit (police did not proceed) included the child not wishing to prosecute or the police (or Prosecution) deciding that the case was not in the public interest. While this study analysed a larger dataset than Parkinson et al. (2002), it did not examine the reasons for attrition to the same level of detail. For example, there may have been many possible reasons why police decided not to continue the case – such as a very young witness
or the child’s parents refusing for the child to be interviewed – but these reasons were not provided.

The aims of the current study were to establish the common exit points for CSA cases using professionals from a range of agencies and to determine the percentages of attrition that occurred at each of these exit points and the reasons for it. After holding in-depth discussions with industry stakeholders (i.e., professionals who provide services to victims of sexual offences), comprising police intake workers, detective senior sergeants, intelligence analysts, and child protection workers, five exit points were defined. Next, comprehensive data from CSA reports recorded in the jurisdiction over a one-year period were examined; this data included the case notes of the jurisdiction’s police and child protection workers. This case-tracking study was the first on attrition to extract this level of data. In previous studies that have studied the attrition of solely CSA cases, the reasons for attrition were gathered from standardised questionnaires completed by child protection workers concerning the nature of the abuse, and their assessment of the child as well as interviews with children and their families (Parkinson et al., 2002) or from police officers who provided only categorical information about their decisions (Bunting, 2008). In the current study, much more comprehensive data about the reasons why cases did not proceed further through the system were examined. The results of this study should provide professionals working in the area with a better understanding of the points at which CSA cases are more likely to exit the system. In turn, this understanding should allow for targeted interventions to reduce the premature exiting of these cases.

**Method**

**Approach**

All offences of reported CSA (e.g., indecent assault), attempted CSA (e.g., attempted penetration), and offences accompanying the abuse (e.g., trespass) reported in one
jurisdiction of Australia from 1 January 2011 to 31 December 2011 were examined. This period was the most recent full year of cases available. Relevant cases were identified using the jurisdiction’s police database (which also included the case notes of child protection workers), consisting of information from the initial contact with the complainant right through to case outcome.

**Procedure**

Prior to data collection, ethical approval was obtained from Deakin University, the jurisdiction’s police force, and child protection. An advanced search was conducted on the database for ‘sexual offences’ reported between 1 January 2011 and 31 December 2011. These were limited to children under the age of 16 years to avoid any issues concerning consent (the age of consent for sexual activity in the current jurisdiction was 16 years; those who were victimised as children but did not report the offence until they were 16 years, or older, were not included). Also, the current study did not include cases involving Indigenous children and/or Indigenous suspects. This is because CSA occurs at higher rates for this sample than the overall population (Berlyn & Bromfield, 2010; Stanley, Tomison, & Pocock, 2003) and, in turn, the attrition of this sample may also differ.

Per case, information was extracted from the database about the child, suspect, and additional case information. The child’s information included the child’s gender and age (at time of the offence). Suspect information included the suspect’s gender and age (at time of the offence). The sample was limited to suspects aged 10 years and over (the age of criminal responsibility was 10 years). Additional case information comprised the child–suspect relationship; abuse severity (penetrative or non-penetrative abuse); abuse frequency (single incident of abuse or repeated abuse); whether the child made a previous disclosure of abuse; had a forensic interview, disclosed during the forensic interview, and particularised during the forensic interview (i.e., provided enough information about the specific details of the
offence, and what the offender said and did, etc.); whether an attempt was made to interview the suspect; the suspect’s response to/during the interview (e.g., refused interview, denied offence, made admissions, confessed); whether the case proceeded to a charge (if so, the charged offence); the processed charge, whether the charge was withdrawn (or discontinued), dismissed, acquitted, or convicted; and the penalty imposed. If the case resulted in attrition, the reasons were extracted from the case notes of the jurisdiction’s police and child protection workers.

The qualitative data (from the case notes) was extracted by two researchers. Prior to extraction, each case was read through from beginning to end. If any details conflicted, the most recently recorded information was used. The two researchers (PhD candidates) regularly cross-checked a random sample of cases to identify any errors in how they recorded the data. Any identified issues or ambiguous details in the random sample were resolved through discussion. Once the data were extracted, in order to ensure that all cases were independent, when there was more than one child and/or more than one suspect, one child and suspect pair were randomly selected (and all other children/suspects in the case were removed). This approach – studying one child per incident – is consistent with other studies (e.g., Walsh et al., 2010). Also, in cases that had multiple offences (i.e., the suspect committed multiple offences on the child within the one report), the most serious offence in each case was analysed; this method was in line with the Australian Bureau of Statistics (2009). If there were two offences in each case of the same severity, one offence was randomly selected.

**Data Analysis**

Frequency counts and descriptive analyses in IBM SPSS Statistics 22 were used to assess the rates and reasons for attrition. A major focus of the current study was to use case-tracking data to determine the percentage of CSA cases that resulted in attrition at each of the
exit points and the reasons for this attrition; examining the relationships between the reasons, the characteristics of the cases, and attrition was beyond the scope of the current study.

Results

The Points of Attrition Identified and Defined

Through in-depth discussions with industry stakeholders, such as police intake workers (who receive reports from both the public and other agencies e.g., health, education etc.), detective senior sergeants, intelligence analysts, and child protection workers, five points of attrition were identified and defined:

1. Case reported: cases reported to authorities (e.g., police, child protection workers, health workers) that did not proceed to a forensic interview (or a child’s statement being taken).

2. Forensic interview: cases in which a forensic interview took place (or a child’s statement was taken), but did not result in the suspect being (or attempted to be) questioned.

3. Investigation: cases in which the suspect was (or was attempted to be) questioned that did not result in a charge.

4. Brief authorisation: cases in which a charge was laid but did not result in the Department of Public Prosecutions taking the case to court.

5. Prosecution: cases that resulted in a prosecution but did not end with a finding of guilt.

Case Descriptives

The final dataset consisted of 659 cases. The report characteristics are presented below in Table 6.1.
Report Characteristics of 659 Cases

<table>
<thead>
<tr>
<th>Report Characteristics</th>
<th>N = 659 reports</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child gender</strong></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>78.1%</td>
</tr>
<tr>
<td>Male</td>
<td>21.9%</td>
</tr>
<tr>
<td><strong>Child age</strong></td>
<td></td>
</tr>
<tr>
<td>Range</td>
<td>0–15 years</td>
</tr>
<tr>
<td>Mean age</td>
<td>10.37 (SD = 4.02)</td>
</tr>
<tr>
<td><strong>Suspect gender</strong></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>87.4%</td>
</tr>
<tr>
<td>Female</td>
<td>3.2%</td>
</tr>
<tr>
<td>Unknown</td>
<td>9.4%</td>
</tr>
<tr>
<td><strong>Suspect age</strong></td>
<td></td>
</tr>
<tr>
<td>Range</td>
<td>10–89 years</td>
</tr>
<tr>
<td>Mean age</td>
<td>32.27 (SD = 16.60)</td>
</tr>
<tr>
<td><strong>Child–suspect relationship</strong></td>
<td></td>
</tr>
<tr>
<td>Extrafamilial</td>
<td>59.9%</td>
</tr>
<tr>
<td>Intrafamilial</td>
<td>37.2%</td>
</tr>
<tr>
<td>Unknown relationship</td>
<td>2.9%</td>
</tr>
<tr>
<td><strong>Abuse severity</strong></td>
<td></td>
</tr>
<tr>
<td>Non-Penetrative</td>
<td>70.4%</td>
</tr>
<tr>
<td>Penetrative</td>
<td>29.6%</td>
</tr>
<tr>
<td><strong>Abuse frequency</strong></td>
<td></td>
</tr>
<tr>
<td>Single incident</td>
<td>67.7%</td>
</tr>
<tr>
<td>Repeated abuse</td>
<td>32.3%</td>
</tr>
</tbody>
</table>

Reasons for Attrition at Five Points of Exit

The rates of attrition at each of the five exit points are shown in Figure 6.1. The reasons for attrition are described for each exit point below.
Figure 6.1 Percentage of Cases Exiting the Criminal Justice Process across the Five Defined Points of Exit.

**Case Attrition**

- 13.5% (89 cases)

**Case Progression**

- 100% (659 cases)
  - 1. Case Reported 86.5% (570 cases)
  - 2. Forensic Interview 71.9% (474 cases)
  - 3. Investigation 41.0% (270 cases)
  - 4. Brief Authorisation 40.5% (267 cases)
  - 5. Prosecution 24.1% (159 cases)

**Case reported.** Figure 6.1 shows that 13.5% of cases exited once the case had been reported, prior to the forensic interview. Attrition mainly occurred because (from most frequent reason to least): the child did not disclose the abuse (i.e., to police or child protection) when initially spoken to, the child (or the child’s parent) withdrew the complaint, the child refused an interview (or the child’s parent refused for the child to be interviewed), there was insufficient evidence, the suspect was not identified, no offence was identified, or the child did not appear credible (e.g., was too young to be interviewed). Most cases (86.5%) proceeded to a forensic interview.
Forensic interview. Nearly 15% (of the original 659 cases) in which a child had a forensic interview (or a statement taken) exited at this stage. The main reasons for cases exiting were (from most reoccurring reason to least): the suspect was not identified, the child did not disclose and/or particularise the abuse, the child (or the child’s parent) withdrew the complaint, no offence was identified, there was insufficient evidence, the child did not appear credible, or the case was not in the public interest. Some cases proceeded (54 cases) despite no forensic interview (or statement) taking place; 71.9% of the original 659 reports proceeded to the investigation stage.

Investigation. At the investigation stage, 31% of the original 659 cases resulted in attrition (i.e., cases in which the suspect was (or attempted to be) questioned did not result in a charge). Attrition most commonly occurred due to (from most reoccurring reason to least): insufficient evidence, the child did not disclose and/or particularise the abuse, the child did not appear credible, the child (or the child’s parent) withdrew the complaint, no offence was identified, the child refused an interview (or the child’s parent refused for the child to be interviewed), the suspect was not identified, or the case was not in the public interest. In three cases in which the suspect was not spoken to or did not undergo an interview, he or she was still charged (i.e., the case proceeded). Overall, 41% of reports proceeded to the brief authorisation stage.

Brief authorisation. Only 3 cases (0.5% of the original 659 cases) exited at the brief authorisation stage (i.e., they were withdrawn or discontinued by prosecution before reaching court). No further information was available about these decisions (the database contained only case notes made by the police and child protection workers, not by prosecutors); 40.5% of cases proceeded to the prosecution stage.

Prosecution. At the prosecution stage, 16.4% of the original 659 cases exited because they did not end with a finding of guilt; instead they were dismissed, withdrawn, or acquitted.
There were only a few reasons provided for these court outcomes, these included: insufficient evidence, suspect identity unclear, not in the public interest, the child did not appear credible, or no birth certificate of the child was available (making it difficult to establish the identity of the child, the offence committed, and whether it was actually abuse against a child)\(^{18}\). The remaining 24.1% of the original 659 reports resulted in a conviction; 9.2% of cases received a custodial sentence and 14.9% received a non-custodial sentence.

**Discussion**

Through in-depth discussions with industry stakeholders, the current study identified and defined five common points of exit for CSA cases. The current study also used case-tracking data to determine the percentage of CSA cases that resulted in attrition at each of these exit points and the reasons for this attrition. Attrition most commonly occurred at the investigation stage, followed by prosecution, forensic interview, case reported, and finally, the brief authorisation stage. The finding that most attrition occurred at the investigation stage was consistent with the international research, which suggests that a key area for attrition is during the police investigation of an allegation (Fitzgerald, 2006; Gallagher & Pease, 2000).

In the current study, the main reason for attrition during the investigation stage was insufficient evidence. This finding was consistent with previous research; for example, Gallagher (1999) found that CSA cases were closed by the police mostly due to insufficient evidence. The CSA literature suggests multiple forms of convincing evidence are often lacking in CSA cases (Myers, 2002), and often police have only the child’s and the suspect’s versions of events to consider (Benneworth, 2009). The second most frequent area for attrition was at the prosecution stage, mainly due to the case being dismissed. Unfortunately the database did not provide further reasons concerning *why* such cases were dismissed (as

\[^{18}\text{While for some cases the reasons for attrition were missing, for all cases it was clear at which point the case exited.}\]
the database contained only case notes made by the police and child protection workers, not by prosecutors).

The third most frequent area for attrition was at the forensic interview stage. The primary reason for attrition here (one-third of cases) was that the suspect could not be identified. This finding is somewhat different to previous research in which the non-identification of the suspect was not one of the main reasons for attrition. For example, Hood and Boltje (1998) found that of the 135 cases considered substantiated by the police, prosecution did not proceed in no more than 13 cases due to the suspect not being identified or found. Also, Parkinson et al. (2002) found that out of the 69 cases reported to police, in only nine cases the suspect could not be identified. Future research could examine why suspects were not able to be identified, such as incomplete descriptions due to a child’s young age.

The fourth most frequent area for attrition was the case reported stage. The primary reason for attrition here was due to the child not disclosing the abuse (i.e., to police or child protection) during a disclosure interview before the forensic interview (which occurs for children who have not previously disclosed the abuse to anyone or children who have only disclosed to a parent). This finding is in line with the CSA literature that suggests that a child’s initial disclosure is a sign of the child’s readiness to disclose to an authority figure (see London, et al., 2007); most children will disclose to professionals or authorities only after they have previously made a disclosure (e.g., to a friend; Shackel, 2009, 2011). It is possible that, in the current study, the children who were referred to police and child protection workers for reasons other than disclosing the abuse were not ready to disclose. Finally, the fifth most frequent area for attrition was the brief authorisation stage. The primary reason for attrition here was due to the case being withdrawn or discontinued.
Similar to the prosecution stage, the database did not provide further reasons on why such cases were withdrawn or discontinued.

The current results showed significant attrition during the early stages of the process. Through discussions with industry stakeholders, these earlier exit points were fine-tuned to include case reported, the forensic interview, and the investigation stages (specifically, the attempt to interview the suspect). This more precise identification should allow for better targeted intervention strategies to the exact areas of attrition within the early stages of the system. For example, the current study identified that the main reason for attrition at the case reported stage is because the child did not disclose the abuse when initially spoken to by police or child protection. Another major reason for attrition at this stage is due to the withdrawal of the complaint by the child (or the child’s parent). From here, authorities (e.g., police, child protection workers, health workers) can commence discussions concerning what system factors may be preventing the child from disclosing the abuse when initially spoken or what system factors may be contributing to the withdrawal of the complaint by the child (or the child’s parent). Once identified, authorities can then develop ideas on how to overcome these system factors as well as how to convey to the child (and the child’s parent) the benefits of progressing with the case.

