

DESCRIBING ALCOHOL RELATED RAPE CASES AND ATTRITION FROM THE RAPSSA NATIONAL STUDY

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CONCEPTUALISING ALCOHOL AS A SITUATIONAL FACTOR IN RAPE INCIDENTS & CASE MANAGEMENT

Harmful alcohol use is often considered in the clustering of “risky sexual behaviours”

Alcohol intoxication impacts functioning and increases vulnerability

- reduces sexual assault risk recognition
- limits possibility of consenting or practicing safer sex
- reduces resistance/increases co-operation

Alcohol as a tool of sex offenders

Rape stigma focused on intoxicated victims extends to actors in the criminal justice system

- affects recall of incident and statements which is necessary evidence for rape prosecution
- affects case management, attrition and outcomes

RAPE JUSTICE IN SOUTH AFRICA

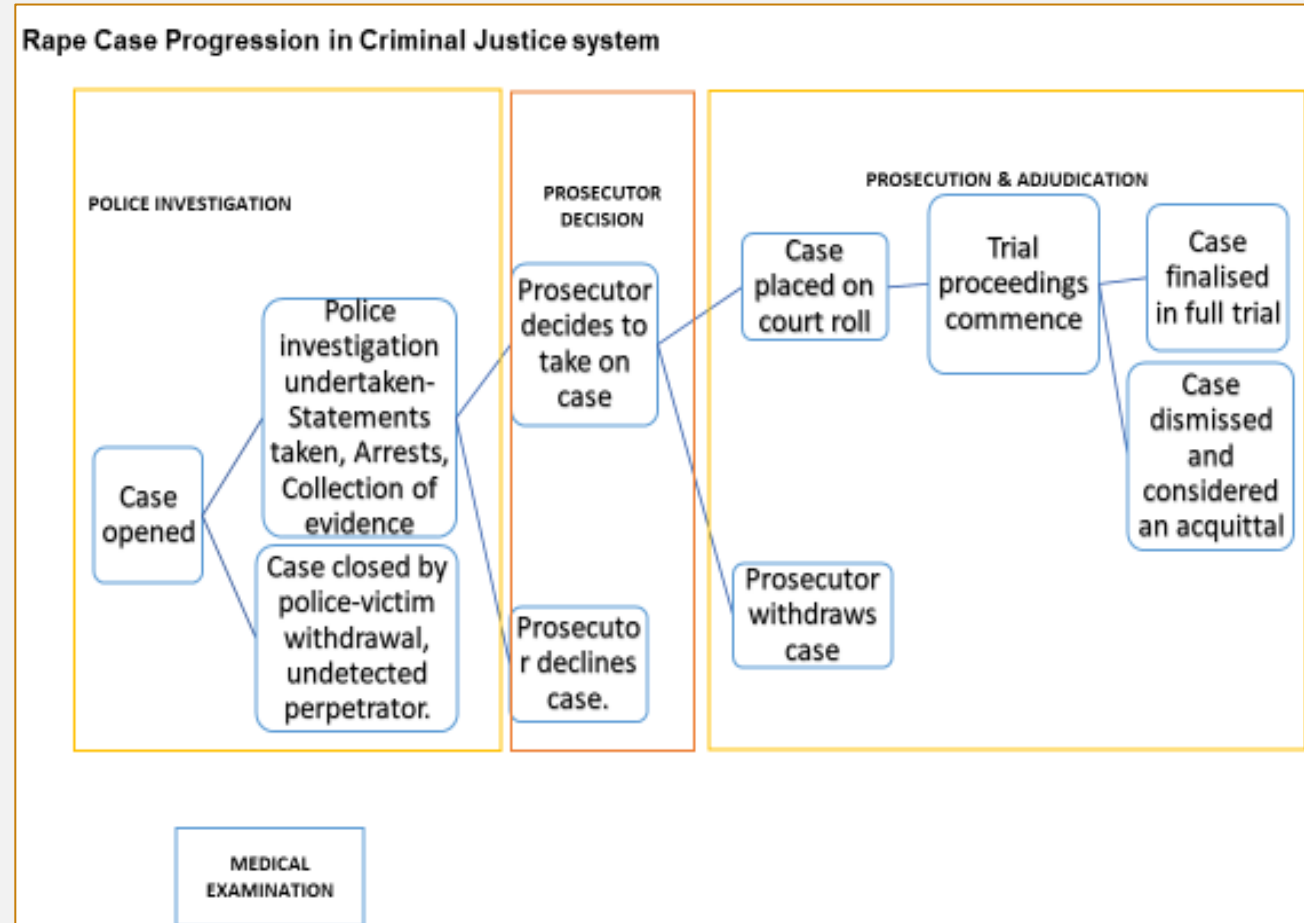
Retrospective study of investigation, prosecution and adjudication of reported rape cases in South Africa, 2012

