

Research to understand integrated medico-legal responses

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Overall aim of research on integrated ML responses:

- To examine the functioning of the CJS system as it relates to rape
- **Objectives:**
- To describe the circumstances of rape that is reported to the police i.e. victim & perpetrator characteristics, circumstances of rape
- To describe the processing of rape cases by the police and courts i.e. the proportion progressing to each stage, reasons for non-progression and time delays between different stages
- To describe medico-legal findings, the quality of documentation and the contribution of evidence to cases
- To identify factors associated with withdrawals, convictions and acquittals



Study design

- **General principles:** a need to reduce bias and facilitate generalisability
 - **Reducing bias:** requires the dockets to be randomly selected
 - **Facilitating generalisability:** selected from a pre-defined sample which is 'typical' of at least part of the broader population of dockets
- **Retrospective review:** most feasible if records exist as time delays are inevitable between rape report and case outcome and 'open' police dockets are usually not available to researchers



Tracking Justice

- **Study design:** retrospective review of police rape dockets and court documents for rape cases in 2003
- **Setting:** Gauteng province in South Africa, which has 128 police stations
- **Sample:** a random sample of 70 police stations from Gauteng province have been selected with probability proportional to size and in each police station 30 rape dockets were selected using systematic sampling of all closed rape dockets that are available in the station (unless there were fewer than 30).
- **Total sample size:** 2068 rape dockets
- **Access :** Police permission was needed – court documents are matters of public record



Contents of police docket

- **Information on the victim:**
- **Information on the perpetrator:** (if known)
- **Circumstances of the crime:** level of detail varies, but there may be multiple witness statements that provide more information. May include: what victim doing when crime happened, details of anyone else involved, where it happened, how it happened (e.g. use of weapons), what the victim and perpetrator did afterwards
- **Medical or other expert reports and lab results:** (if any – DNA)
- **Documentation of process:** of the investigation and justice seeking
- **Case outcomes**



Information in the medical exam report

- Relevant history
- Appearance at time of the examination
- Mental state & evidence of drugs/alcohol
- General clinical findings on examination: injuries
- Sexual & reproductive history
- Genital examination findings
- Sexual assault kit completion and evidence of handing to police
- Conclusions drawn
- Indirectly, on the quality of the examination & documentation



Information from the courts

- The charge sheet
- Bail – hearing dates and amounts
- Trial – transcripts of court records gave:
 - Number of postponements
 - Reasons for postponements
 - Dates of trial
 - Types of evidence led
 - Judgements
 - Sentences



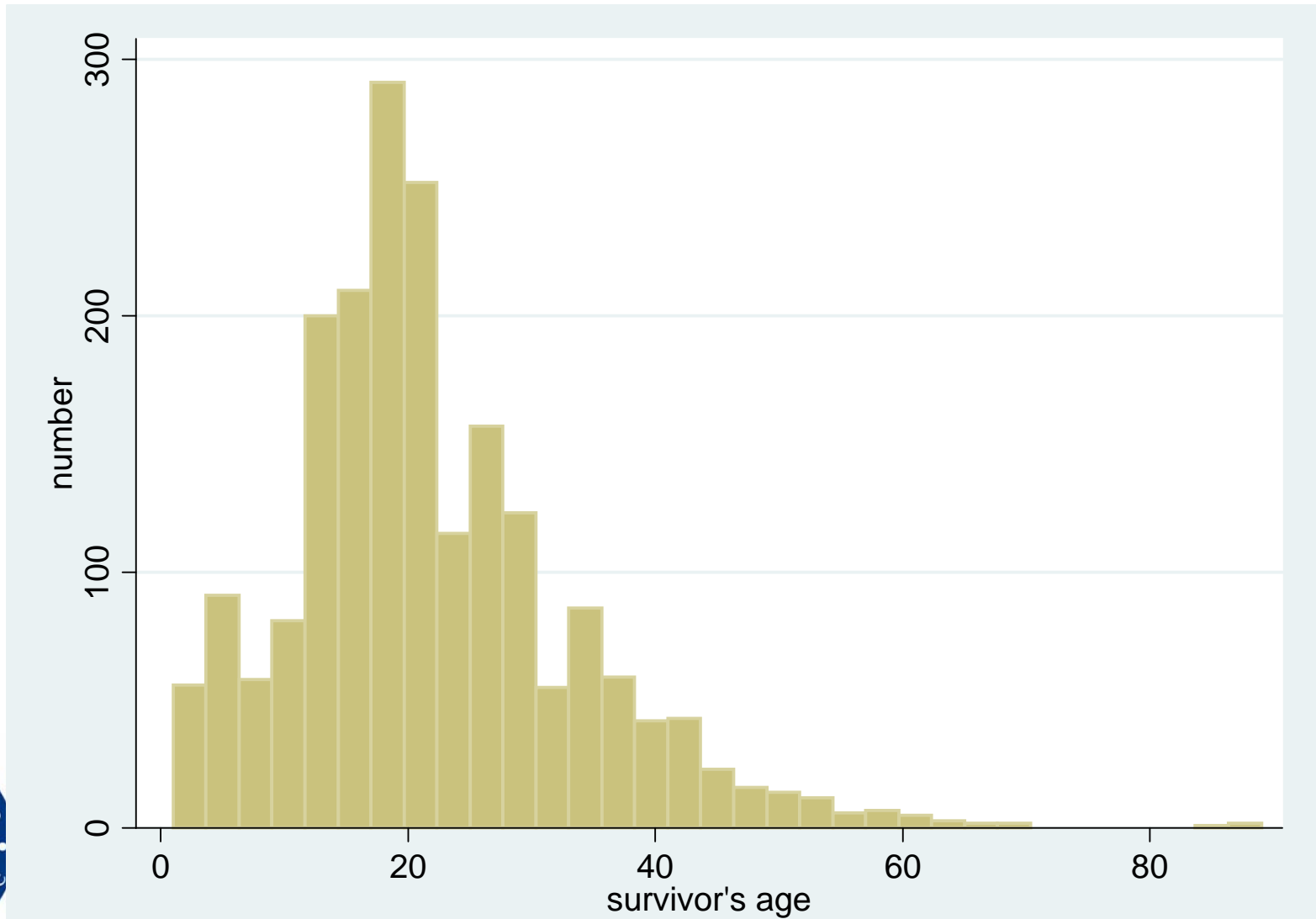
Data collection:

- A data capture completed sheet including:
 - social and demographic details of the victim/survivor and perpetrator
 - circumstances of the rape including location
 - use of force
 - immediate victim responses
 - reporting to the police
 - details of the police investigation
 - progress through the legal system (if any)
 - the the medico-legal record was copied



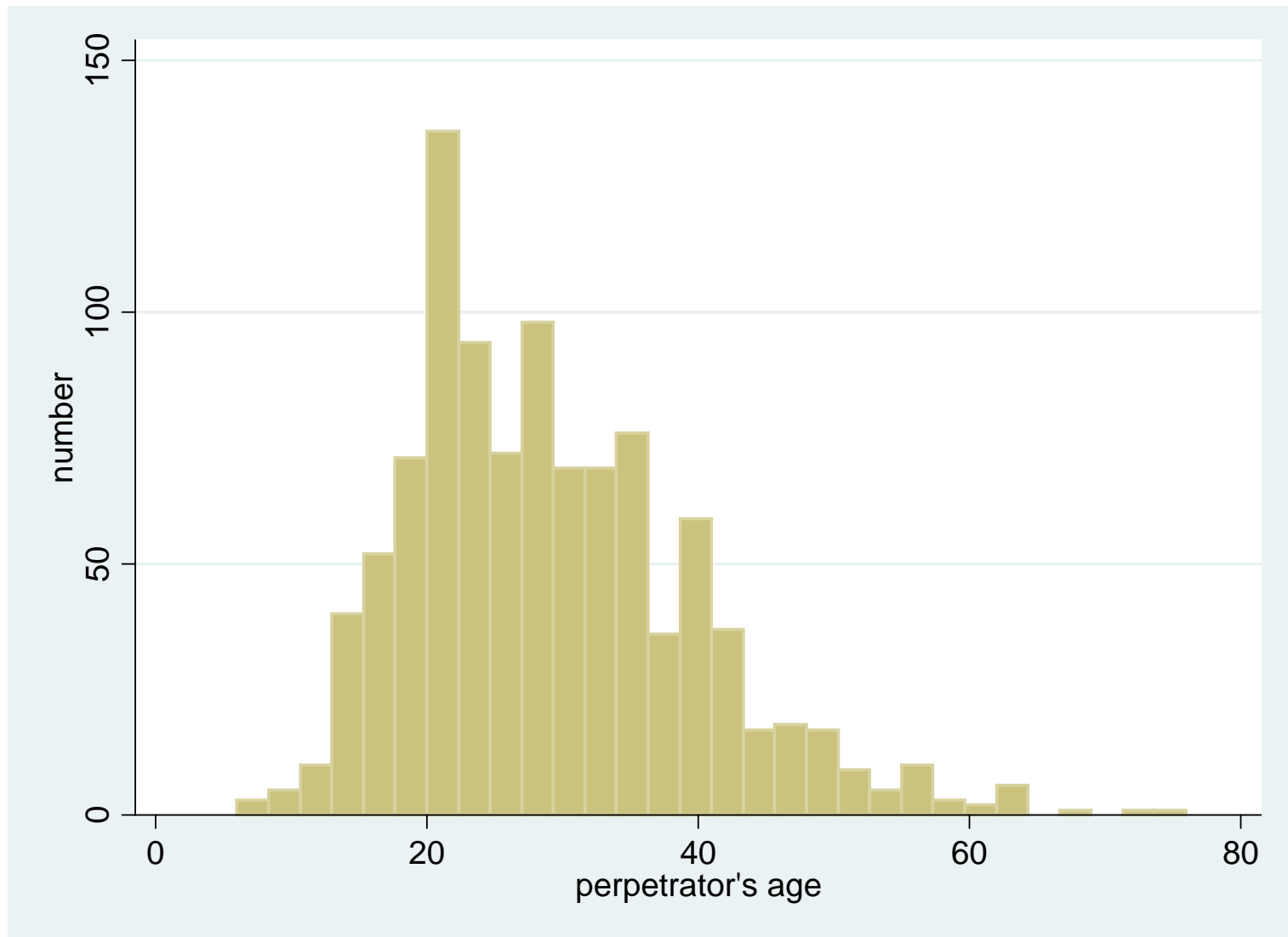
Survivors' age

- Median age: 20 (range 1-89 years)



Perpetrator characteristics (available for 1057 of 2068 cases)

- Median age: 27 (range 6-76 years)



Survivor perpetrator relationship

	Total	0-11 years	12-17 years	18+ years
relatives	8.8	24.0	13.3	3.0
current or ex-intimate partners	14.4	0.3	11.7	18.9
strangers/known by sight	34.6	13.7	25.2	43.6
friend/acquaintance/ neighbour	27.6	37.7	33.6	22.7
other	11.2	12.3	13.9	9.8
unknown	3.5	12.0	2.3	1.9



Number of perpetrators:

	Total	0-11 years	12-17 years	18+ years
none	3.0	7.2	3.2	1.9
1	80.1	84.9	81.8	78.4
2	10.7	5.4	10.3	11.9
3	3.3	1.4	1.6	4.5
4	1.6	1.1	1.6	1.7
5+	1.4	-	1.6	1.6



Circumstances of the rape

Victim abducted 43.5 (40.8-46.1)

Victim was abducted on foot 78.1 (74.7-81.4)

Victim abducted by car 20.1 (16.9-23.3)

Place of rape

Victim's home 20.3 (18.3-22.3)

Perpetrator's home 31.7 (28.7-34.7)

Another residence 9.8 (8.4-11.1)

Road way or alley 5.3 (4.2-6.5)

Open space 20.4 (17.5-23.3)

Use of weapons

Perpetrator or accomplice armed 32.4 (29.8-35.0)



Circumstances of rape (total & 0-11 yrs)

Victim approached when walking alone or accompanied	33.5	4.4