At the final two points of exit – brief authorisation and prosecution – the percentages of attrition at these two points seemed to differ from previous findings. Few cases in the current study exited the system at the brief authorisation stage (0.5% of cases). In contrast, Bunting (2008) found that a quarter of detected cases did not proceed to court as they were discontinued by prosecution. Also, Hood and Boltje (1998) found that of the 135 cases considered substantiated by the police investigators, over half of the cases were considered to be unsuitable for attempted prosecution. It is possible that the low rate of attrition at this stage in the current study may be the result of the weaker cases exiting the system at earlier stages
(i.e., nearly 60% of cases had resulted in attrition before reaching the brief authorisation stage). This may be because police in the current jurisdiction are encouraged to communicate with prosecutors and seek their feedback on the prospects for conviction on certain cases prior to passing them on (this also enables prosecution to communicate to the police the additional types of evidence needed to be obtained to increase the prospects of a conviction). However, these differences in percentages most likely reflect the different measurements used in the different studies (i.e., with some based on the apprehension of reports or the substantiation of abuse).

At the prosecution stage, fewer than one-half of cases (41.1%) that received a charge did not result in a finding of guilt. This figure is somewhat different to those in previous research: both Wundersitz (2003) and Fitzgerald (2006) found that over one-half of the reports (or offenders) that received a charge did not result in a finding of guilt (57% and 56%, respectively). Again, while this difference should be interpreted with caution (due to the different measurements i.e., number of offenders versus number of reports), the finding – that nearly 60% of CSA reports that received a charge resulted in a conviction – is encouraging. It is possible that this increased rate of convictions occurred due to the improvement in evidence collection (e.g., improvements in forensic interviewing and medical examination techniques) over the past decade.

While the current study considered the last point of attrition as the unsuccessful prosecution of the case, it is important to note that nearly two-thirds of cases that were successfully prosecuted did not result in a custodial sentence. These rates are consistent with past research. For example, Wundersitz (2003) found that approximately three-quarters of the cases in which there was a finding of guilt did not result in a penalty of imprisonment. Fitzgerald (2006) found that 43% of offenders for whom there was a finding of guilt did not receive a penalty of imprisonment. These findings are also consistent with the opinions of
professionals working with CSA victims: convicted child sexual offenders require heavier sentences as most receive suspended sentences or community-based orders (Christensen et al., 2014). Future research might examine the reasons behind sentencing decisions for child sexual offenders and, more specifically, the handing down non-custodial versus custodial sentences.

Limitations

The current study had three main limitations. First, the current points of exit (determined through discussions with industry stakeholders) and rates of attrition were established using data from one jurisdiction in Australia. In turn, the results may not be generalisable to other countries that utilise different legal processes. Second, other than the decisions (e.g., withdrawn or discontinued), the current study was not able to provide the reasons behind these decisions at the brief authorisation stage. As previously mentioned, this limitation occurred as the database contained only case notes made by the police and child protection workers, not by prosecutors. However, the prosecution of CSA cases in the criminal justice system is a well-researched area (e.g., Brewer et al., 1997; Cross et al., 1994; Leach et al., 2015; Walsh et al., 2010). Finally, the current study did not include cases that had Indigenous victims and/or Indigenous alleged offenders; as such, the findings cannot be generalised to the Indigenous population. This population needs to be studied separately.

Conclusion

The current study identified the main points of attrition, the percentages of CSA cases that resulted in attrition, and the main reasons behind the attrition of CSA cases. The results of this study should provide professionals and researchers with common labels to use when discussing attrition (across studies and workplaces) as well as a picture of the percentages of cases exiting at each point. This information may be used to help target interventions to reduce attrition. For example, authorities working at the case reported stage (e.g., police,
child protection workers, health workers) may be able to identify some of the system factors preventing children from disclosing the abuse (i.e., to police or child protection) when initially spoken to.
While the research has primarily focused on the factors associated with attrition (and case progression) at later stages of the system (e.g., Brewer et al., 1997; Cross et al., 1994; Leach et al., 2015; Walsh et al., 2010), the results of Study 1 and Study 2 highlighted the problematic issue of attrition at earlier stages of the system. The purpose of Study 3 was to explore further the attrition of CSA cases when they first enter the system; that is, before a child’s forensic interview can be conducted. In particular, the study examined the characteristics of the child, suspect, and other case characteristics that were related to attrition at this point. Identifying the case characteristics associated with attrition should help professionals working in the criminal justice system to understand better which cases are most likely to exit before the forensic interview, which should, in turn, facilitate the appropriate targeting of interventions.

Attrition has been defined by professionals working in the area as the premature exiting of CSA cases from the criminal justice system before a decision of guilt can be reached (Christensen et al., 2014). Forensic interviews are one of the first major points at which CSA cases might exit the criminal justice system after the case has been reported to authorities. Attrition before the forensic interview was the focus of the current study as not all children undergo a disclosure interview, which can occur before the forensic interview. As mentioned in Chapter 4, in cases where there is no evidence that the child has previously disclosed the abuse to another person, a disclosure interview is conducted. The aim of the disclosure interview is to elicit a disclosure of criminality; if obtained, the interview is

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19This study has been published in a peer-reviewed journal. The full reference is Christensen, L., Sharman, S., & Powell, M. (2016). Identifying the characteristics of child sexual abuse cases that exit the criminal justice system before the forensic interview. An International Journal of Police Strategies & Management, 18, 104-111. doi:10.1177/1461355716641973
immediately terminated and the child is scheduled to attend a video recorded forensic interview. Consent must be obtained from the child’s parent prior to any interview\(^\text{20}\). Attrition can occur at this stage if the child’s parent does not consent for their child to undergo the disclosure interview, the child refuses the disclosure interview, or the child fails to disclose during the disclosure interview. Attrition at this stage may be associated with various characteristics relating to the child, suspect, and additional case characteristics, such as the relationship between the child and the suspect.

In cases in which a child has previously disclosed the alleged abuse to an independent adult (i.e., other than a parent), the investigation commences with a forensic interview. The forensic interview generally takes place before intervention from other service providers (e.g., doctors, psychologists) unless the child’s medical needs are a priority. The forensic interview is digitally video recorded and may be presented as evidence-in-chief in court. As with the disclosure interview, attrition can occur at this stage if the child’s parent does not consent for their child to undergo the forensic interview, the child refuses the forensic interview, or the child fails to disclose during the forensic interview. Again, this attrition may be associated with various characteristics relating to the child, suspect, and additional case characteristics.

To date, research has examined the characteristics of cases that are related to different outcomes before those cases enter the criminal justice system and also during the later stages of the criminal justice system (i.e., the laying of charges and prosecution stages). However, the research has not examined the case characteristics related to different outcomes between these two stages: after entering the system, but before the child’s forensic interview.

\(^{20}\) As mentioned in Chapter 3, if the child’s parent does not consent, and if there is concern for the future safety of the child, legislation permits the child to be interviewed. Similarly, in some cases where there is the possibility that seeking the consent of the child’s parent is likely to jeopardise the interview (e.g., the child’s parent is the suspect), legislation permits the child to be interviewed. However, in instances where the child’s parent refuses consent and the authorities believe the child is in no immediate harm (i.e., the child’s parents are not the suspects), the case would generally result in attrition.
Furthermore, research examining earlier and later stages of the system has largely focused on the case characteristics related to the child’s disclosure, rather than case attrition. Disclosure has been the focus as it is typically the main form of evidence used to establish that CSA occurred (London et al., 2005). As the crime generally has only two witnesses, the child and the perpetrator, the child’s disclosure is critical to the investigation and prosecution (Lawson & Chaffin, 1992; Lippert et al., 2009; Shackel, 2012; Walsh et al., 2010).

Below we review two areas of research: the factors that predict disclosure before a case enters the criminal justice system and the factors that predict disclosure during the forensic interview. These two areas of the research were reviewed separately as the children who disclose before a case enters the criminal justice system do not necessarily have the same characteristics as those who disclosed during the forensic interview. For example, not all children who disclosed the abuse to a trusted adult will make a report to police (and will undergo a forensic interview). Furthermore, not all children whose cases have been reported to police (and have undergone a disclosure interview and forensic interview) will have previously disclosed the abuse in a non-clinical setting (e.g., the abuse may have been reported due to the child’s sexualised behaviour). Three categories of case characteristics have been examined in relation to disclosure: child complainant characteristics, suspect characteristics, and other case characteristics. Reviewing both areas of research – prior to entering the system and during the forensic interview – may help to shed light on the case characteristics that predict attrition between these two stages; that is, upon entering the system prior to a forensic interview.

**Case characteristics associated with the child’s disclosure before entering the system**

Whether a child discloses the abuse before entering the system is related to the child’s age and gender. Some studies have found that the older the child, the more likely he or she is to disclose (Kogan, 2004; Leclerc & Wortley, 2015, but see Bottoms et al., 2007 who found
no relationship between age and disclosure). Other studies have suggested a curvilinear pattern in age and disclosure; that is, younger children (e.g., 0–6 years) and older children (e.g., 13 years and older) were less likely to disclose than those in the middle of the age range (e.g., 7–12 years; London et al., 2005; see also Leach, Powell, Sharman, & Anglim, under review). London et al. (2005) suggested that children in the middle of the age range (7–12 years) were more likely to disclose than younger children because they hold a better understanding of social norms and can more easily identify the experience as abusive; also, 7–12 year olds do not anticipate the consequences of disclosing abuse as much as older children (London et al., 2005). For gender, female children were more likely to disclose than male children (Priebe & Svedin, 2008; Ullman & Filipas, 2005). Males were less likely to disclose for a number of potential reasons, including the belief that they would be viewed as homosexual (if the perpetrator was male), it is unmasculine to seek help, or that they must have enjoyed the abuse due to visible physiological signs (e.g., erection; Romano & De Luca, 2001).

Disclosure was also related to suspect gender. One study found children were less likely to disclose when the suspect was female (Lam, 2014). This may have occurred because children were afraid that they would not be believed, they did not want to report their mothers (i.e., the perpetrators) who were the sole caregivers, and male children felt humiliated having been abused by females (Tsopelas, Tsetsou, Ntounas, & Douzenis, 2012). Research to date has not examined the actual association between the age of the suspect and the child’s disclosure before the case enters the system.

Other case characteristics were also related to disclosure, including the relationship between the child and the suspect, the severity of the abuse, and the frequency of the abuse. Children were less likely to disclose (or more likely to delay disclosure) the closer his or her relationship was to the suspect (Kogan, 2004; Smith et al., 2000). Children of intrafamilial
abuse were worried about the disruption of the family and shame by family members (Kogan, 2004). Severity of the abuse did not have a clear relationship with disclosure. Some studies showed that the more severe the abuse, the more likely children were to disclose (e.g., Kogan, 2004; Lam, 2014; Leclerc & Wortley, 2015; but see Arata, 1998 who found an inverse relationship between abuse severity and disclosure). Other studies have not found a relationship (e.g., Lamb & Edgar-Smith, 1994; Smith et al., 2000). Finally, for abuse frequency, Arata (1998) found children were less likely to disclose in cases of repeated abuse as opposed to a single incident and suggested that children of repeated abuse are worried that they will be blamed for letting the abuse continue having not told someone after the initial incident.

Case characteristics associated with the child’s disclosure during the forensic interview

During forensic interviews, older children were more likely to disclose than younger children (DiPietro et al., 1997; Gries et al., 1996; Hershkowitz et al., 2005; Keary & Fitzpatrick, 1994; Lippert et al., 2009; London et al., 2005; London et al., 2007; Pipe et al., 2007). Female children were also more likely to disclose than male children (DeVoe & Faller, 1999; Gries et al., 1996; Hershkowitz et al., 2005; Hershkowitz et al., 2007; Lippert et al., 2009; Stroud et al., 2000, but see Goodman-Brown et al., 2003 who found no association between the child’s gender and disclosure). With regard to suspect’s age, children were more likely to disclose in cases involving younger suspects than older suspects (Lippert et al., 2009). Research to date has not examined the actual association between the gender of the suspect and the child’s disclosure during the forensic interview.

Other case characteristics have also been shown to be related to disclosure during the forensic interviews, such as the relationship between the child and the suspect, the severity of the abuse, and the frequency of the abuse. Children were less likely to disclose (or more likely to delay disclosure) the closer his or her relationship was to the suspect (Hershkowitz,
et al., 2007; Stroud et al., 2000, but see Lippert et al., 2009 who found no association between child–suspect relationship and disclosure). The relationship between abuse severity and disclosure is not clear as there have been mixed findings. Some studies have shown a positive association between abuse severity and disclosure (e.g., Lam, 2014), while others have found an inverse relationship: severe assaults were associated with delayed disclosure (Hershkowitz et al., 2007). Finally, for abuse frequency, children were more likely to delay disclosure when the abuse was repeated (compared to a single incident) which may have occurred because they felt more shame and fear, and also had less supportive parents, than children of a single incident (Hershkowitz et al., 2007).

Taken together, the reviewed research indicates that a number of case characteristics are related to the child’s disclosure both before a case enters the criminal justice system and during a forensic interview. These factors included the child’s age and gender, (and possibly the suspect’s age and gender), the relationship between the child and the suspect, abuse severity, and frequency. The aim of the current study was to determine whether similar factors might be related to the attrition of child sexual abuse cases. We examined whether child complainant, suspect, and other case characteristics predicted attrition of cases when they first entered the criminal justice system; that is, before a forensic interview was conducted. Based on the reviewed research, we hypothesised that the child’s non-disclosure would be the strongest predictor of attrition given its importance in the progression of cases through the criminal justice system (Lawson & Chaffin, 1992; Lippert et al., 2009; Walsh et al., 2010). We did not make any hypotheses about the other case characteristics as their relationship with attrition at this early stage of the system (after a report has been made to authorities but before the forensic interview takes place) has not been previously explored. We examined the differences between cases that resulted in attrition and those which did not; we then used these differences to predict attrition.
Method

Data Set

All offences of reported CSA, attempted CSA, and offences accompanying the abuse (e.g., trespass) recorded in one jurisdiction of Australia within the one-year period from 1 January 2011 to 31 December 2011 were analysed. This period was selected as it was the most recent full year of cases available. Relevant cases were identified through the jurisdiction’s police database, which contained information from the initial contact with the complainant right through to the final case outcome.