RAPSSA Study

- the first national study of investigation, prosecution and adjudication of rape matters reported to the police

Aims

- Deepen understanding of epidemiology, context and circumstances of rape to inform prevention
- “Track” case progression/attrition within the criminal justice system
- Investigate (amenable) factors for case attrition



METHODS

Retrospective and Systemic Design:

Population

All rape matters opened/reported to SAPS from 1.1.2012 – 31.12.2012

Multi-stage sampling approach to select 170 police stations using a probability proportionate to size strategy stratified by province and police station case load

30 cases randomly selected per station from list of all rape cases for 2012. If less than 30 cases for the period all cases included

Sample size: 3952

Data collection:

Multiple documentary data sources: dockets, statements charge sheets, J88s, court transcripts

Victim, perpetrator characteristics, circumstances of incidence, reporting, investigations, evidence collection, prosecution, trial and outcomes

Data analysis

Data merging of data sets

Stage specific analysis to understand attrition factors

APPROVALS: SAMRC Ethics, National Director of Prosecutions, SAPS National and Provincial Commissioners, Station commanders

DEFINING ALCOHOL-RELATED RAPE

Rape case in which there was a reference to the victim having consumed alcohol or being intoxicated based on any of the statements or J88 records



17.9 % (745) of cases in the RAPSSA Study

RESEARCH QUESTIONS FOR TODAY'S PRESENTATION

Are the proportions of victim, perpetrator characteristics and incident significantly different for alcohol-related rapes compared to non-alcohol related rapes?

Which victim, perpetrator characteristics and incident tactics are associated with experiencing alcohol related rapes?

Does victim alcohol intoxication impact on rape case management and attrition in the SA criminal justice system?

VICTIM SOCIO- DEMOGRAPHIC CHARACTERISTICS DIFFERENCES AND ASSOCIATIONS WITH ALCOHOL- RELATED RAPE

- Higher proportions of alcohol related rapes compared to non-alcohol related rapes for adult, female, no disability and Coloured race victims
- More vulnerability for alcohol related rapes for adult, female, no disability and Coloured race victims compared to reference groups
- Victims with disability less likely to experience alcohol related rape.

