Catholic Archdiocese of Canberra and Goulburn

INTRODUCTION

This report examines 283 sentenced cases of institutional child sexual abuse (CSA) where the offending was reported, charges were laid, offenders were convicted and sentencing remarks were made available to the Royal Commission.

In particular, the analysis focuses on understanding interactions that my influence both sentencing outcomes and the delay involved in sentencing these CSA offences.

The author notes that "*While this kind of statistical analysis of sentencing outcomes aids in identifying interesting trends and relationships in the data, the sentence imposed in a particular case is a product of its unique characteristics*."(p. viii)

KEY LEARNINGS

Sentencing Outcomes: The most common sentence imposed on offenders in this database was imprisonment (74%), although 15% received a wholly suspended sentence and 9% were sentenced to some form of community order. The average prison term was four and a half years, while the median was three years. The longest term was 21 years.

Delay: The average length of delay between the first known offence in a matter and the sentence was 25 years. The longest delay was 58 years. The data did not allow the analysis to identify the cause of the delay such as reporting the offending or processing the case.

Victim and offender characteristics: The analysis revealed that two-thirds of the cases in this database involved male victims only, while the most common age group of victims was between 12 and 16 (44%).

In just over half of the cases, the offender did not have any prior record, although in 9% of cases the offender had previously committed a sexual offence against a child, and in a further 15% the offender had previously been in custody for a child sexual offence.

In 58% of cases, the offender had committed CSA offences against more than one victim. Cases with multiple victims were more likely to occur in religious institutions and were more likely to involve penetrative offences and grooming behaviours (p. viii).

Offending characteristics: The offending in this database was most likely to have occurred in a religious or non-religious school (both 27%) or a church (23%). Almost two-thirds of the schools and churches in which the offending took place were Catholic.

More than half (53%) of the cases involved indecent assaults, although one-third involved a penetrative offence. Almost half (48%) of the offending lasted less than five years, although 7% took place over 20 years or more. Some form of grooming occurred in almost one-third of cases. In 43% of cases, the institution took no action, although in 39%

of cases the offender was dismissed. The offender pleaded guilty in 71% of cases.

The average number of offences per case in this database was 8.5, although the maximum was 67 offences. There was an average of 20 years between the last known offence across all cases for an offender, and the year in which the most recent sentence was imposed. Of the 187 cases with a non-parole period, the average non-parole period was just over three years (p. ix).

MULTIVARIATE ANALYSIS

Penalty type: When examining the predictors of penalty type, the presence of grooming and a higher number of offences predicted that a custodial sentence was more likely to be imposed, regardless of the offender's plea, when the case was sentenced and whether there were multiple victims. Conversely, a case involving an indecent assault was less likely to lead to a custodial sentence than one involving penetration.

Total effective sentence length: The strongest predictor of total effective sentence (TES) length was the number of offences: the more offences, the longer the total effective sentence. Cases involving more serious offence types were also more likely to include a longer total effective sentence, as were cases involving less time between an offender's last known offence and the year in which the most recent sentence was imposed. The victim's age, the presence of grooming, whether multiple victims were involved and the duration of offending did not affect the total effective sentence length.

Delay: The two strongest predictors of the delay between the offence and the sentence were the period in which the offender was sentenced and the victim's gender: the delay between the first offence and the sentence was likely to be greater in more recent cases and in cases with male victims. Cases that involved offending over a longer time were also more likely to have a greater delay. Offending that took place at a church or religious school predicted a longer delay, although offending that occurred in the context of Scouts Australia or a sports club predicted a shorter delay. Finally, cases involving offenders who had multiple victims also involved a greater delay between the first offence and the sentence. The offence type and the number of offences did not affect the delay.

The finding that the victim's gender had a statistically significant effect, even when taking into account various offence characteristics, is particularly important for understanding the effect of institutional CSA on male victims, for whom the delay was far greater.

The delay between the first offence and the sentence was longer in the context of religious institutions, even in the multivariate analysis. Faith-based organisations seem to take the heaviest toll on victims in terms of the time taken to reveal the offending and seek formal action against the offender. Cases occurring in these organisations also possibly impose the heaviest burden on law enforcement in terms of the time required to investigate the offending. The longer delay in such cases was possibly due to the powerful combination of religious authority and the closed nature of the institutions. This analysis can only suggest that something about the nature of such institutions differs from other organisations; further analysis into the specific characteristics that lead to greater delay is warranted (p. x).

DIRECTIONS FOR FUTURE RESEARCH

The cases in this analysis represent the tip of the iceberg of institutional CSA cases, however despite the limitations in the data collection for this study, the research has shown the importance of understanding the nuanced relationships among the various offence, victim and offender characteristics, the delay between the offence and the sentence and the sentence outcome. Furthermore, the analyses have not been able to delve into these differences to understand why they exist. Doing so might provide an understanding of the differential impact of institutional CSA on male and female victims. It might also identify the specific characteristics of faith-based institutions that underlie the findings of this analysis.

Finally, the author comments that given that so few cases of CSA in general ever reach the courts, further research should also examine the relationship between confidence in the justice system and the willingness of victims of CSA to report abuse. Without a better understanding of victim perceptions of the justice system, it is difficult to target reforms where they are most required (p. xi).

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Research Summary: A statistical analysis for sentencing for CSA in institutional contexts

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