Victim looking for or offered a job	1.0	
Victim accepts offer of a lift or accompaniment when walking	8.9	2.0
Victim raped whilst visiting someone	6.2	4.5
Raped when at home by known perpetrator	10.6	12.1
Victim was child and abducted/lured away	7.7	36.2
Victim raped by unknown perpetrator during breaking and entry	8.7	2.4
Victim raped during during conflict with partner	3.3	-
Victim raped when travelling on public transport or dragged from vehicle	2.2	0.3
Victim was waiting for transport or outside shops or school or workplace	2.5	0.7
Victim raped after a proposition refused or punishment	1.9	0.3
Victim incapacitated: drunk, drugged or mentally/physically disabled	2.6	0.3
Victim homeless & offered place to stay	1.4	0.6
Victim is child and reports symptoms or rape suspected by other	5.7	33.1
Statutory rape	1.7	0.3
Victim raped during baby sitting or in foster care	0.4	2.4



Actions after the rape

Perpetrator's actions after rape:

fled the scene	28.1 (25.6-30.6)
fell sleep or remained in place	11.0 (9.5-12.5)
assisted victim to get home or medical help	7.2 (6.1-8.3)
locked victim in to prevent getting help	7.5 (6.2-8.9)
apologised or made promises to victim	6.6 (5.5-7.7)
was rude or aggressive to victim	18.8 (16.8-20.9)

Victim's actions immediate after rape:

fled the scene	15.7 (13.7-17.6)
fell sleep or remained in place	13.0 (11.2-14.7)
phoned for help or immediately reported	32.2 (29.9-34.5)
went elsewhere before going to police	19.9 (17.9-22.0)
taken to police/hospital by witness or friend	14.9 (12.8-17.0)