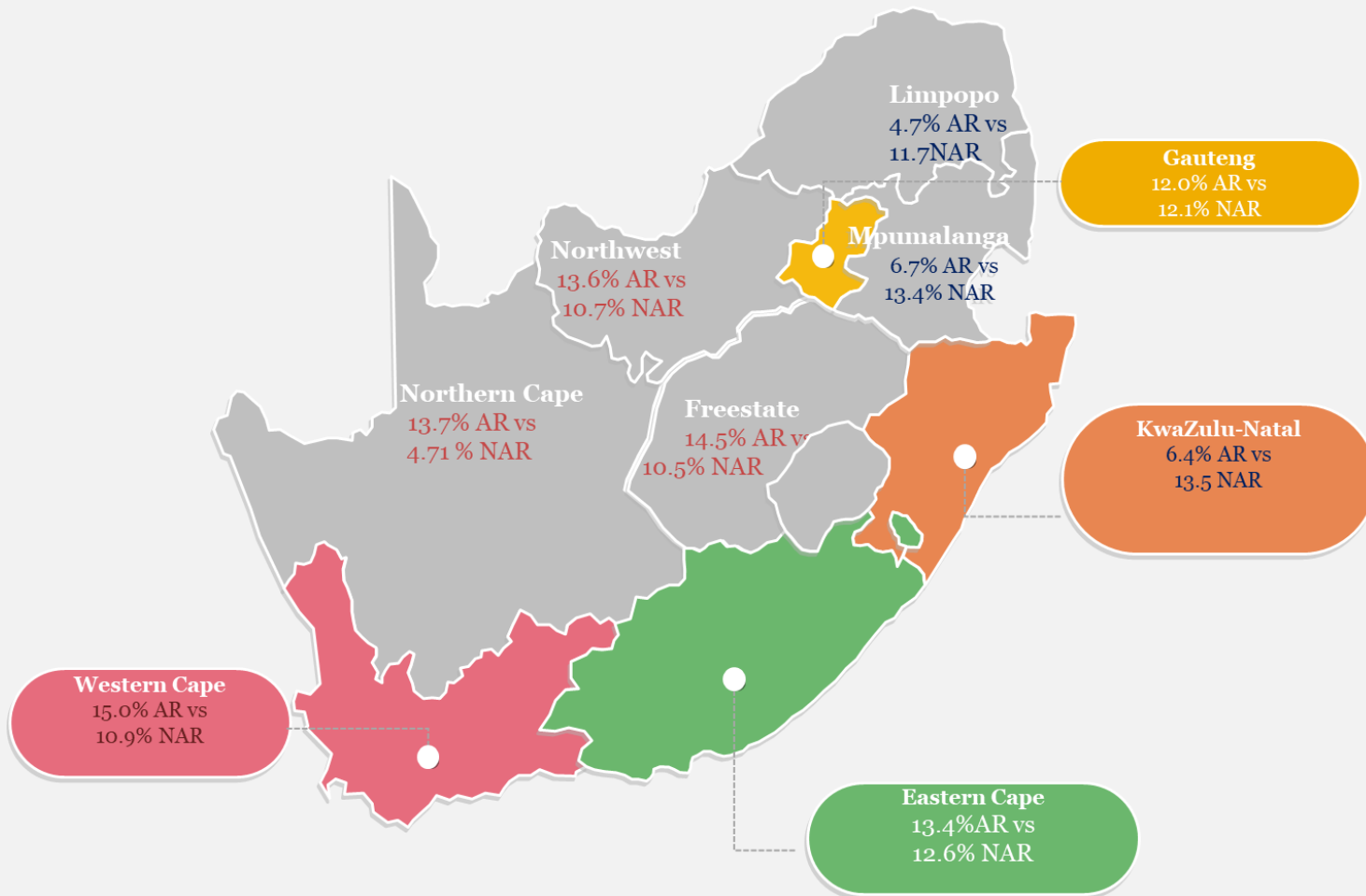
	Bivariate descriptive associations				Multivariate logistic Regression			
	Not- alcohol related N=3207 %	Alcohol-related N=745 %	Total N=3952 %	P-value	aOR	95% CI	P-Value	
Victim age								
0-11 years	22.14	0.94	18.14	<0.001	0.07	0.03 0.16	<0.001	
12-17 years	28.72	16.51	26.42		Ref			
18+	47.86	82.28	54.35		3.03	2.45 3.75	<0.001	
Missing	1.28	0.27	1.09		0.42	0.09 2.05	0.284	
Victim sex								
Male	6.11	2.42	5.41	<0.001	Ref			
Female	92.58	97.18	93.45		1.90	1.14 3.18	0.014	
Missing	1.31	0.4	1.14		0.75	0.18 3.07	0.692	
Victim disability								
No disability captured	93.61	98.26	94.48	<0.001	Ref			
One or more disability	4.96	1.07	4.23		0.18	0.09 0.37	<0.001	
Missing	1.43	0.67	1.29		0.61	0.22 1.73	0.355	
Victim race group								
Black African	86.44	78.66	84.97	<0.001	Ref			
Coloured	10.54	18.39	12.02		1.90	1.51 2.40	<0.001	
White, Indian and Other	1.78	1.61	1.75		1.49	0.76 2.95	0.25	
Missing	1.25	1.34	1.27		2.91	1.23 6.88	0.015	