Procedure

Prior to data collection, ethical approval was granted from Deakin University and the jurisdiction’s police force and child protection organisation. An advanced search was conducted on the database for ‘sexual offences’ reported to the police between 1 January 2011 and 31 December 2011. These were limited to children under the age of 16 years to avoid any issues concerning consent (the age of consent for sexual activity in the current jurisdiction was 16 years; individuals who were victimised as children but did not report the offence until they were 16 years or older, were not included). The current study did not incorporate cases with Indigenous children and/or Indigenous suspects. This population subsample was not studied in the current study as child sexual abuse in Indigenous communities has been shown to occur at higher rates than in the general population (Berlyn & Bromfield, 2010; Stanley et al., 2003) and, as a result, the patterns of attrition may also be different.

For each offence, information was collected about: (a) child complainant characteristics, (b) suspect characteristics, and (c) other case characteristics. Child characteristics included child gender (coded: 0 = Female, 1 = Male) and child age (coded 1= 0–6 years, 2 = 7–12 years, 3 = 13–15 years). Suspect characteristics involved suspect gender
(0 = Female, 1 = Male) and suspect age (scale variable). The sample was limited to suspects aged 10 years and over (the age of criminal responsibility was 10 years). Other case characteristics included the child–suspect relationship (0 = Intrafamilial abuse, 1 = Extrafamilial abuse), abuse severity (0 = Non-penetrative, 1 = Penetrative), abuse frequency (0 = Single incident, 1 = More than one incident) and previous disclosure (whether the child had previously disclosed the abuse; 0 = No, 1 = Yes)\(^{21}\). Similarly, the dependent variable was dichotomous (0 = No attrition, 1 = Attrition).

For all data extraction, each case was read through from beginning to end. If any details conflicted, the most recently recorded information about the case was used. The two researchers (PhD candidates) regularly cross-checked a random sample of cases to identify any errors in how they recorded the data. Any identified issues or ambiguous details in the random sample were resolved through discussion. Once the data was extracted, for cases that involved more than one child and/or more than one suspect, one child and suspect pair were randomly selected. Consistent with past research, this selection ensured that cases were independent (Walsh et al., 2010). In cases containing multiple offences, the most serious offence in each case was analysed; this method was in line with the Australian Bureau of Statistics (2009). If there were two offences of the same severity, one was randomly selected. For all analyses, violations of assumptions were checked and no issues were detected.

**Results**

**Case Descriptives and Reasons for Attrition**

Of the 659 identified cases, 89 (13.5%) resulted in attrition prior to the forensic interview. Table 7.1 shows the characteristics of the cases that resulted in attrition and those in which a forensic interview was conducted (i.e., the case proceeded). To determine whether there were any significant differences between the two types of cases, Pearson chi-square

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\(^{21}\) This variable, previous disclosure, assumed that all children in the current dataset had been victim to CSA. While we cannot be absolutely certain that all children were victims, the information contained in the database indicated a very strong likelihood that the children had been abused.
tests were conducted for categorical data (child gender, child age, suspect gender, child–suspect relationship, abuse severity, abuse frequency, and previous disclosure) and a t-test was conducted for suspect age. The right-most column of Table 7.1 displays the results.

There were only three significant differences between cases resulting in attrition and those not: abuse frequency, previous disclosure, and child age. Examination of the standardised residuals revealed that, for abuse frequency, there were fewer cases than expected resulting in attrition of repeated abuse ($z = -2.38, p = .017$). For previous disclosure, there were more cases than expected resulting in attrition in which there was no previous disclosure ($z = 5.18, p < .001$). Finally, for child age, there were fewer cases than expected resulting in attrition involving children aged 7–12 years ($z = -2.76, p = .006$); this was not the same for younger children (0–6 years) or older children (13–15 years).

Table 7.1

*Characteristics of Cases Resulting in Attrition vs. Cases Having a Forensic Interview*

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>% Attrition</th>
<th>% Forensic interview</th>
<th>Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child age</strong></td>
<td>657</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0–6 years</td>
<td>657</td>
<td>22.5%</td>
<td>21.7%</td>
<td>$\chi^2(2, N = 657)$</td>
</tr>
<tr>
<td>7–12 years</td>
<td>657</td>
<td>22.5%</td>
<td>37.5%</td>
<td>$= 8.56, p = .014$</td>
</tr>
<tr>
<td>13–15 years</td>
<td>657</td>
<td>55.1%</td>
<td>40.8%</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>657</td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Child gender</strong></td>
<td>659</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>659</td>
<td>79.8%</td>
<td>77.9%</td>
<td>$\chi^2(1, N = 659)$</td>
</tr>
<tr>
<td>Male</td>
<td>659</td>
<td>20.2%</td>
<td>22.1%</td>
<td>$= 0.16, p = .690$</td>
</tr>
<tr>
<td>Missing</td>
<td>659</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Suspect age</strong></td>
<td>576</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Range</td>
<td>576</td>
<td>10–66 yrs</td>
<td>10–89 yrs</td>
<td>$t(574) = 0.04,$</td>
</tr>
<tr>
<td>Mean (SD)</td>
<td>576</td>
<td>31.60 yrs (16.28)</td>
<td>32.33 yrs (16.64)</td>
<td>$p = .845$</td>
</tr>
<tr>
<td>Missing</td>
<td>576</td>
<td>41</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td><strong>Suspect gender</strong></td>
<td>597</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>597</td>
<td>3.6%</td>
<td>3.5%</td>
<td>-^a</td>
</tr>
</tbody>
</table>

*^a*
The three case characteristics that showed significant differences between the cases that resulted in attrition and those that did not (abuse frequency, previous disclosure, and child age) were entered into a logistic regression to determine their unique association with attrition. The variable of child age was squared and centered to test for quadratic effects (see Lippert et al., 2009). Overall, the model significantly predicted attrition, $\chi^2(3, N = 624) = 32.15, p < .001$, Nagelkerke $R^2 = .09$. All three predictors significantly predicted attrition; the values are displayed in Table 7.2 below. Interpretation of the odds ratios shows that cases were about twice as likely to have a forensic interview conducted if they contained repeated abuse (compared to a single incident). Cases were around three times more likely to have a forensic interview conducted if the child had previously disclosed the abuse to an
independent person than if they had not disclosed. With regard to child’s age, there was a curvilinear effect; cases with younger children and older children (as opposed to those in the middle of the age range) were more likely to result in attrition.

Table 7.2

_**Logistic Regression Predicting Attrition before Forensic Interview**_

<table>
<thead>
<tr>
<th>Predictor</th>
<th>B</th>
<th>SE</th>
<th>Wald</th>
<th>p</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repeated abuse</td>
<td>-.639</td>
<td>.288</td>
<td>4.917</td>
<td>.027</td>
<td>.528</td>
</tr>
<tr>
<td>Previous disclosure</td>
<td>-1.263</td>
<td>.256</td>
<td>24.298</td>
<td>&lt; .001</td>
<td>.283</td>
</tr>
<tr>
<td>Child Age</td>
<td>.003</td>
<td>.002</td>
<td>4.477</td>
<td>.034</td>
<td>1.00</td>
</tr>
</tbody>
</table>

*Note:* Repeated abuse was coded as 0 = No, 1 = Yes; Previous disclosure was coded as 0 = No, 1 = Yes; Attrition was coded as 0 = No, 1 = Yes.

_Relationships between Case Characteristics_

We explored the interrelationships among the three predictor variables and the five other study variables of the cases that resulted in attrition. There were a number of significant interrelationships (see Table 7.3). With regard to abuse frequency, cases involving repeated abuse were more likely to involve severe abuse (i.e., penetrative abuse). In terms of previous disclosure, cases involving a previous disclosure were more likely to involve female children as well as more severe abuse (i.e., penetrative abuse). As for child’s age, the younger the child, the older the suspect. Additionally, the older the child, the more distant the child–suspect relationship (i.e., extrafamilial abuse), and the more severe the abuse (i.e., penetrative abuse). There were no other significant correlations among the three predictor variables and five study variables.
Table 7.3

*Correlation Coefficients among the Eight Case Characteristics and Three Unique Predictors*

<table>
<thead>
<tr>
<th>Variables</th>
<th>Abuse frequency</th>
<th>Previous disclosure</th>
<th>Child age&lt;sup&gt;a&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child age&lt;sup&gt;a&lt;/sup&gt;</td>
<td>.18</td>
<td>.21</td>
<td>1</td>
</tr>
<tr>
<td>Child gender</td>
<td>.01</td>
<td>-.24&lt;sup&gt;*&lt;/sup&gt;</td>
<td>-.19</td>
</tr>
<tr>
<td>Suspect age</td>
<td>.01</td>
<td>-.27</td>
<td>-.48&lt;sup&gt;**&lt;/sup&gt;</td>
</tr>
<tr>
<td>Suspect gender</td>
<td>-.13</td>
<td>.05</td>
<td>-.20</td>
</tr>
<tr>
<td>Relationship</td>
<td>-.09</td>
<td>.14</td>
<td>.52&lt;sup&gt;***&lt;/sup&gt;</td>
</tr>
<tr>
<td>Abuse severity</td>
<td>.27&lt;sup&gt;**&lt;/sup&gt;</td>
<td>.39&lt;sup&gt;***&lt;/sup&gt;</td>
<td>.37&lt;sup&gt;***&lt;/sup&gt;</td>
</tr>
<tr>
<td>Abuse frequency</td>
<td>1</td>
<td>.18</td>
<td>.18</td>
</tr>
<tr>
<td>Previous disclosure</td>
<td>.18</td>
<td>1</td>
<td>.21</td>
</tr>
</tbody>
</table>

*Note.* <sup>a</sup>Child age was squared and centred to account for quadratic effects. *p < .05, **p < .01, ***p < .001. Spearman’s rho was used except for when both values were continuous.*

**Discussion**

The results of the present study demonstrated that three case characteristics predicted case attrition after a report was made to police but before a forensic interview was conducted: previous disclosure, abuse frequency, and child complainant age. These three characteristics are discussed in more detail below along with their interrelationships with other case characteristics.

**Previous Disclosure**

As hypothesised, the previous disclosure variable was the strongest predictor of attrition. In other words, the likelihood of attrition increased when there was no previous disclosure made by the child. Due to the secretive nature of CSA, which typically involves only the child’s word against the offender’s word, disclosures are critical in the investigation and prosecution of CSA cases (Lawson & Chaffin, 1992; Lippert et al., 2009; Walsh et al.,
Therefore, in our study, it was not surprising that cases in which there was no previous disclosure were most likely to result in attrition. It is possible that children did not disclose because they thought that they would not be believed, they might get in trouble for making allegations, or they might suffer retribution from the perpetrator or perpetrator’s family (Berliner & Conte, 1990, 1995; Christensen et al., 2014; Kaufman et al., 1996). It is also possible that the child was too young to provide a verbal disclosure of abuse (Lyon, 2007).

Two variables were associated with previous disclosure: the child’s gender and abuse severity. Our finding, that males were less likely to disclose the abuse than females, was consistent with the research (Lippert et al., 2009; Priebe & Svedin, 2008; Ullman & Filipas, 2005). Male children in the current study may have been less likely to disclose than female children because they believed that they would be viewed as homosexual (in cases involving male perpetrators), that they must have enjoyed the abuse due to visible physiological signs (e.g., erection), or that it would not be masculine to seek help (i.e., the child follows the male ethic of self-reliance and does not seek help; Romano & De Luca, 2001).

For abuse severity, the association suggested that the more severe the abuse, the more likely children were to disclose. This finding was consistent with the majority of the research which has suggested a positive association between abuse severity and disclosure (e.g., Kogan, 2004; Lam, 2014; Leclerc & Wortley, 2015). One explanation for our finding may have been that as abuse severity increased, the child’s anticipation of the perceived negative consequences of disclosure were overridden by the real negative consequences of being abused again (Lam, 2014); in turn, these cases may have been more likely to proceed through the system due to disclosures of abuse. In contrast, children who experienced less severe abuse (i.e., non-penetrative abuse) may have perceived the negative consequences of disclosure to outweigh the real negative consequences of the abuse and, in turn, withheld their disclosure (potentially resulting in attrition).
Abuse Frequency

Abuse frequency was the second strongest predictor of attrition; the likelihood of attrition increased when the abuse was a single – as opposed to a repeated – incident. This finding is in contrast with past research, which has not found abuse frequency to be a characteristic that predicted the attrition of cases at later stages in the criminal justice system. For example, Brewer et al. (1997) found no association between abuse frequency and the likelihood of prosecution after statistically controlling for the numbers of children (as there was a group of chronic offenders who abused many children repeatedly). It is possible that, in our study, cases involving a single incident were more likely to result in attrition because the child (or child’s parent) may have believed that the mere knowledge of the abuse by authorities was enough for the abuse to cease (i.e., the perpetrator was aware that a report was made against him or her). Further, the child (or child’s parent) may have decided that it was best to put the single incident behind him or her rather than endure a court process, with the case resulting in attrition. Future research might closely explore the relationship between abuse frequency and the various reasons for attrition at this early stage of the system.

Abuse frequency was associated with one variable – abuse severity. As abuse frequency increased (i.e., from a single incident to repeated abuse), so too did abuse severity (i.e., from non-penetrative to penetrative abuse). This finding was consistent with the literature, which has suggested that most offenders do not commence sexual contact with a child at the most intrusive level (i.e., penetration) as this could lead to significant physical trauma and discovery (Heger et al., 2002). Instead, offenders use calculated behaviours that allow them continued access to the child (Jensen, Bailey, & Jensen, 2002). Typically, the sexual contact starts with touching behaviours (e.g., fondling and kissing) and, over time, this behaviour develops into more intrusive abuse (Jensen et al., 2002). In regard to attrition, cases that involved single incidents of non-penetrative abuse may have been more likely to
result in attrition (than repeated incidents of severe abuse) for reasons such as lack of
evidence (e.g., medical, witnesses etc.); cases that involved repeated incidents of severe
abuse (e.g., penetrative abuse) may have involved more evidence (e.g., medical evidence) and
corroborative evidence (e.g., number of witnesses and circumstantial evidence).