Findings on medical examination

	Total n=1528	0-11 n=227	12-17 n=364	18+ n=932
Patient was under the influence of drugs or alcohol	3.6		2.4	4.9
Any non-genital injury	28.0	2.6	15.7	39.1
Injury to head or neck	18.6	0.9	10.0	26.4
Injury to thorax or abdomen	4.6	0.4	1.7	6.8
Injury to back, buttocks or side of pelvis	4.8	0.9	1.7	7.0
Injury to upper limbs	9.7	1.3	4.5	13.9
Injury to lower limbs	9.1		4.8	12.9
Types of non-genital injury				
incised wound	5.5	0.4	2.5	8.0
strangulation	0.7			1.1
scratches, abrasions or tears	10.5	0.9	5.8	14.8
bruising	15.5	1.8	8.0	21.8
tenderness or pain	6.3		3.6	8.9



Genital injuries

Types of genital injury	Total	0-11 yrs	12-17 yrs	18 + yrs
Any injury to genitals or anus	57.5	65.3	66.2	51.8
Any injury to external parts of genitalia	44.2	44.4	45.9	43.3
Any injury to hymen, vagina or cervix	36.4	49.8	54.3	25.5
Any anal injury	3.3	8.4	1.1	2.7



Attrition in medico-legal evidence

		0-11	12-17	18+
Opening case	2064	298	514	1230
J88 completed & available	1595 (77%)	240 (81%)	380 (74%)	961 (78%)
Forensic kit completed	1374 (67%)	116 (39%)	313 (61%)	942 (77%)
Forensic specs sent to lab	1055 (51%)	86 (29%)	235 (46%)	732 (60%)
Report from forensic lab	38 (2%)	8 (3%)	12 (3%)	18 (2%)



Attrition in the justice system

	Total	0-11 years	12-17 years	18+ years
Opening case	2068	298	514	1230
Perpetrator arrested or asked to appear in court	1036 (50.5%)	164 (55.0%)	291 (56.7%)	575 (46.8%)
Charged in court	885 (42.8%)	138 (46.3%)	247 (48.1%)	495 (40.2%)
Trial commenced	358 (17.3%)	232 (22.1%)	232 (22.1%)	181 (14.7%)
Found guilty of sexual offence	127 (6.2%)	30 (10.1%)	39 (7.6%)	58 (4.7%)
Sentenced to imprisonment	98 (4.8%)	21 (7.0%)	22 (4.3%)	55 (4.5%)



Reasons for non-arrest & withdrawal of cases by police

Reasons for non-arrest of perpetrator

Perpetrator not known	47.2%
Perpetrator disappeared	16.9%
Victim withdrew complaint	11.0%
Victim disappeared	15.1%
J88 said it was not rape	11.0%
Victim or family no cooperating or moved	0.9%
false accusation	0.1%

Case was withdrawn by the police 44.6%

Reason: Perpetrator untraceable	52.3%
Victim untraceable	30.1%
Victim & accused have resolved matters	2.3 %
Victim wants to get on with her life or otherwise uncooperative	5.3 %



Contribution of medical evidence to case progression when some perpetrator details known

	Arrest		Trial		Found guilty	
	odds ratio (95% CI)	p value	odds ratio (95% CI)	p value	odds ratio (95% CI)	p value
Any genital injury	1.20 (0.64-2.28)	0.56	1.51 (1.03-2.20)	0.034	2.50 (1.33-4.70)	0.005
Genital injury with tear	1.35 (0.67-2.72)	0.4	1.66 (1.17-2.36)	0.005	2.45 (1.43-4.20)	0.001
DNA adjusted for injury	0.64 (0.14-2.87)	0.554	1.79 (0.73-4.40)	0.2	2.16 (0.73-6.40)	0.16
Non genital injury	1.53 (0.74-3.18)	0.25	1.05 (0.74-1.48)	0.78	1.46 (0.84-2.52)	0.18



Advantages of using records

- It is not traumatic for the subject of the record
- It is easier to get information from large numbers of cases
- It is cheaper and can be much quicker
- Records sometimes have information that cannot be accessed in any other ways
- Records are free from recall bias
- Record systems often provide a sampling frame and so enable random samples to be drawn in a relatively easy way



Limitations

- What can be collected from records is limited by what they contain, there is always more missing data when using records
- Records are often incomplete, chaotically stored, missing etc..
- The quality of records is not under the control of the researcher
- Access has to be gained by the record keepers who may have vested interests in preventing you getting access
- Misclassification: it may turn out that the case has been misclassified – that causes problems for sample size (should then not include these)



Tracking Justice:

- This was a collaborative project between:
 - The Tshwaranang Legal Adcocacy Centre
 - Centre for the Study of Violence & Reconciliation
 - Medical Research Council
- The investigators were:
 - Lisa Vetten, Rachel Jewkes, Romi Fuller, Nicola Christofides, Lizle Loots, Ruxana Jina