PERPETRATOR & COLLUDER
CHARACTERISTICS
DIFFERENCES AND
ASSOCIATIONS WITH
ALCOHOL- RELATED RAPE

- Alcohol-related rapes were more likely to have been perpetrated by non-relative perpetrators, multiple and adult perpetrators
- There was no difference in proportions and likelihood of the involvement of colluders among alcohol related and non-related rapes

	Bivariate descriptive associations				Multivariate regression associations		
	Not- alcohol related N=3207	Alcohol-related N=745	Total N=3952	P-value	aOR	95% CI	P-Value
Victim perpetrator relationship	%	%	%				
Relative	11.66	4.16	10.25	<0.001	Ref		
Intimate partner	14.09	12.62	13.82		2.06	1.29 3.30	0.003
Acquaintance	27.91	37.72	29.76		3.51	2.30 5.37	<0.001
Stranger	32.09	33.83	32.41		2.69	1.68 4.31	<0.001
Other	9.32	7.92	9.06		2.11	1.28 3.48	0.003
Missing	4.93	3.76	4.71		2.78	1.30 5.95	0.008
Number of perpetrators							
1	84.44	76.51	82.95	<0.001	Ref		
2+	15.56	23.49	17.05		2.04	1.52 2.74	<0.001
Age of perpetrator							
<18 years	15.31	5.93	13.52	<0.001	Ref		
18 +	84.69	94.07	86.48		0.28	0.19 0.43	<0.001
Colluders							
No colluders	89.37	89.53	89.4	0.896			
Colluders involved	10.63	10.47	10.6				