*Child’s Age*

The child’s age was the third strongest predictor of attrition. The quadratic effect of
age indicated that younger and older children were more likely to have their case result in
attrition than children in the middle of this range (approximately 7–12 years). Our finding
was consistent with research showing that, at later stages of the criminal justice process (i.e.,
the laying of charges and prosecution), there was a curvilinear association between the child’s
age and case progression (Bunting, 2008; Finkelhor, 1983; Leach et al., 2015; Walsh et al.,
2010). For example, Walsh et al. (2010) found that cases involving children aged 8 to 11
years were more likely to have charges filed than cases involving younger (7 years and
under) and older children (12–17 years). It has been suggested that very young children are
vulnerable in interviews (Gilstrap & Ceci, 2005) and older children are perceived as less
credible (Elstein & Davis, 1997); thus, these cases may be more likely to exit the system. In
our study, cases involving younger children may have resulted in attrition at this early stage
because the decision was made by the police and child’s parent that the child was too young
to be interviewed. Cases involving older children may have resulted in attrition because the
child refused to be interviewed – possibly due to the perceived negative consequences of
proceeding with the case. Future research might explore further the relationship between the
child’s age and the various reasons for attrition.

The child’s age was associated with the suspect’s age, child–suspect relationship, and
abuse severity. With regard to the suspect’s age, the association suggested that cases with
older children were more likely to involve younger suspects. Our finding was in contrast to
the literature, which has shown that younger children usually have younger offenders; for example, Snyder (2000) found that 40% of offenders who victimised children aged 0–6 were juvenile offenders. In contrast, only 29% of offenders who victimised adolescent children (12–17 years) were juvenile offenders (Snyder, 2000). Attrition may have been the result of cases involving older children (and younger suspects) because these older children ‘willingly’ experimented with (relatively) younger suspects. Another explanation might be that older children experienced greater pressure from younger suspects (such as peers) to engage in sexual activity to maintain social relationships and status (rather than in cases involving older subjects); these older children may have been hesitant to proceed with the case (e.g., refused a forensic interview) in order to maintain the social relationships and status. Future research might attempt to compare the reasons for attrition between cases involving children who believed they ‘willingly’ engaged in abuse with a peer to the attrition of cases in which children engaged in abuse out of feeling compelled or bullied by the peer.

For the child–suspect relationship, the association suggested that as the child’s age increased, the child–suspect relationship became more distant. This finding was consistent with Fischer and McDonald (1998) who found that extrafamilial children were about three years older than intrafamilial children. One explanation for this finding is that younger children, who spend most of their time in the family home, are easily accessible to intrafamilial offenders. In contrast, older children, who spend a lot of their time outside of the home (e.g., undertaking recreational activities), are exposed to extrafamilial offenders (Fischer & McDonald, 1998). Another explanation might be that intrafamilial offenders target younger children as younger children would be less able to identify that abuse is wrong (in comparison to older children subjected to intrafamilial abuse). For attrition, in cases involving younger children and intrafamilial offenders, the child’s parent may have been hesitant for the case to continue due to the young age of the child, and believed that the
situation could be dealt with ‘inside of the family’. While older children and children in the middle of the age range are both exposed to some level of extrafamilial offenders outside of the home, cases involving children in the middle of the age range may have been less likely to result in attrition as these children appear as a clear victim of abuse and less ‘blameworthy’. In contrast, older children may have potentially been perceived to have ‘willingly’ taken part in sexual experimentation.

Finally, for abuse severity, the association indicated that older children (as opposed to younger children) were more likely to endure severe abuse. This finding was consistent with Snyder (2000) who found the risk of being victim to rape peaked at age 14 with a dramatic increase from age 10. One explanation for our finding is that perpetrators may perceive that the penetration of younger children (in comparison with older children) would be much more discoverable through physical trauma and evidence. In terms of attrition, cases involving younger children may have resulted in attrition potentially due to these cases having less evidence (from the non-penetrative abuse). Also, cases involving older children may have resulted in attrition with these children reluctant to proceed if they believed that they ‘consented’ to the sexual intercourse, or refusing to proceed out of embarrassment.

**Recommendations**

The current study demonstrated that the strongest predictor of whether cases exited the criminal justice system before a forensic interview could be conducted was whether the child had previously disclosed the abuse. Cases were more likely to exit when children had not previously disclosed. While many children inhibit their disclosures due to motivational factors (relating to one’s self, family and loved ones and, the perpetrator; Paine & Hansen, 2002), fears (Furniss, 1991), or because of their young age (i.e., being too young to understand that the behaviour is abusive; London et al., 2005), an additional barrier to disclosure is the dialogical processes surrounding normal family life with CSA lacking
conversational routines – talking about such themes within the family (Jensen, Gulbrandsen, Mossige, Reichelt, & Tjersland, 2005). It is important that children have practiced conversational routines on the topic of CSA in the instance that they fall victim to abuse because most children will disclose to professionals or authorities only after they have previously made a disclosure (e.g., to a trusted adult; Shackel, 2009, 2011).

Children may be encouraged to disclose if they perceive: (1) an opportunity to talk to a trusted adult, (2) a purpose to disclose (such as a good outcome), and (3) a personal connection, such as a shared frame of reference, with the trusted adult (Jensen et al., 2005). Furthermore, children may need external precipitants in order to talk about the abuse, such as television programs or presentations in schools (Malloy, Brubacher, & Lamb, 2013). Therefore, one possible recommendation is that education programs are run in schools to facilitate connections between children and trusted adults (such as teachers; Malloy et al., 2013). Such programs could possibly provide children with an opportunity and purpose to disclose any abuse to a trusted adult.

**Limitations**

The current study had three main limitations. First, as the data was drawn from one jurisdiction in Australia, these findings may not be generalisable. Second, while the current study identified those cases most likely to exit the criminal justice system before a forensic interview, it does not mean that all similar cases will result in attrition. Each case differs in a number of ways, including the child’s interpersonal context, which the current study did not take into account. For example, we did not take into account the non-offending parent’s level of belief and support of the child or the non-offending parent’s relationship to the suspect (Elliott & Carnes, 2001; Pintello & Zuravin, 2001; Salt et al., 1990). Third, the study did not incorporate cases with indigenous children and/or indigenous suspects. This population subsample was not studied here because CSA in Indigenous communities has been shown to
occur at higher rates than in the general population (Berlyn and Bromfield, 2010; Stanley et al., 2003) and, as a result, the patterns of attrition may also be different. This population should be investigated in a separate study.

**Conclusion**

The current study provided valuable insight into the characteristics that predict attrition when a case first enters the criminal justice system, before a forensic interview is conducted. We found that the main predictor of attrition was when the child had not previously disclosed the abuse. The second strongest predictor was abuse frequency; more specifically, cases involving single incidents of abuse (as opposed to repeated incidents) were most likely to result in attrition. Finally, cases involving older and younger children (compared to cases involving children aged 7–12 years) were most likely to result in attrition. These findings, along with interrelationships between different variables, have suggested some important areas for future research. The identification of these case characteristics should help professionals working in the criminal justice system to understand better which cases are most vulnerable to attrition before the forensic interview. This knowledge should contribute to the more precise targeting of interventions for these cases with the aim of reducing attrition where it is appropriate to do so.
CHAPTER 8 - IDENTIFYING THE CHARACTERISTICS OF CHILD SEXUAL ABUSE CASES ASSOCIATED WITH THE CHILD OR CHILD’S PARENT WITHDRAWING THE COMPLAINT (STUDY 4)²²

The results of Study 1 and Study 2 highlighted the attrition of CSA cases in the early stages of the criminal justice system. In particular, the results of Study 2 indicated that one of the main reasons for attrition in these early stages was due to the child (or child’s parent) withdrawing the complaint. The aim of Study 4 was to more closely examine these withdrawals and to determine whether any case characteristics were associated with this type of attrition.

A number of studies have explored the reasons behind the withdrawal of CSA complaints. For example, Parkinson et al. (2002) interviewed 84 children and their families to determine the reasons for case attrition. Aside from the child not wanting to press charges or the child refusing to testify, other common reasons that parents withdrew complaints were to protect the child from the distress of court proceedings, to give the suspect a second chance, concern for the child’s safety (i.e., the suspect was also on murder charges), intimidation from the suspect, or the child was so distressed by cross-examination that the parents asked for the trial to be terminated. In another study, Christensen et al. (2014) interviewed 31 professionals who worked in the justice and community response system, results showed that a number of children recant their allegations or refuse to testify in court because they were scared of seeing the offender in court, scared of a family break-up, or they felt like they were not believed by a parent. In other instances, as the court case got closer, some parents decided that the child was too stressed to cope with the process. In a different study, Gallagher (1999) found that children (or their parents) withdrew the complaint or did not wish to pursue criminal proceedings due to being pressured not to pursue the case or due to the fear of a

²² This study is currently under review in a peer-reviewed journal. The full reference is Christensen, L., Sharman, S., & Powell, M. (in press). Identifying the characteristics of child sexual abuse cases associated with the child or child’s parent withdrawing the complaint. Child Abuse & Neglect.
criminal trial. Taken together, these studies suggest that the main reasons for children’s complaints being withdrawn is that either the child does not wish to continue or the parents do not wish for the child to continue in order to protect him or her.

Characteristics associated with complaint withdrawal have been less widely studied. In one of these studies, Bunting (2008) explored the association between case characteristics and CSA case outcomes involving children aged 0–17 years. One of the outcomes explored was where the police deemed there to be sufficient evidence to charge a suspect but did not proceed because the child declined to prosecute. Four case characteristics were associated with the child declining to prosecute: child’s age, child–suspect relationship, offence type, and reporting delay. For age, the proportion of cases in which the child declined to prosecute increased as the child’s age increased. Bunting (2008) suggested that older children may have had a greater understanding of the implications of the court process. Older children may have also believed that they took part in consensual sexual activity and, in turn, declined to prosecute as they did not perceive the sexual activity as abusive.

With regard to the child–suspect relationship, Bunting (2008) found that the complainants’ intimates (i.e., boyfriends or girlfriends) accounted for most of the cases in which the child declined to prosecute. It may have been that these children or professionals did not perceive these cases, which involved intimates, to fit the stereotypical view of CSA (Bunting, 2008). In terms of offence type, unlawful carnal knowledge (i.e., sexual intercourse) accounted for most of the cases in which the child declined to prosecute; cases were more likely to proceed if they involved non-penetrative offences (Bunting 2008). Again, these children who endured unlawful carnal knowledge may have believed that they took part in consensual sexual intercourse. Finally, for reporting delay, cases involving a very brief delay (i.e., the offence was reported on the same day that it occurred) or very long delays (more than 501 days after the offense occurred) had the highest rates of case progression.
Bunting (2008) suggested that cases reported on the same day may have had the most physical evidence available and were more likely to proceed; those reported after 501 days may have been historical cases involving witnesses who were now adults and thus appeared more credible. While Bunting’s (2008) study identified the characteristics associated with the child declining to prosecute, it did not include cases in which the child (or his or her parent) withdrew the complaint in the earlier stages of the process (i.e., before police deemed there to be sufficient evidence to charge a suspect).

Characteristics associated with the child’s parent withdrawing the case have also not been widely studied; however, it might be useful to consider the research that has focused on children’s parents taking protective action (i.e., physically separating the perpetrator from the child and being supportive towards the child). A number of case characteristics have been found to be associated with a child’s parent taking protective action; these include the child’s gender, child’s age, suspect’s age, child’s parent–suspect relationship, and abuse severity. With regard to child’s gender, there have been mixed findings; Salt et al. (1990) found that parents were less likely to be protective in cases involving female children rather than male children. Pintello and Zuravin (2001) found that this relationship disappeared when other characteristics were included in the analysis. As for child’s age, Heriot (1996) found that mothers were less likely to take protective action in substantiated cases of CSA involving older children (i.e., adolescents) as opposed to younger children. Heriot (1996) suggested that these mothers may have felt anger towards their children and that teenagers were ‘old enough to know better’, implying that the children willingly engaged in sexual activity.

In relation to the suspect’s age, Walsh, Cross, and Jones (2012) found that parents were more likely to blame or doubt their child when the abuse was perpetrated by a younger suspect (i.e., adolescent) than an older suspect. Parents may have perceived that their child could have prevented the encounter with the adolescent or may have believed that their child
willingly took part in the sexual acts with the adolescent (overlooking the activity as abusive; Walsh et al., 2012). For the child’s parent–suspect relationship, mothers who were in a relationship with the suspect were less likely to take protective action than mothers who were not in a relationship with the suspect (Elliott & Carnes, 2001; Pintello & Zuravin, 2001). This lack of protection occurred because mothers who were in a relationship with the suspect faced the potential for loss and grief – due to the intimacy of the relationship and financial dependence on the suspect – than mothers who were not in a relationship with the suspect (Pinatello & Zuravin, 2001). Finally, for abuse severity, Heriot (1996) found that mothers were less likely to take protective action when their child was exposed to sexual intercourse than when they were exposed to abuse that did not include intercourse. Heriot (1996) suggested that mothers may have had difficulty believing that their child had experienced intercourse. These studies lend support to the idea that there is an association between some case characteristics and the child’s parent withdrawing the complaint.

The aim of the current study was to extend our knowledge of the case characteristics that predict whether children (or their parents) withdraw complaints of CSA after complaints have been reported to police. Research to date has not explored the characteristics of cases that are related to complaint withdrawal once a case is reported to authorities; the current study was the first to focus on all CSA cases that had been reported to authorities and were later withdrawn by the child or their parents. This research extends the work of Bunting (2008) who explored cases in which police believed there was sufficient evidence to charge a suspect but did not proceed because the child declined to prosecute. The findings of the current study should contribute to the design of interventions that reduce complaint withdrawals if they are not in the child’s best interests.

