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Research Findings: The Analysis of National Reporting, Founding and Charging Data (1977-1988)

Using national *Unified Crime Reports*,¹ Julian V. Roberts undertook a study to identify trends in the number and rates of cases reported and founded, and charging patterns associated with rape and sexual assault in Canada, over the 11-year period from 1977 to 1988. Similar numbers and rates of reporting, founding and charging for the three levels of assault and manslaughter were also analyzed as a basis for comparison.

Roberts's general findings are as follows.

Reporting Sexual Assaults to Police

- ▶ Since 1983, there has been a steady increase in the number of sexual assaults reported to police. The number of reports in 1988 (29,111) is 127 per cent higher than the number in 1982 (12,848). This is significantly higher than the increase in the incidence of nonsexual assaults reported to the police. As well, the total number of reports in 1983 represents a substantial increase over the

¹ *Unified Crime Reports* are collected from police forces across Canada by the Canadian Centre for Justice Statistics, Statistics Canada.

number of reports of incidents of sexual aggression (i.e., rape and indecent assault) prior to 1983. There was little change in the number of reports made in the five years preceding the reform legislation.

- ▶ Although it is likely that the reform legislation is in part responsible for the increase in reporting rates, other factors may have had an effect. There has been an increase in the number of sexual assault crisis centres and special units within police forces to handle cases of sexual assault. As well, the general social climate has changed, perhaps making it less traumatic for victims to come forward and report assaults to the criminal justice system.
- ▶ The vast majority (95 per cent) of sexual assault reports to police in 1988 were classified as Level I (the "least serious" category). Moreover, the percentage of all sexual assault reports classified at Level I has steadily risen over the past five years. In 1983, Level I accounted for 88 per cent of all sexual assault reports.
- ▶ The increase in sexual assault reporting has not been uniform across all three levels. In fact, there has been a substantial reduction in reports classified at the most serious level (aggravated sexual assault – Level III) since 1983. There has been a slight (13 per cent) increase in reports of Level II (sexual assault with a weapon).
- ▶ It is important to note that the increase in reporting is not consistent across the country. The patterns of sexual assault reporting vary greatly in different provinces/territories. In some jurisdictions the pattern of increase matches the national trend, while in others it assumes a very different form.
- ▶ It is not just the rate of increase in reporting that varies across the country. The number of

actual reports compared with population varies considerably as well. Analysis of reporting rates reveals substantial variation across jurisdictions in Canada.

Incidents that are Deemed Founded or Unfounded

After a preliminary investigation, incidents that are reported to police are designated as being founded or unfounded. This does not relate in any way to guilt or innocence, but to whether there is sufficient evidence to proceed. When tracked over time, the following results were evident.

- ▶ The proportion of reports considered unfounded has not changed substantially since 1983. The most recent data reveal an unfounded rate of 15 per cent for all three levels. There is little variation in founding rates across the three levels. However, the unfounded rate for sexual assault is higher than the comparable statistic for nonsexual assaults (7.5 per cent).
- ▶ As with reporting rates, there is substantial cross-jurisdictional variation in the unfounded rate for sexual assault.
- ▶ There has been a significant decline in the unfounded rate of aggravated sexual assault; from 20 per cent in 1983 to 8 per cent in 1989. This fact can be coupled with the decline in the number of reports of sexual assault classified as aggravated (Level III). Together, they suggest police may be classifying difficult cases (i.e., hard for the Crown to prove) of aggravated sexual assault (Level III) as Level I.

Incidents Cleared by Charge

The final statistic examined in this report is the percentage of offences that are cleared by charge (i.e., where an information was laid against a suspect).

- ▶ The most recent data available (1988) reveal that 49 per cent of the reports of sexual assault deemed founded were subsequently cleared by the laying of a charge. This rate has risen steadily since 1980, when it was only 37 per cent. The 1988 clearance rate for nonsexual assault was 47 per cent. However, since the clearance rates for several other offences involving violence increased over the same period, it is unlikely that the change in the clearance rate of sexual assault offences is owing solely to the 1983 reform legislation.
- ▶ At the national level, there is a systematic trend for the clearance rate of sexual assault offences to rise with the seriousness of the crime: in 1988, 60 per cent of aggravated sexual assaults (Level III) were cleared by the laying of a charge, whereas 48 per cent of Level I sexual assault offences were cleared by the laying of a charge.
- ▶ In 1988, 20 per cent of founded offences of sexual assault were cleared "otherwise" (i.e., cleared without the laying of a charge). This is lower than the comparable statistic for nonsexual assault (33 per cent).

In summary, Roberts concludes that Bill C-127 was both a response to and a cause of the change in attitudes that subsequently resulted in a change in the behaviour of victims reporting to police. In contrast to data on the reporting of sexual assault, the founding rates since 1972 suggest that Bill C-127 has had little impact. There has been no change since 1983 in the proportion of reported

cases that are designated by criminal justice personnel as unfounded. Similarly, the rise noted in the percentage of cases cleared by charge may not be owing to the reform legislation, since a similar change has been noted in the proportion of other offences cleared by charge. ◀

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An Analysis of National Statistics, Sexual Assault Legislation in Canada: An Evaluation, Report No. 4, by Julian V. Roberts. 1990. Research Section, Department of Justice Canada. For copies, contact: Research Section, Department of Justice Canada, Ottawa K1A 0H8. (613) 957-9632.

Research Findings: Analysis of Sentencing Patterns

In the absence of national data on sentencing in Canada, this report by Julian V. Roberts draws upon secondary data sources, including the site study reports and the computerized sentencing information system in British Columbia developed by the LIST Foundation. To the extent possible and where data permit, the report deals with public opinions about sentences given, with actual sentences imposed both before and after the 1983 law reform, and with the apparent variation in current sentences imposed from region to region.

The tracking of public opinion and news media coverage of sexual assault sentencing found the following.

- ▶ Since 1983, there has been a great deal of public and professional concern over the sentences imposed for the new crimes of sexual assault.
- ▶ Much of the criticism from members of the public concerns the perceived leniency of sentencing trends.
- ▶ News media coverage of sexual assault focuses on cases resulting in atypically lenient sentences.
- ▶ There appears to be a discrepancy between the typical case of sexual assault as reported to the police, and public views of what constitutes the average case of sexual assault. To most people,