PROVINCIAL DISTRIBUTION OF ALCOHOL RELATED RAPES



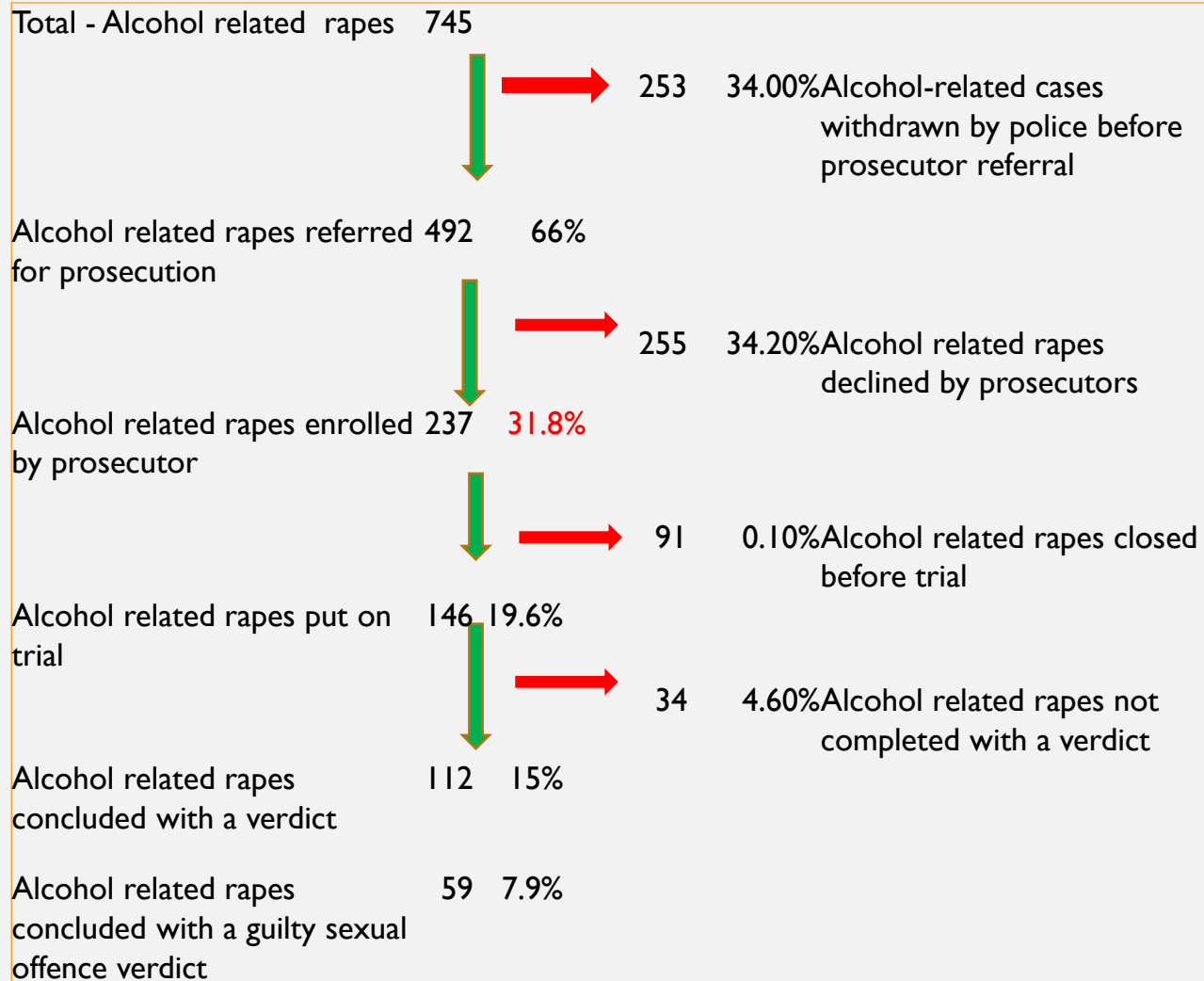
	Total N=3952	Multivariate logistic Regression			
		%	aOR	95% CI	P-Value
KwaZulu Natal	12.17	Ref			
Mpumalanga	12.15	1.05	0.69	1.59	0.823
Gauteng	12.04	2.07	1.42	3.02	<0.001
Eastern Cape	12.73	2.24	1.55	3.24	<0.001
Western Cape	11.72	2.88	2.00	4.15	<0.001
Limpopo	10.35	0.84	0.53	1.33	0.468
Free state	11.23	2.90	2.01	4.19	<0.001
Northwest	11.21	2.66	1.84	3.86	<0.001
Northern Cape	6.4	6.09	4.13	9.00	<0.001

COMPARING PERPETRATOR(S) TACTICS TO SUBDUE VICTIMS

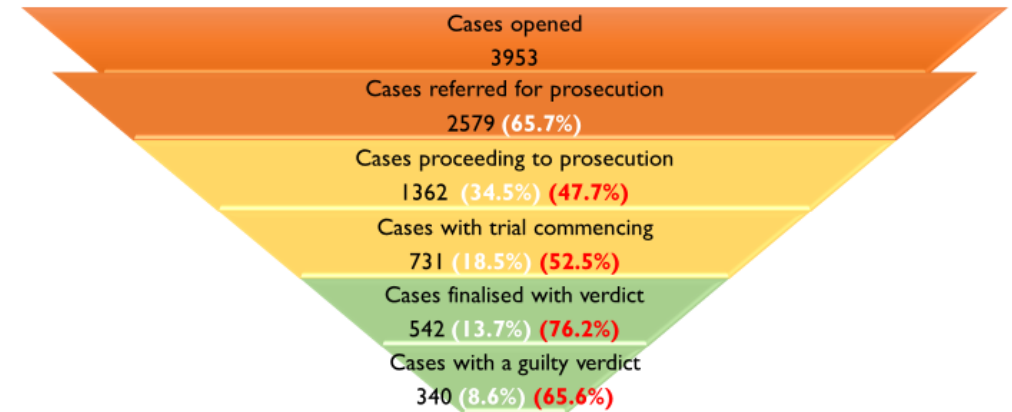
- Alcohol related rapes were more likely to involve abductions & less likely to involve display of firearms or threats to kill