In the current jurisdiction, children or their parents may withdraw the complaint; these withdrawals usually occur because it is in the best interests of the child and/or the family unit
not to proceed. Most of the cases in which the complaint has been withdrawn proceed no further. However, few cases – in which there was corroborating evidence of abuse (such as witnesses, other victims, or medical evidence) – may proceed further. For these cases, the (police) Officer in Charge must decide, on a case-by-case basis, whether it is possible to proceed without the child’s formal testimony. In addition to evidence that a crime occurred (e.g., physical evidence), there must also be evidence about the person who perpetrated the crime. If there is no evidence about the perpetrator, it is unlikely that the case will be passed on to prosecutors.

The case characteristics examined in the current study comprised child, suspect, and other case characteristics. The differences between cases that resulted in attrition due to withdrawal of the complaint and cases that resulted in attrition for other reasons (i.e., where a charge was not laid) were examined, These differences were then used to predict attrition for withdrawal. The differences between cases that resulted in attrition due to withdrawal of complaint and those cases that resulted in a charge were also examined; again, these differences were then used to predict attrition for withdrawal. Based on past research, it was hypothesised that female children, older children, younger suspects, a more distant child–suspect relationship, and more severe abuse, were more likely to result in the child (or child’s parent) withdrawing the complaint.

Method

Data Set

All recorded CSA cases reported in one jurisdiction of Australia from 1 January 2011 to 31 December 2011 were analysed. All reported CSA offences were identified through the jurisdiction’s police database and included attempted CSA offences and offences accompanying the abuse (e.g., trespass). The database contained information from the initial interaction with the complainant right through to the case outcome.
**Procedure**

Before the commencement of data collection, ethical approval was granted from Deakin University, the jurisdiction’s police force and child protection. The advanced search conducted on the database for all CSA offences was confined to children under the age of 16 years to avoid any issues concerning consent (the age of consent in the current jurisdiction was 16 years). For cases that did not result in a charge, reasons for attrition were extracted from the case notes of the jurisdiction’s police and child protection workers by two researchers. The current study did not include cases involving Indigenous children and/or Indigenous suspects. CSA occurs at higher rates for this sample than the general population (Berlyn & Bromfield, 2010; Stanley et al., 2003) and, in turn, the attrition of this sample may also be different.

For each case, information was collected about: (a) the child, (b) the suspect, and (c) other case characteristics. Child characteristics involved *child gender* (coded: 0 = Female, 1 = Male) and *child age* (coded 1= 0–6 years, 2 = 7–12 years, 3 = 13–15 years). Suspect characteristics included *suspect gender* (0 = Female, 1 = Male) and *suspect age* (scale variable). The sample was limited to suspects aged 10 years and over (the age of criminal responsibility was 10 years). Other case characteristics included the *child–suspect relationship* (0 = Intrafamilial abuse, 1 = Extrafamilial abuse), *abuse severity* (0 = Non-penetrative, 1 = Penetrative), *abuse frequency* (0 = Single incident, 1 = Repeated abuse) and *previous disclosure* (whether the child had previously disclosed the abuse; 0 = No, 1 = Yes). The dependent variable was dichotomous (0 = Attrition for other reasons, 1 = Withdrawn cases; or 0 = Charged cases, 1 = Withdrawn cases).

During data collection, every case was read through from start to finish. If any details conflicted, the most recently recorded information on the case was used. The two researchers

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23 Previous disclosure assumed that all children in the current dataset had been victim to CSA. While we cannot be absolutely certain that all children were victims, the information contained in the database indicated a very strong likelihood that the children had been abused.
(PhD candidates) regularly cross-checked a random sample of cases to identify any errors in how they recorded the data. Any identified issues or ambiguous details in the random sample were resolved through discussion. Once the data was extracted, for cases that involved more than one child and/or more than one suspect, one child and suspect pair were randomly selected. This method is consistent with past research and ensured that cases were independent (Walsh et al., 2010). For cases containing multiple offences, the most serious offence in each case was analysed; this method was in line with the Australian Bureau of Statistics (2009). If there were two offences of the same severity, one was randomly selected. For all analyses, violations of assumptions were checked and no issues were detected.

**Results**

The results are presented in three sections. First, the descriptives for the cases in which the child or the child’s parents withdrew the complaint and some of the reasons for these withdrawals are presented. Second, the differences between cases that were withdrawn, cases that exited other reasons, and cases that resulted in charges are provided. Third, the interrelationships between study variables, before determining whether case characteristics predicted case outcomes (withdrawn versus exit for other reasons; withdrawn versus charge), are presented.

**Case Descriptives**

Of the 659 cases, 52 cases (7.9%) were withdrawn by the child or child’s parent; none of these cases resulted in a charge. No charges were laid in a further 337 cases; these cases exited the system before charges were laid due to insufficient evidence (43.6%), the child not disclosing and/or particularising (20.5%), the suspect not being identified (11.6%), no offence being identified (8.0%), the child not appearing credible (e.g., he or she was too
young to be interviewed; 5.9%), the child refusing an interview (5.3%), and the case not being in the public interest (1.8%)\textsuperscript{24}.

Across the 52 cases, there were a number of reasons for children and parents withdrawing the complaints. For example, in the 67.3% of cases that involved older children (13–15 years), children withdrew their complaints mainly to protect the suspect. In one instance, a 15-year-old child was adamant that he did not want the matter to be investigated and did not assist in the police investigation against the 19-year-old female suspect. The suspect was pregnant with his baby and he did not consider himself to be a victim. In the 21.5% of cases involving younger suspects (aged 10–16 years), it appeared that the child’s parents believed that the matter could be ‘sorted’ without the involvement of the police. For example, in one case that involved a 6-year-old child and an 11-year-old suspect, the child’s mother did not wish for the matter to be pursued criminally as she was content with the matter to be managed by other authorities (e.g., by child protection and the education department). In another incident involving two 11-year-old males (one victim and one suspect), both parents were satisfied by the actions taken by the school principal with the suspect being suspended. In this instance, both parents did not wish for any further action to be taken by the police. These examples illustrate the varied nature of the cases and the reasons behind the withdrawal of reports to police.

\textbf{Differences between Cases}

The differences between cases that were withdrawn by the child or the child’s parents (\textit{withdrawn cases}) and cases that exited the system for other reasons (\textit{other reasons}) were examined. Differences were examined using Pearson chi-square tests for categorical data (child gender, child age, suspect gender, child–suspect relationship, abuse severity, abuse frequency, and previous disclosure) and a t-test for suspect age. Table 8.1 displays the

\textsuperscript{24} Eleven cases that resulted in attrition were not included in the analyses as the reasons for attrition were unknown.
characteristics of the withdrawn cases and other cases. There were four significant differences: child age, suspect age, child–suspect relationship, and abuse severity. For significant chi-square tests, standardised residuals were examined to determine the nature of the differences. With regard to child’s age, more cases than expected involving older children (aged 13–15 years) resulted in withdrawal, $z = 2.59, p < .001$. As for suspect’s age, withdrawn cases involved younger suspects than other cases. With regard to the child–suspect relationship, there were more cases than expected involving extrafamilial suspects resulting in complaint withdrawal, $z = 2.40, p < .001$. Finally, for abuse severity, there were more cases than expected involving penetrative abuse resulting in complaint withdrawal, $z = 2.75, p < .001$.

Table 8.1

Characteristics of Cases Resulting in Attrition: Withdrawn Cases vs. Cases that Exited for Other Reasons

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>% Other Attrition</th>
<th>% Withdrawn</th>
<th>Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child age</td>
<td>376</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0–6 years</td>
<td></td>
<td>28.4%</td>
<td>13.5%</td>
<td>$\chi^2(2, N = 376)$</td>
</tr>
<tr>
<td>7–12 years</td>
<td></td>
<td>31.8%</td>
<td>19.2%</td>
<td>$= 13.91, p = .001$</td>
</tr>
<tr>
<td>13–15 years</td>
<td></td>
<td>39.8%</td>
<td>67.3%</td>
<td>Cramer’s $V =$</td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td>2 cases</td>
<td>0 cases</td>
<td>.192</td>
</tr>
<tr>
<td>Child gender</td>
<td>378</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td>73.3%</td>
<td>84.6%</td>
<td>$\chi^2(1, N = 378)$</td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>26.7%</td>
<td>15.4%</td>
<td>$= 3.05, p = .087$</td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td>0 cases</td>
<td>0 cases</td>
<td></td>
</tr>
<tr>
<td>Suspect age</td>
<td>298</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Range</td>
<td></td>
<td>10–89 yrs</td>
<td>10–67 yrs</td>
<td>$t(296) = 2.65, p = .009$</td>
</tr>
<tr>
<td>Mean (SD)</td>
<td></td>
<td>34.36 yrs (16.30)</td>
<td>27.17 yrs (16.34)</td>
<td>$d = 0.805$</td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td>70 cases</td>
<td>10 cases</td>
<td></td>
</tr>
<tr>
<td>Suspect gender</td>
<td>317</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Female | 5.1% | 6.8% | -
| Male | 94.9% | 93.2% |
| Missing | 53 cases | 8 cases |

**Relationship**

| Relationship | 362 | 45.7% | 15.7% | $\chi^2 (1, N = 362)$ |
| Intrafamilial | 53 cases | 84.3% | = 16.22, $p < .001$
| Extrafamilial | 8 cases |
| Missing | 1 case |

**Abuse severity**

| Non-pen. | 378 | 77.9% | 55.8% | $\chi^2 (1, N = 378)$ |
| Penetrative | 15 cases | 22.1% | 44.2% | = 11.69, $p = .002$
| Missing | 1 case |

**Abuse frequency**

| Single incident | 378 | 87.7% | 78.8% | $\chi^2 (1, N = 378)$ |
| Repeated | 0 cases | 12.3% | 21.2% | = 3.03, $p = .123$
| Missing | 0 cases |

**Prev. disclosure**

| 364 | 22.0% | 12.0% | $\chi^2 (1, N = 364)$ |
| Yes | 364 | 78.0% | 88.0% | = 2.62, $p = .132$
| Missing | 12 cases |

One cell had an expected count less than 5; therefore, the analysis could not be conducted.

Next, differences between withdrawn cases and cases that resulted in a charge (**charged cases**) were examined. Table 8.2 displays the results. There were three significant differences between withdrawn cases and charged cases: child age, child–suspect relationship, and abuse frequency. With regard to the child’s age, standardised residuals revealed that there were more cases than expected involving older children (aged 13–15 years) resulting in complaint withdrawal, $z = 2.27, p = .002$. As for the child–suspect relationship, there were more cases than expected involving extrafamilial suspects resulting in complaint withdrawal, $z = 1.30, p = .012$. Finally, for abuse frequency, there were more cases than expected involving a single incident of abuse resulting in complaint withdrawal, $z = 2.98, p < .001$. 

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\(^a\) One cell had an expected count less than 5; therefore, the analysis could not be conducted.
Table 8.2

*Characteristics of Cases Resulting in Attrition: Withdrawn Cases vs. Charged Cases*

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>% Withdrew</th>
<th>% Charge</th>
<th>Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>52 cases</td>
<td>270 cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Child age</strong></td>
<td>322</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0–6 years</td>
<td>13.5%</td>
<td>14.8%</td>
<td></td>
<td>$\chi^2(2, N = 322)$</td>
</tr>
<tr>
<td>7–12 years</td>
<td>19.2%</td>
<td>43.3%</td>
<td></td>
<td>$= 12.62, p = .002$</td>
</tr>
<tr>
<td>13–15 years</td>
<td>67.3%</td>
<td>41.9%</td>
<td></td>
<td>Cramer’s $V =$</td>
</tr>
<tr>
<td>Missing</td>
<td>0 cases</td>
<td>0 cases</td>
<td></td>
<td>.198</td>
</tr>
<tr>
<td><strong>Child gender</strong></td>
<td>322</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>84.6%</td>
<td>82.6%</td>
<td></td>
<td>$\chi^2(1, N = 322)$</td>
</tr>
<tr>
<td>Male</td>
<td>15.4%</td>
<td>17.4%</td>
<td></td>
<td>$=.13, p = .842$</td>
</tr>
<tr>
<td>Missing</td>
<td>0 cases</td>
<td>0 cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Suspect age</strong></td>
<td>310</td>
<td></td>
<td></td>
<td>$t(310) = 1.41$</td>
</tr>
<tr>
<td>Range</td>
<td>10–67 yrs</td>
<td>11–78 yrs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean (SD)</td>
<td>27.17 (16.34)</td>
<td>31.04 yrs (16.62)</td>
<td></td>
<td>$p = .160$</td>
</tr>
<tr>
<td>Missing</td>
<td>10 cases</td>
<td>2 cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Suspect gender</strong></td>
<td>314</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>6.8%</td>
<td>1.1%</td>
<td></td>
<td>$^a$</td>
</tr>
<tr>
<td>Male</td>
<td>93.2%</td>
<td>98.9%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>8 cases</td>
<td>0 cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Relationship</strong></td>
<td>318</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intrafamilial</td>
<td>15.7%</td>
<td>33.7%</td>
<td></td>
<td>$\chi^2(1, N = 318)$</td>
</tr>
<tr>
<td>Extrafamilial</td>
<td>84.3%</td>
<td>66.3%</td>
<td></td>
<td>$= 6.52, p = .012$</td>
</tr>
<tr>
<td>Missing</td>
<td>1 case</td>
<td>3 cases</td>
<td></td>
<td>$V = .143$</td>
</tr>
<tr>
<td><strong>Abuse severity</strong></td>
<td>322</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-pen.</td>
<td>55.8%</td>
<td>63.7%</td>
<td></td>
<td>$\chi^2(1, N = 322)$</td>
</tr>
<tr>
<td>Penetrative</td>
<td>44.2%</td>
<td>36.3%</td>
<td></td>
<td>$= 1.17, p = .279$</td>
</tr>
<tr>
<td>Missing</td>
<td>0 cases</td>
<td>0 cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Abuse frequency</strong></td>
<td>322</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single incident</td>
<td>78.8%</td>
<td>44.1%</td>
<td></td>
<td>$\chi^2(1, N = 322)$</td>
</tr>
<tr>
<td>Repeated</td>
<td>21.2%</td>
<td>55.9%</td>
<td></td>
<td>$= 21.10, p &lt; .001$</td>
</tr>
</tbody>
</table>
Before conducting logistic regressions to determine whether case characteristics predicted complaint withdrawal, the interrelationships among the study variables for the 659 cases were explored. There were a number of significant interrelationships (see Table 8.3).

As for child’s age, older children were more likely to be female, have a distant child–suspect relationship (i.e., extrafamilial), involve severe abuse (i.e., penetrative abuse), and repeated abuse (rather than a single incident). With regard to child’s gender, female children were more likely to be abused by male suspects and experience severe abuse (i.e., penetrative abuse). In terms of suspect’s age, older suspects were more likely to have a closer child–suspect relationship (i.e., intrafamilial abuse) and perpetrate less severe abuse (i.e., non-penetrative abuse). For abuse severity, severe abuse (i.e., penetrative abuse) was more likely to have a distant child–suspect relationship (i.e., extrafamilial), be repeated (rather than a single incident), and involve a previous disclosure.

<table>
<thead>
<tr>
<th>Prev. disclosure</th>
<th>302</th>
<th>12.0%</th>
<th>14.3%</th>
<th>$\chi^2(1, N = 302) = .182, p = .824$</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>2</td>
<td>12.0%</td>
<td>14.3%</td>
<td>$\chi^2(1, N = 302) = .182, p = .824$</td>
</tr>
<tr>
<td>Yes</td>
<td>88.0%</td>
<td>14.3%</td>
<td>85.7%</td>
<td>$\chi^2(1, N = 302) = .182, p = .824$</td>
</tr>
<tr>
<td>Missing</td>
<td>2 cases</td>
<td>18 cases</td>
<td>12.0%</td>
<td>14.3%</td>
</tr>
</tbody>
</table>
Table 8.3

Correlation Coefficients among the Eight Case Characteristics of the 659 Cases

<table>
<thead>
<tr>
<th>Variables</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Child age(^a)</td>
<td>1</td>
<td>-0.21**</td>
<td>-0.05</td>
<td>0.07</td>
<td>0.40**</td>
<td>0.24**</td>
<td>0.20**</td>
<td>0.07</td>
</tr>
<tr>
<td>2. Child gender</td>
<td>1</td>
<td>-0.03</td>
<td>-0.14**</td>
<td>-0.01</td>
<td>-0.13**</td>
<td>-0.06</td>
<td>-0.07</td>
<td></td>
</tr>
<tr>
<td>3. Suspect age</td>
<td>1</td>
<td>0.05</td>
<td>-0.21**</td>
<td>-0.15**</td>
<td>0.07</td>
<td>0.01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Suspect gender</td>
<td>1</td>
<td>-0.05</td>
<td>0.05</td>
<td>0.08</td>
<td>0.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Relationship</td>
<td>1</td>
<td>0.08*</td>
<td>0.01</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Abuse severity</td>
<td>1</td>
<td>0.27**</td>
<td>0.13**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Abuse frequency</td>
<td>1</td>
<td>0.08</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Previous disclosure</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) p < .05, ** p < .01, *** p < .001. Spearman’s rho was used except for when both values were continuous.

Withdrawn Cases versus Other Reasons. Next, it was determined whether the four case characteristics that showed significant differences between withdrawn cases and other reasons (child age, suspect age, child–suspect relationship, and abuse severity) predicted the type of attrition (withdrawal versus other reasons). The predictors were entered into a logistic regression to determine their unique association with the type of attrition. The dependent variable was coded 0 = other reasons and 1 = withdrawn cases. The model significantly predicted attrition, χ²(4, N = 294) = 35.41, p < .001, Nagelkerke R² = .21. Two predictors uniquely predicted attrition: child age and child–suspect relationship (see Table 8.4). With regard to child’s age, complaints were more likely to be withdrawn with increasing age. As for the child–suspect relationship, cases were around three times more likely to be withdrawn if the relationship was extrafamilial. Suspect age and abuse severity were not significant predictors.
Table 8.4

Logistic Regression Predicting Withdrawn Cases vs. Cases thatExited for Other Reasons

<table>
<thead>
<tr>
<th>Predictor</th>
<th>B</th>
<th>SE</th>
<th>Wald</th>
<th>p</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Age</td>
<td>.115</td>
<td>.059</td>
<td>6.809</td>
<td>.009</td>
<td>1.167</td>
</tr>
<tr>
<td>Suspect Age</td>
<td>-.016</td>
<td>.013</td>
<td>1.459</td>
<td>.227</td>
<td>.984</td>
</tr>
<tr>
<td>Relationship</td>
<td>.976</td>
<td>.483</td>
<td>4.078</td>
<td>.043</td>
<td>2.654</td>
</tr>
<tr>
<td>Abuse Severity</td>
<td>.438</td>
<td>.393</td>
<td>1.240</td>
<td>.266</td>
<td>1.549</td>
</tr>
</tbody>
</table>

*Note:* Relationship was coded as 0 = Intrafamilial, 1 = Extrafamilial; Abuse Severity was coded as 0 = Non-penetrative, 1 = Penetrative; Attrition was coded as 0 = Other reasons, 1 = Withdrawn cases.

**Withdrawn Cases versus Charged Cases.** The three case characteristics that showed significant differences between withdrawncases and charged cases (child age, child–suspect relationship, and abuse frequency) were entered into a logistic regression to determine their unique association with attrition (versus charged cases). The dependent variable was coded 0 = charged cases and 1 = withdrawn cases. The model significantly predicted attrition, $\chi^2(3, N = 318) = 33.52, p < .001$, Nagelkerke $R^2 = .17$. Two predictors uniquely predicted attrition: child age and abuse frequency (see Table 8.5). In terms of child’s age, complaints were more likely to be withdrawn with increasing age. For abuse frequency, cases were nearly three times more likely to be withdrawn if the abuse was a single incident. Child–suspect relationship was not a significant predictor.
Table 8.5

*Logistic Regression Predicting Withdrawn Cases vs. Charged Cases*

<table>
<thead>
<tr>
<th>Predictor</th>
<th>B</th>
<th>SE</th>
<th>Wald</th>
<th>p</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Age</td>
<td>.142</td>
<td>.055</td>
<td>6.608</td>
<td>.010</td>
<td>1.152</td>
</tr>
<tr>
<td>Relationship</td>
<td>.449</td>
<td>.441</td>
<td>1.036</td>
<td>.309</td>
<td>1.566</td>
</tr>
<tr>
<td>Abuse frequency</td>
<td>-1.630</td>
<td>.374</td>
<td>18.981</td>
<td>.000</td>
<td>.196</td>
</tr>
</tbody>
</table>

*Note:* Relationship was coded as 0 = Intrafamilial, 1 = Extrafamilial; Abuse Frequency was coded as 0 = Single Incident, 1 = Repeated Abuse; Attrition was coded as 0 = Charged cases, 1 = Withdrawn cases.

**Discussion**

The current study extended the literature by determining the characteristics related to complaint withdrawals by children (or their parents) after the cases were reported to authorities. When withdrawn cases were compared to cases that exited the system for other reasons, there were two significant predictors: child’s age and child–suspect relationship. When withdrawn cases were compared to charged cases, there were also two significant predictors: child’s age and abuse frequency. These findings, along with recommendations for future research, are discussed in detail below.

*Cases Withdrawn versus those that Exit for Other Reasons*

Both the child’s age and the relationship between the child and the suspect uniquely predicted the withdrawal of cases by the child or child’s parents (compared to cases that exited for other reasons). As for child’s age, the findings were consistent with the predictions: as children got older, their complaints were more likely to be withdrawn. This finding was consistent with Bunting’s (2008) finding of a positive association between child’s age and the child declining for the case to be prosecuted. There are at least three possible explanations for this finding. First, as suggested by Bunting (2008), it is possible that older children were more likely to withdraw their complaints because they had a better understanding of
(negative) implications of the investigative and court processes. Second, it is possible that the older the children got, the more they wanted to protect the suspect; older children may have believed that they had not been sexually abused, but rather, willingly took part in sexual activity. Third, it is possible that the parents of older children may have been less supportive of their child’s allegations compared to the parents of younger children. Parents of older children may have felt anger towards them and that they were ‘old enough to know better’ (Heriot, 1996) and, in turn, these children may have been disinclined to continue due to the lack of support.

One factor that may mediate the relationship between child’s age and case withdrawal is who made the complaint to authorities. In comparison with less supportive parents, parents who made the report of abuse to authorities may have been more supportive of their child’s allegations and, in turn, these older children may have been more inclined to continue with the police investigation. Indeed, research has found that maternal response was the strongest predictor of the child’s outcomes following the discovery of the abuse (Elliott & Carnes, 2001). In addition, older children who made the report of abuse to authorities themselves may have been more inclined to continue with the police investigation in contrast with, for example, cases in which mandatory reporters lodged the report. Children involved in mandatory reports may not have been ready to discuss the matter. For example, research has found that one out of four mandatory reports have had negative outcomes in therapy that included hostility or anger from the client, missed appointments, and threatened violence during therapy (Strozier, Brown, Fennell, Hardee & Vogel, 2005). Future research might explore the association between who makes the complaint to police and complaint withdrawal.

Our finding that the relationship between the child and suspect predicted withdrawal (compared to cases that exited for other reasons) was also consistent with the hypothesis.
Cases were more likely to be withdrawn if the child–suspect relationship was extrafamilial than if it was intrafamilial. This finding was consistent with Bunting’s (2008) finding that cases involving intimates (i.e., boyfriends and girlfriends) accounted for most of the cases in which the child declined to prosecute. While the current dataset did not analyse the subtypes of intrafamilial or extrafamilial relationships, it was evident that the suspects in withdrawn cases were significantly younger than the suspects whose cases resulted in attrition for other reasons. This finding indicates the possibility that the suspects of these withdrawn cases were intimates (i.e., boyfriends and girlfriends) or peers. The children in these cases may have believed that they had not been sexually abused, but rather, ‘willingly’ took part in sexual activity. One example of this point is a case in which a 15 year old male made his 19 year old girlfriend (the suspect) pregnant. In comparison, children who were victims of intrafamilial abuse might have better identified that such activity was, in fact, abusive.

**Cases Withdrawn versus those in which the Suspect was Charged**

The child’s age and abuse frequency uniquely predicted complaint withdrawal compared to cases in which the suspect was charged. Again, the findings on child’s age were consistent with the predictions: as children got older, their complaints were more likely to be withdrawn. For abuse frequency, the current study demonstrated that cases were more likely to be withdrawn if the abuse was a single incident rather than a repeated incident. While abuse frequency had not been previously explored in the complaint withdrawal literature, the current finding was particularly interesting in light of the victim disclosure literature. For example, Hershkowitz et al. (2007) found that children who disclosed repeated incidents of abuse during interviews were more likely to express fear and shame (79%) than children who disclosed single incidents of abuse (25%). In addition, Hershkowitz et al. (2007) found that children’s parents were less supportive in repeated incidents after the child’s disclosure (93%) as opposed to single incidents (37%); this research lends support to the idea that
children involved in repeated abuse incidents would be more likely to withdraw their complaint. However, one interpretation for the current finding is that children (or their parents) withdrew cases involving single incidents because they decided that it was best for the child to put the one-off incident behind them, so that the child could ‘move on’ with his or her life. In order to understand better the relationship between abuse frequency and complaint withdrawal, future research should incorporate abuse frequency into its analyses.

**Recommendations**

Whether a true complaint of CSA is withdrawn or proceeds needs to be in the best interests of the child and the family unit. Complaints that are withdrawn for reasons outside of this should be prevented as much as possible. Any interventions to prevent such withdrawals should focus on cases involving older children, cases in which there is an extrafamilial child–suspect relationship, and cases involving single incidents of abuse. With regard to child's age, one possible recommendation is the introduction of a peer support program once a report has been made to authorities. Such a program could involve a group of paid non-professional similar-aged peers who have personally been affected by CSA, and a team of trained volunteers to provide parents and children with services and support (Alaggia, Michalski, & Vine, 1999). This service may be particularly beneficial for older children who are at a stage of their life where they often turn to peers rather than to family for support (Alaggia et al., 1999). An evaluation of such a peer support program showed that both parents and children endorsed the positive support provided by the program; professionals indicated that the program filled the gaps of existing services by providing more hands-on support than traditional service delivery approaches (Alaggia et al., 1999). The unique advantages of such a program could possibly prevent children unnecessarily withdrawing complaints (e.g., due to irrational fears and myths) having been provided with additional information and support by a person of their own age with similar experiences.
With regard to the child–suspect relationship, one possible way in which to reduce complaint withdrawal in cases involving intimates (i.e., boyfriends or girlfriends) is through educating children about sexual victimisation and dating violence. While child protection does cover some aspects of healthy and unhealthy dating relationships with older children who have been or are suspected to have been abused, this information is delivered less frequently to children who are unknown to child protection. It is particularly important to educate children in the community about sexual coercion in dating with research having found that one in five adolescent girls has been sexually and/or physically victimised by an intimate (Silverman, Raj, Mucci, & Hathaway, 2001). In another study of high school children, 54% of females and 13% of males reported sexual victimisation in their intimate relationships (Poitras & Lavoie, 1995). Wekerle et al. (2009) suggested that children should be taught about their personal rights and receive support on specific skill development, such as sexual behaviours, negotiation, and assertive communication. Indeed, programs such as the Safe Dates Project, which has been introduced in some high schools, may have decreased physical and sexual violence (Forshee et al., 1998).

Finally, for abuse frequency, it is too premature to make recommendations to prevent complaint withdrawal. Rather, the next step is for future research to explore the reasons behind why children of single incidents are more likely to withdraw their complaints than children of repeated abuse. Once known, interventions can be targeted to these individuals.

Limitations

The current study had four main limitations. First, the study utilised data from only one Australian jurisdiction and, in turn, the findings may not be generalisable to other jurisdictions or Western societies. Second, while the current study identified that an extrafamilial child–suspect relationship predicted complaint withdrawal, the current study did not explore the subtypes of these relationships (e.g., intimates, family friends, neighbours
etc.). While this would have provided more depth and understanding on complaint withdrawal, it was not statistically possible with the current dataset (as the sample size for each of the subtypes would have been too small to conduct meaningful analyses). Third, the current study did not include cases involving Indigenous children and/or Indigenous suspects. A similar study, focused on this population, needs to be studied. Finally, due to the nature of the data (utilising a police database), the complexity of CSA cases could not be entirely captured. For example, in regard to the children who withdrew their complaints to protect the suspect, the underlying reasons for such protection was not evident – these children may have done so because the suspect was a family member who they cared for, they were in love with the suspect (and perceived the behaviour as ‘consensual’), they were fearful of retribution from the suspect or the suspect’s family, or they were worried that they would be bullied by their peers (if they did not protect the suspect).