	Bivariate descriptive association			Multivariate logistic Regression		
	Not- alcohol related N=3207	Alcohol-related N=745	P- Total value	aOR	95% CI	P- Value
Victim not abducted	65.82	58.52	64.45 <0.001	Ref		
Victim abducted	34.18	41.48	35.55	1.42	1.16 1.72	0.001
Perpetrator(s) did not displayed/use weapon	67.38	70.47	67.97 0.104	Ref		
Perpetrator(s) displayed/used weapon	32.62	29.53	32.03	0.99	0.79 1.25	0.936
No gun displayed or used	87.4	93.02	88.46 <0.001	Ref		
Gun displayed	7.95	4.56	7.31	0.66	0.44 1.00	0.048
Missing data	4.65	2.42	4.23	0.63	0.31 1.30	0.212
Perpetrator(s) did not use physical force	33.83	29.8	33.07 0.035	Ref		
Perpetrator(s) used physical force	66.17	70.2	66.93	1.05	0.84 1.31	0.672
Perpetrator(s) did not threaten to kill	63.88	75.28	66.03 <0.001	Ref		
Perpetrator(s) threatened to kill	36.12	24.72	33.97	0.55	0.44 0.69	<0.001
Victim did not resist	49.49	46.58	48.94 0.153	Ref		
Victim resisted	50.51	53.42	51.06	1.02	0.84 1.23	0.847

ATTRITION OF ALCOHOL RELATED RAPES



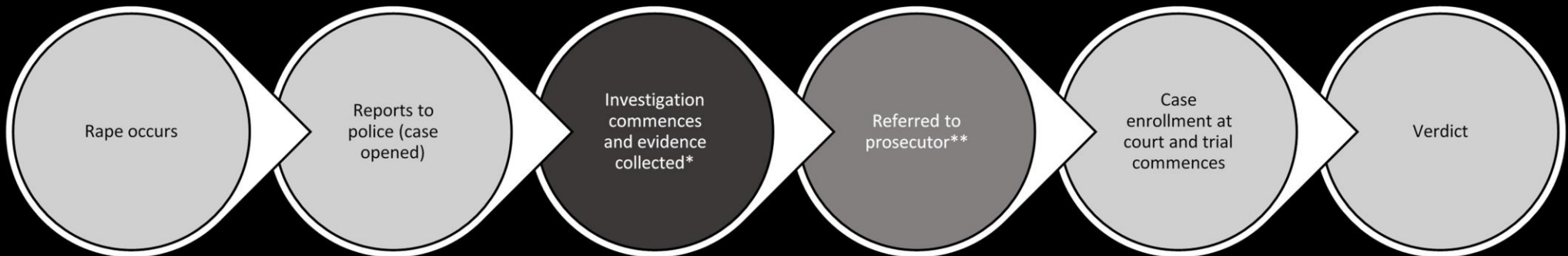
National rape attrition overview



Lower proportion of alcohol related rapes enrolled by prosecutors compared to overall

Prosecutors were 42% more likely to decline enrolling an alcohol related rape compared to a non-alcohol related case

OVERALL FACTORS FOR RAPE CASE ATTRITION



- Victim**
- Age,
 - Race
 - Gender
 - Resistance
 - Sobriety
- Victim's character
 - Victim's behaviour during the incident
 - Victim's credibility or consistency of testimonial evidence

- Victim**
- Age
 - Age – affecting time to reporting)
 - PTSD and trauma – affecting incident recall
 - Details of the incident
- Withdrawal
- Age
 - Self-blame
 - Loss of interest in case
 - Pressures from family, perpetrators, or significant

- Victim**
- Age – affecting time to reporting)
 - PTSD and trauma – affecting incident recall