Conclusion

The current study was the first study to explore the case characteristics associated with complaint withdrawal after cases of CSA have been reported to authorities. Cases were more likely to be withdrawn when they involved older children, a more distant child–suspect relationship (i.e., extrafamilial), and a single incident of abuse (rather than repeated abuse). The identification of these characteristics will inform professionals working in the criminal justice system of those cases that are more likely to result in complaint withdrawal (in comparison with attrition for other reasons and charges). This knowledge should contribute to designing interventions in order to reduce complaint withdrawals if they are not in the child’s best interests. These findings have also highlighted areas of focus for future research.
CHAPTER 9 – GENERAL DISCUSSION

The aims of the current thesis were to: (1) establish the most important factors in contributing to the attrition of CSA cases and suggest ways to reduce the attrition associated with these factors; (2) identify the various points of attrition for CSA cases, the percentage of CSA cases that result in attrition, and the reasons for attrition at each of these points; (3) determine the case characteristics (child, suspect, and additional case characteristics) associated with attrition when a case first enters the criminal justice system; and (4) determine the case characteristics associated with a major reason (i.e., complaint withdrawal) for attrition at the early stages of the system. Each of these four aims was explored in one of four original studies.

The need for research presented in the current thesis arose from an inquiry into the prosecution of sexual assaults. The committee of this inquiry highlighted the issue of the attrition of sexual assault cases in the current jurisdiction and made the recommendation to the jurisdiction’s Attorney General that an independent taskforce be established to analyse the attrition of cases in order to reduce it. This taskforce elected the current PhD candidate to respond to the recommendation made to the Attorney General, focusing on CSA cases.

Overall, the research in the current thesis addressed four identified gaps. Study 1 established professionals’ perceptions of the most important factors that contribute to the attrition of CSA cases along with their ideas about improvements to the criminal justice system. Study 2 identified the common points of attrition for CSA cases, the percentage of cases that exited at these points, and the reasons for attrition. Study 3 determined the characteristics associated with attrition at the earlier stages of the criminal justice system (i.e., before a forensic interview), and Study 4 identified the characteristics associated with withdrawal of complaints by the child (or child’s parent) before the case resulted in a charge. The results from these four studies provide more detailed information about the precise
nature of attrition at different points of the criminal justice system and the case characteristics that were associated with it. This information can be used to target interventions to reduce the attrition of cases in instances where it is in the best interests of the child (and the child’s family) involved to proceed. The discussion in this chapter is presented in three sections. The first section outlines the originality and findings of the research. The second section describes the recommendations from the current findings in light of the broader literature. The final section highlights ideas for future research and practice.

9.1 Originality and Findings

In this section, the originality and findings of each study are described in turn. While each study was original in nature, all of the studies were conducted in the one jurisdiction of Australia; the generalisability of the findings to other Australian jurisdictions and Western societies may be limited.

**Study 1.** As highlighted in the earlier chapters, a number of reforms have been implemented to target the high attrition rates and to protect CSA victims from prematurely exiting the criminal justice system. These reforms have included the introduction of pre-recorded evidence for children, improved interview techniques and child witness statements, and the implementation of CCTV during cross-examination (Richards, 2009). Despite these reforms, prosecution and conviction rates remain low. The low prosecution and conviction rates suggest that other factors play a part. While it was evident that some of the reasons for attrition were factors outside the control of the justice system, for example, lack of maternal belief and fear of retribution (Berliner & Conte, 1990, 1995; Salt et al., 1990), other factors were within the control of the justice system.

The literature has only recently turned to the exploratory analysis of professionals’ views of the factors perceived to impact on attrition. The views of professionals who are involved in service delivery are important to explore because they hold a unique perspective
from within the system (Murphy et al., 2013). For example, through their in-depth interviews with a diverse group of 51 professionals, Murphy et al. (2013) brought together the views of an often-divergent group of professionals’ voices and provided interdisciplinary ideas on ways to move forward on the issue of the attrition of adult sexual assault cases. However, the research had not explored a heterogeneous group of professionals’ voices on the attrition of child sexual abuse cases.

Study 1 was exploratory in nature and sought to elicit the views from a diverse group of professionals in the area regarding the system factors that contribute to the attrition of CSA cases and their ideas for improvement. Study 1 was the first study, globally, to use qualitative inquiry to examine the perspectives of key stakeholders on the attrition of this group of victims. The focus of the study was on system improvements – an area within the control of the justice system – to determine where efforts should be prioritised. Thematic analysis revealed five broad areas for system improvements: greater specialisation, facilitating the accessibility of services, making the trial process more user-friendly, overcoming misinformed beliefs, and adequate representation of CSA. These findings provided a unique perspective into the many factors that impact attrition; the findings also provided insight into ways in which attrition can be reduced.

Study 2. Only a few case-tracking studies have examined the reasons for the attrition of solely CSA cases at various points of exit. In one of these studies, Parkinson et al. (2002) analysed 183 cases of CSA that were reported between 1988 and 1990. They identified the reasons for attrition at various points of exit using standardised questionnaires completed by child protection workers as well as interviews with children and their families. While Parkinson et al.’s (2002) study provided some insight into the reasons behind attrition at a number of vantage points, the small sample size and data from over two decades ago (given
that the laws of evidence and criminal law have changed much over time) make it difficult to
generalise such results to larger jurisdictions and to the present day.

In another study, Bunting (2008) analysed a larger and more recent dataset than
Parkinson et al.’s (2002), but did not examine the reasons for attrition to the same level of
detail. For example, at the first point of exit (police did not proceed) the reasons for attrition
were that: (1) the victim did not wish to prosecute or, (2) the police (or prosecution) decided
that no useful purpose would be served by continuing. However, other reasons for attrition –
such as the child being too young to be interviewed or the child’s parent refusing consent for
the child to be interviewed – were not provided.

Through in-depth discussions with industry stakeholders, Study 2 determined five
common points of exit for CSA cases: case reported, forensic interview, investigation, brief
authorisation, and prosecution. Study 2 also identified the percentage of CSA cases that
resulted in attrition at each of these exit points and the reasons for this attrition. In order to
identify the percentages and reasons, comprehensive data from CSA reports recorded in the
police database of one Australian jurisdiction over a one-year period were examined. The
data included case notes of the jurisdiction’s police and child protection workers.

Study 2 showed that attrition most commonly occurred at the investigation stage,
followed by prosecution, forensic interview, case reporting, and finally, the brief
authorisation stage. While the research to date has primarily focused on attrition (and case
progression) at later stages of the system (e.g., Brewer et al., 1997; Cross et al., 1994; Leach
et al., 2015; Walsh et al., 2010), the current study identified that attrition was problematic at
the earlier stages of the system – as soon as a case was reported to authorities. The results
indicated that the two major reasons for attrition in the early stages of the system were due to
the child not disclosing the abuse and the child (or child’s parents) withdrawing the
complaint. These findings led to the development of Study 3 and Study 4, respectively.
**Study 3.** It was clear that a particularly unexplored area of attrition (as identified in Study 2), was the stage following a report of CSA to the authorities, which then resulted in attrition prior to the child’s forensic interview. As a result, Study 3 was the first study to explore the case characteristics associated with attrition when the case first enters the criminal justice system before a forensic interview is conducted. It is important to explore the case characteristics associated with the attrition at earlier stages of the system because the cases most likely to exit the system are most probably going to do so before they reach the charging and prosecution stages.

Due to the focus of the previous research (and the results of Study 2), it was hypothesised that cases that lacked a disclosure made by the child prior to an interview were more likely to result in attrition than cases where the child had previously disclosed (e.g., to a trusted adult). A child’s initial disclosure is important because it is a sign of the child’s readiness to disclose to an authority figure (see London et al., 2007). Research has found that most children will disclose to professionals or authorities only if they have made a previous disclosure (e.g., to a friend; Shackel, 2009, 2011). No hypotheses were made about the remaining characteristics (child, suspect, and additional case characteristics).

All CSA incidents reported to the jurisdiction’s police force in 2011 were examined. Three case characteristics were found to predict attrition: previous disclosure, abuse frequency, and the child’s age. The strongest predictor of whether cases exited the criminal justice system at this stage (i.e., before a forensic interview) was previous disclosure; cases without a previous disclosure were more likely to result in attrition here than cases that had a previous disclosure. Cases were also more likely to result in attrition when the abuse was a single incident rather than a repeated incident. Finally, a curvilinear relationship was found for child’s age. Cases involving children aged 7–12 years were less likely to result in attrition than cases involving younger (0–6 years) and older (13–15 years) children.
**Study 4.** Previous research has identified complaint withdrawal to be problematic in the attrition of CSA cases. The issue of complaint withdrawal was also evident in Study 2, which found withdrawal by the child (or child’s parent) to be one of the major reasons for attrition in the earlier stages of the system (i.e., case reported, forensic interview, and investigation stage). In one study, Bunting (2008) explored the case characteristics associated with children declining to prosecute once the police deemed there to be sufficient evidence to charge a suspect. However, no research to date had explored the characteristics of cases that were related to complaint withdrawal *once* a case is reported to authorities.

To date, Study 4 was the first study to determine the case characteristics associated with the withdrawal of complaints of CSA by the child (or child’s parent) from the point the case was reported to authorities. Hypotheses were based on Bunting’s (2008) research as well as the research on maternal protectiveness (e.g., Pintello & Zuravin, 2001; Salt et al., 1990). From this research, it was hypothesised that female children, older children, younger suspects, a more distant child–suspect relationship, and more severe abuse were more likely to result in the child (or child’s parent) withdrawing the complaint. No other hypotheses concerning the remaining characteristics (child, suspect, and additional case characteristics) were formulated.

The jurisdiction’s police database was examined for CSA cases reported over the 2011 period. For cases that were withdrawn versus those that resulted in attrition for other reasons, two case characteristics predicted withdrawal: child’s age and child–suspect relationship. In terms of child’s age, complaint withdrawal increased with the child’s age. As for the child–suspect relationship, cases that had an extrafamilial child–suspect relationship (in comparison with intrafamilial) were more likely to result in attrition. Regarding cases that were withdrawn versus those that resulted in a charge, two case characteristics predicted withdrawal: child’s age and abuse frequency. Again, complaint withdrawal increased with the
child’s age. For abuse frequency, cases were more likely to be withdrawn if the abuse was a single (rather than a repeated) incident.

9.2 Recommendations from the Current Findings

The current thesis highlights the multi-dimensional nature of attrition and suggests that a number of complex system changes are needed to prevent CSA cases from exiting prematurely. Any changes will, of course, need to take into consideration the individual restraints of organisations (e.g., funding) and be part of a continual quality assurance process. Overall, four recommendations for professionals and policy makers can be drawn from the current thesis: (i) the benefit of more effective communication between key stakeholders; (ii) enabling connections between children and trusted adults to facilitate disclosures of abuse; (iii) the establishment of peer support programs to encourage older children to remain in the system; and (iv) educating children about sexual victimisation and dating violence to reduce complaint withdrawal of extrafamilial cases. These recommendations are discussed in more detail below.

More effective communication between key stakeholders. The findings of Study 1 suggest that more effective collaboration between key stakeholders involved in the justice system is needed to avoid disjointed service delivery. This finding is consistent with past research that has suggested the need for enhanced communication between agencies, with collaboration among service providers integral for responding to sexual assault (e.g., Ahrens et al., 2000; Powell & Wright, 2012). As highlighted in Chapter 3, some procedures relating to the investigation of CSA are clearly documented and consistently implemented; however, there is considerable variability, poor documentation, and conflicting opinions among professionals with regard to some procedures particularly as each CSA case greatly differs. For example, while in some cases a criminal conviction may be desirable for the child and child’s family, in other cases this may be detrimental to the child’s well-being (Sedlak et al.,
In fact, there is little agreement about the actual methods when dealing with CSA cases (Sedlak et al., 2006).

The problems regarding interagency collaboration have been well noted. Reasons that may prevent a stronger interagency collaborative response can include goal incompatibility, performance expectations, task uncertainty (i.e., poor understanding of roles and responsibilities), mistrust amongst professionals, and resource limitations (e.g., investing scarce resources to maintain external relationships; Baglow, 1990; Horwath & Morrison, 2007; Szilagyi & Wallace, 1983). Another difficulty is that agencies may lose some level of control over their own decision-making flexibility (Bolland & Wilson, 1994). However, professionals in Study 1 seemed to be cognisant of such issues. In turn, they recommended that the agencies should together develop interagency guidelines and protocols focused on information sharing, case planning, and guidelines for working together.

Professionals in Study 1 provided two main reasons for developing interagency guidelines and protocols together. First, greater coordination and service-delivery would more likely be achieved if guidelines and protocols were clearly defined; clearly defined guidelines and protocols would allow for a sense of understanding across agencies of what was required. Second, by professionals playing a role in the development of such guidelines and protocols, they would hold a collective ownership of these guidelines and protocols (Bronstein, 2001).

A number of professionals in Study 1 expressed their concern about issues of socialisation, in particular, disagreement, that may arise during these discussions. Issues of socialisation may be due to differences in experience, professional training, agency structure, or general education (Hallett & Stevenson, 1980). Professionals recommended that the first step – prior to discussions on interagency guidelines and protocols – be that agency heads provide professional development to their staff. This training could include the fostering of
openness, respect, negotiation, the appreciation of different perspectives, and the importance and need for agreed aims. Developing professional values that are more outward-focused would strengthen levels of interagency trust (Richardson & Asthana, 2006).

Once professional development has taken place and discussions are commenced across agencies, a number of issues may still impede effective collaboration. Van Eyk and Baum (2002) interviewed a divergent group of professionals involved in the healthcare industry about their views on interagency collaboration and their experiences of struggling to reach collaboration with other agencies. Van Eyk and Baum (2002) highlighted a number of key issues that need to be addressed for effective collaboration between agencies. These issues included the need to involve all key agencies as early as possible, avoidance of pre-set agendas so that agendas can be developed in collaboration with all agencies, and clear statements as to the constraints on certain negotiations so that all agencies are aware of what is (and what is not) negotiable. One idea would be for agency heads to go over key issues, such as those discussed by Van Eyk and Baum (2002), before the commencement of discussions.

**Enabling connections between children and trusted adults to facilitate disclosures of abuse.** One of the unique contributions from Study 3 was to highlight the specific value of the child’s disclosure in the very early stages of the system; that is, before the forensic interview. As described in Chapter 2, many children inhibit their disclosure due to various fears (Furniss, 1991), motivational factors relating to one’s self, family and loved ones, and the perpetrator (Paine & Hansen, 2002), or because the child is too young to understand that the behaviour is abusive (London et al., 2005). The dialogical processes of normal family life form an additional barrier (Jensen et al., 2005). Jensen et al. (2005) argued that while physical development and puberty may be commonly discussed topics within the household, the topic of CSA lacks conversational routines. For example, Walsh, Brandon,
and Chirio (2012) found that less than one-quarter of 212 Australian mothers had discussed topics with their children pertaining to the abuse from trusted and known adults. Aside from the need of abuse discovery, it is important that children have practised rules on the topic in place as research has found that previous disclosure predicts disclosure during the forensic interview (Keary & Fitzpatrick, 1994).

Study 3 highlighted the need to provide children with the opportunity to disclose. It may be beneficial to implement education presentations in schools to facilitate connections between children and trusted adults such as teachers (Malloy et al., 2013). Jensen et al. (2005) suggested that children would be more likely to disclose if they perceived an opportunity, purpose, and connection for the disclosure; that is, the child must perceive an ‘opening’ to talk (i.e., opportunity), a good reason to disclose (i.e., anticipate a particular outcome to the disclosure along with little harm to anyone), and a shared frame of reference to the sensitive topic (i.e., connection) (see Jensen et al., 2005). There may be a benefit to the child’s parent being invited to attend such presentations, as this would provide a strong shared frame of reference between the child and his or her parent.

Implementing education presentations in schools would also provide children with an external precipitant to disclose rather than merely relying on internal factors (Malloy et al., 2013). External precipitants are important because research has found that the main reason children disclosed abuse was due to an external precipitant (e.g., television program, presentation at school); only 4% of children disclosed the abuse in order to stop the abuse (Malloy et al., 2013).

Another advantage of such programs is that it would allow children and their families to learn about the support services available. As Study 1 identified, families lacked awareness of the support services available and sometimes withdrew from the system because they did not perceive enough support to be available. One idea is that during these education
presentations in schools, children and their parents also receive education on the types of services and support available (potentially preventing the unnecessary withdrawal of complaints).

As the idea of enhancing CSA disclosures through the dialogical processes of external precipitants is a recently explored topic in the research, the next step is for researchers to further test the efficacy of these programs on disclosure. If efficacy is established, professionals in the current jurisdiction could commence discussions with researchers about ideas for tailored education presentations in schools, designed to provide children with the opportunity, purpose, and a connection for a disclosure to a trusted adult. If such programs were implemented, a continual review process of their effectiveness would need to be conducted.

The establishment of peer support programs to encourage older children to remain in the system. The findings of the present thesis suggested the need to target complaint withdrawal in cases involving older children. Older children may withdraw their complaints for various reasons. For example, older children hold a greater understanding of the implications of the court process than younger children (Bunting, 2008). It was evident in Study 4 that older children withdrew their cases generally to protect the suspect; older children may have believed that they had not been sexually abused but, rather, ‘willingly’ took part in sexual activity. However, as mentioned in Chapter 2, it is irrelevant if a child under the age of 16 perceives that they are taking part in consensual sexual activity with an adult; the law states that children do not hold the maturity to consent to such behaviour (CFCA, 2010a).

One suggestion to reduce the unnecessary withdrawal of cases involving older children would be to employ a peer support program. Such a program would involve a group of paid non-professional similar-aged peers who have personally been affected by CSA, and a
team of trained volunteers to provide parents and children with services and support (Alaggia et al., 1999). In turn, this program would be particularly beneficial for these children who are at a stage of their life where they turn to peers rather than to family for support (Alaggia et al., 1999).

For the children who believe that they are willingly engaging in the sexual activity, these similar-aged peers would be able to advocate that such activity is, in fact, abusive; these peers could also target any misperceptions and myths the child may hold regarding the abuse. For example, peers could explain to a child that consenting to sexual intercourse due to a threat (e.g., “I will not love you if you do not have sex with me”) is not consent. Targeting such myths and misperceptions may, in turn, encourage these children to remain in the system. Again, professionals in Study 1 reported that some families withdrew from the system because they did not perceive enough support to be available. In turn, the peers could inform the children about the support services available (potentially preventing the unnecessary withdrawal of complaints).

One study that evaluated the peer support program found children, parents, and mainstream service delivery agencies endorsed the positive support provided by the program (Alaggia et al., 1999). Alaggia et al. (1999) found that adolescents appreciated the flexibility around places to meet (with many adolescents not wanting to be seen in agencies), as well as flexibility in meeting times and the time for phone calls; for example, adolescents found it particularly valuable to be able to call the peer support person during the evenings. Such flexibility is important as professionals in Study 1 highlighted the lack of consideration in the scheduling of appointments and court appearances for the child, which may increase attrition with mainstream agencies.

Alaggia et al. (1999) also suggested an instrumental volunteer service that allows adolescents and their families to attend important meetings by providing them with services,
such as transportation and childcare. Such a need was highlighted in Study 1 in which professionals stated that, often, families are struggling financially as well as emotionally and cannot afford to drive into the city and pay for parking to attend appointments with their child. This instrumental service would, at the least, make the logistics of the adolescents attending important meetings easier.

Similar to Alaggia et al.’s (1999) study, adolescents in the current jurisdiction could be identified by school personnel as those children who are unable to keep appointments with them (e.g., counselling appointments). These personnel could then contact professional peer staff. As suggested by Alaggia et al. (1999), the peer support person could also accompany the adolescent to difficult meetings.

Since there is some contention around peer support programs, it may be beneficial to test the efficacy of a tailored peer-support program. If the program were successful, a widespread roll-out could then be considered. It is suggested that the first step should be for professionals in the current jurisdiction to begin discussions with researchers on testing the efficacy of a peer support program in order to reduce the unnecessary withdrawals of CSA cases involving older children.

**Educating children about sexual victimisation and dating violence to reduce complaint withdrawal of extrafamilial cases.** The findings of the present thesis also suggested the need to target complaint withdrawal in cases that involved an extrafamilial child–suspect relationship. Due to the younger age of suspects and older age of children in extrafamilial cases (in comparison with intrafamilial cases), it was likely that these cases involved intimates (i.e., boyfriends and girlfriends) or peers (i.e., sexual experimentation with peers). It appeared that many of these children withdrew the complaint as they did not see the sexual behaviour as abusive but rather they believed they ‘willingly’ took part in the sexual activity.
As mentioned in Chapter 8, while child protection does cover some aspects of healthy and unhealthy dating relationships with older children who have been or are suspected to have been abused, this information is not delivered to children who are unknown to child protection and other authorities. In fact, research has found that many children are sexually abused in their intimate relationship (e.g., 54% of female and 13% of male high school students reported sexual victimisation in their intimate relationships) (Poitras & Lavoie, 1995). The findings of Study 4 led to the suggestion of educating older children about sexual victimisation and dating violence to target present and future cases of complaint withdrawal.

Wekerle et al. (2009) suggested that children should be taught about their personal rights and receive support on specific skill development, such as sexual behaviour negotiation and assertive communication. Indeed, programs such as the Safe Dates Project, which has been introduced in some high schools, may have decreased sexual and physical violence (Forshee et al., 1998). The program also increased awareness of what constitutes and causes healthy and abusive dating relationships, and also equipped students with tools for positive communication, conflict resolution, healthy dating relationships, anger management, and the encouragement of help-seeking behaviour (for both children and perpetrators; Forshee et al., 1998).

It was suggested in Study 4 that a program such as the Safe Dates Project would allow adolescents to recognise that their sexual relationships are, in fact, abusive. Such a program should also increase the reporting of CSA cases involving intimates (due to children recognising the behaviour as abusive). This program could be delivered as part of the school curriculum and involve nine 50-minute sessions, one play to be performed by students, and a poster contest (on the prevention of dating violence; National Institute of Justice, n.d). For example, in one of the nine sessions, students could learn about how to prevent sexual assault through a caucus, a panel of peers, and through a quiz (National Institute of Justice n.d).
There are at least four main benefits to such a program. First, it provides skills to those children who are unknown to authorities (e.g., child protection and police). Second, it not only targets victims but can also target adolescent perpetrators of abuse. Third, the program relies on both primary prevention (the onset of victimisation and perpetration) and secondary prevention (ceasing the victimisation or perpetration). Finally, it targets multiple forms of violence (psychological, physical, and sexual); as mentioned in Chapter 2, children who suffer from one type of abuse are significantly more likely to suffer from other types of abuse (Fergusson et al., 1997; Fleming et al., 1997). While a program such as the Safe Dates Project may not encourage all children to remain within the system it may, at the least, encourage these children to be more assertive in their current relationships.

While the Safe Dates Project is an evidence-based program, no research has explored the efficacy of the program over the last 10 years; the program may require updating given that, amongst many differences, children are exposed to technology now more than ever. Therefore, it is recommended that the efficacy of the Safe Dates Project be tested prior to roll-out across the jurisdiction. The first step is for professionals, particularly child protection, to start discussions with researchers on testing the efficacy of the program in order to reduce the unnecessary withdrawals of CSA cases involving extrafamilial (particularly intimate and experimental) child–suspect relationships.

### 9.3 Directions for Future Research

The current thesis generated three main ideas for future research. Study 3 identified a curvilinear relationship between child’s age and case attrition; that is, cases involving younger and older children (rather than children in the middle of the age range) were more likely to result in attrition. One idea for future research would be to explore this curvilinear relationship between child’s age and the various reasons for attrition; that way, researchers and professionals can start to understand why cases involving younger and older children
(than children in the middle of the age range) were more likely to result in attrition before a forensic interview. This knowledge should be able to contribute to the targeting of interventions for these younger and older children, where it is appropriate to do so.

Second, as highlighted in Study 4, future research might consider the association between who makes the complaint to authorities and complaint withdrawal (i.e., complaint withdrawal may be dependent upon who makes the complaint to authorities). For example, children who made the report of abuse to authorities may have been more inclined to continue with the police investigation (as they were ready to discuss the matter) in comparison with, for example, cases in which a mandatory report was lodged (where children were not ready to discuss the matter and were hostile and angry about the situation) (Strozier et al., 2005). Research could also determine the interaction between this variable (i.e., who reported the abuse to authorities) and other case characteristics. If an interaction effect is found between reporter and case characteristics, interventions could be precisely targeted towards these cases.

Finally, future research could begin to incorporate abuse frequency into its analyses. Study 4 found a significant relationship between abuse frequency and complaint withdrawal; in particular, cases involving a single incident of abuse were more likely to be withdrawn by the child (or child’s parent) than cases involving repeated abuse. This finding was particularly interesting as prior research has found that children who were involved in single incidents were less fearful, shameful, and had more supportive parents when they disclosed the abuse in comparison with children involved in repeated incidents (Hershkowitz et al., 2007). Further work is necessary to determine why cases are more likely to be withdrawn when the abuse is a single incident rather than a repeated incident. Once these reasons are identified, interventions could be developed to reduce the unnecessary withdrawal of single incidents of abuse.
As a whole, the current thesis has highlighted the need for future work to start paying particular attention to the attrition of cases at the earlier points of the system. While the literature has focused on the attrition (and case progression) of CSA cases at later stages of the system (i.e., the laying of charges and the prosecution of cases) (e.g., Brewer et al., 1997; Cross et al., 1994; Leach et al., 2015; Walsh et al., 2010), it is evident that attrition is a problematic issue at the earlier stages of the system. It is important to explore the case characteristics associated with the attrition at the early stages of the system because the cases most vulnerable to exit are likely to drop out here, rather than progress through the system.

9.4 Conclusion

The current thesis provided a thorough examination of the attrition of CSA cases from the criminal justice system and has a number of unique contributions. First, commencing with an exploratory study allowed the views of a diverse group of professionals in the area to be articulated; specifically, their views regarding the system factors that contributed to the attrition of CSA cases and their ideas for improvement. These findings indicated that attrition is still a problematic and persistent issue; however, some factors are within the control of the justice system and therefore have the ability to be altered. One of these primary changes is the need for greater interagency communication. More effective collaboration between key stakeholders, particularly in the development of interagency guidelines and protocols (on information sharing, case planning, and guidelines for working together), will prevent a disjointed service delivery for children and their families.

A second unique contribution of the thesis is the development of a framework of attrition that highlights the major points of exit, the percentage of CSA cases that result in attrition, and the reasons for the attrition at these points. This framework should enable a common language to be spoken across these various groups of professionals in the current jurisdiction. Having a common language on the areas of exit (rather than holding different
views as identified in Study 1) should allow for a clearer understanding on responsibilities, the sharing of resources, and the accountability for success. A third unique contribution of the thesis is the identification of the case characteristics associated with attrition before a forensic interview was conducted. These findings shed light on the need for interventions to focus on preventing attrition in cases that lack a previous disclosure, are single incidents of abuse (rather than repeated abuse), and involve older and younger children (rather than children in the middle of the age range). One major suggestion to target this attrition is the implementation of education programs in schools to facilitate disclosures.

A final unique contribution of the thesis is the identification of the characteristics related to complaint withdrawal from the point at which a case is reported to authorities. These findings identified that interventions need to pay particular attention to the unnecessary withdrawal of cases involving older children, an extrafamilial child–suspect relationship, and cases involving a single incident of abuse (rather than repeated abuse). In terms of ideas for reducing the unnecessary withdrawal of cases involving older children and extrafamilial child–suspect relationships, the implementation of a peer support program and Safe Dates Project were suggested, respectively. Ideas for interventions regarding the finding on abuse frequency were not offered; rather, it was suggested that future research needs to explore why cases involving single incidents of abuse (rather than repeated abuse) are more likely to be withdrawn by the child (or child’s parent) in order to gain a better understanding of this issue.
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