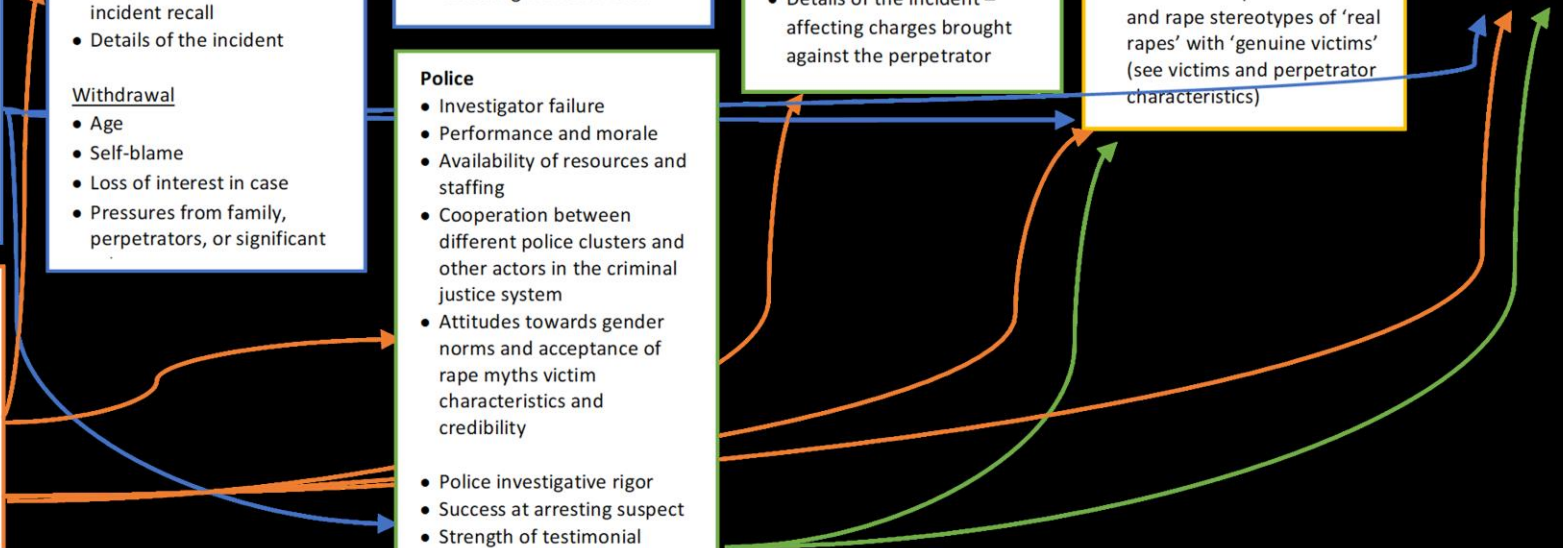
- Police**
- Investigator failure
 - Performance and morale
 - Availability of resources and staffing
 - Cooperation between different police clusters and other actors in the criminal justice system
 - Attitudes towards gender norms and acceptance of rape myths victim characteristics and credibility
- Police investigative rigor
 - Success at arresting suspect
 - Strength of testimonial evidence collected
 - Availability of processed forensic evidence

- Police**
- Investigator failure – affecting identification of perpetrator
 - Details of the incident – affecting charges brought against the perpetrator

- Prosecutor**
- Prosecutor perceptions about the case's convictability
 - Prosecutors' personal biases and rape stereotypes of 'real rapes' with 'genuine victims' (see victims and perpetrator characteristics)

- Judge**
- Judiciary misogynistic views and biases
 - Strength of evidence

- Perpetrator / Rape incident**
- Relationship with victim
 - Number of perpetrators
- Degree of assault
 - Physical force
 - Use of weapons
 - Severity of injuries sustained impact



CONCLUSION

- Alcohol intoxication is a situational factor that affects collection of evidence and impedes possibilities of securing justice for victims through pathways involving prosecutor biases about the credibility of evidence and perception about the potential for convictability.
- Qualitative data shows that prosecutors are motivated to pursue cases where they perceive higher convictability and that contribute to meeting performance targets
- Continual gender affirming training is necessary intervention to address the prosecutor biases and rape stereotyping that negatively impact case outcomes
- Given the limitations of statement evidence in such cases, there is need for
 - NPA investigating systemic challenges in performance management that negatively affect victims
 - Strengthening other evidence collection especially medico-legal and forensic evidence which is useful especially in cases where perpetrators are unidentified.
- Sexual violence risk reduction interventions must incorporate elements sensitizing communities about the sexual-violence related risks of alcohol and other drug intoxication