

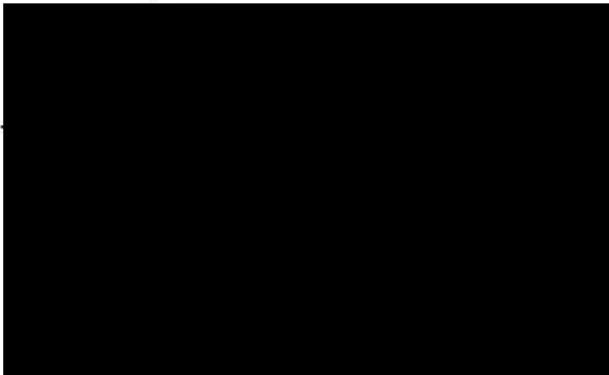
**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

**ATTACHMENT PN-4 TO STATEMENT OF PAUL RICHARD NAYLOR**

Date of document: 4 August 2015  
Filed on behalf of: the Applicant  
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This is the attachment marked '**PN-4**' produced and shown to **PAUL RICHARD NAYLOR** at the time of signing his Statement on 4 August 2015.



A handwritten signature in black ink, appearing to be 'PR', located to the right of the redacted signature area.

Before me: .....

Attachment PN-4

**Evaluation of the SOCIT model adopted by Victoria Police:  
Are investigations improved?**

**Martine Powell and Romana Murfett  
Deakin University  
July 2009**



This research was funded by Victoria Police; however, the views expressed are those of the authors.

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  - Sgt Jo Lomas (Bairnsdale SOCAU)
  - D/Sgt Charles Machen (Bairnsdale CIU)

## Abbreviations

CIU	Criminal Investigation Unit
MDC	Multidisciplinary Centre
NFPA	No Further Police Action
NOD	No Offence Detected
OPP	Office of Public Prosecutions
SOCAU	Sexual Offences and Child Abuse Unit
SOCIT	Sexual Offence and Child Abuse Investigation Team
VATE	Video and Audio Taped Evidence
VLRC	Victorian Law Reform Commission

## **Biography of the authors**

### **Professor Martine Powell [DipTeach, BAHons, MCLinPsych, PhD]**

Martine Powell is a researcher and trainer who specialises in police investigation of abuse. Most of her prior research has focused on the factors that affect witness testimony and what constitutes effective training of investigative interviewers. More recently, however, her work has focused on the individual and organisational barriers that inhibit effective investigation of abuse and the strategies for overcoming these barriers. Professor Powell has a multidisciplinary background. Prior to becoming an academic she worked as a psychologist assessing and treating child sexual assault victims. She is founding coordinator of the Doctor of Psychology (Forensic) course at Deakin University and has assisted in the design, delivery and/or evaluation of eight training courses for sexual assault investigators. To date, she has over 100 published papers related to the elicitation of evidence about assault and has over 70 conference presentations (three as keynote).

### **Ms. Romana Murfett [BAppSc(Psych)(Hons)]**

Romana Murfett is a part-time research fellow at Deakin University with prior research experience evaluating police procedure in relation to sexual assault investigation. In 2006, Ms Murfett was awarded first class honours in psychology at Deakin University (specialising in the evidence of vulnerable witnesses). In 2007, she was a full-time researcher on a Victoria Police funded project evaluating the Video and Audio Taped Evidence (VATE) procedure. Her role on that project included de-identification of case files and coding, analysis and write up of data relating to brief authorisation decisions of child abuse cases. In 2008, Ms Murfett accepted a scholarship to conduct a Doctor of Psychology (Clinical) at Deakin University. While conducting her studies, she has continued to work part-time as a research assistant for Professor Powell on Victoria Police funded projects.

## **Executive summary**

### **Background**

This study is the second in a series of four studies evaluating a new method of operation for the investigation of sexual assault by Victoria Police. Since early 2007, a pilot program has been operating at two sites involving the establishment of specialist teams of investigators called Sexual Offence and Child abuse Investigation Teams (SOCITs). SOCIT members are responsible for the investigation of sexual offences and victim support, whereas in the previous system these two roles were administered by different police professionals. SOCITs operate out of newly formed Multidisciplinary Centres (MDCs), which are independent response centres that co-locate key services (i.e. investigation, counselling, medical examination and child protection). Before co-location, victims had to travel between sites to access services, and police investigations were based at local police stations.

### **Aim**

In the first study of this series, which examined professional stakeholders' perceptions of how the new method of operation is functioning, members of the Office of Public Prosecutions (OPP) reported observations attesting to better quality briefs of evidence, greater police knowledge and expertise, better legal outcomes, shorter investigation/charge times and better liaison (where appropriate) between police and prosecutors to ensure that appropriate legal advice was sought. The aim of this study was to examine these issues further, through direct examination of covering reports to the brief of evidence, comparing documentation obtained from the pilot sites and those obtained from units operating under the previous model. This report focused solely on those investigations that were 'not authorised' to proceed to prosecution.

**Procedure**

Analyses were conducted in relation to four outcome measures, calculated on data obtained from two pilot sites and two comparison sites over an 18 month period. The measures included: (a) the quality of the investigation, as indicated by the evidence provided in the supplementary cover report; (b) the quality of the investigation, as indicated by the level of detail in the supplementary cover report; (c) the time taken to investigate the matter; and (d) the circumstances surrounding victim disengagement (if any) from the investigation and legal proceedings.

**Results**

The investigations conducted by the SOCITs received significantly higher quality ratings than the investigations of teams located at the comparison sites. The higher quality investigations by SOCITs were also associated with greater detail supplied in the covering reports. These positive findings were revealed even though the investigation time did not differ across the pilot and comparison sites. Our measure of victim engagement did not reveal any obvious difference in patterns across the pilot and comparison sites. However, at least two-thirds of the complainants were still engaged in the process at the completion of the investigations.

**Conclusion**

The new SOCIT model was introduced by Victoria Police to provide a more efficient and specialised response to sexual assault complaints, potentially resulting in better quality investigations and better engagement of complainants. In relation to the quality of investigations, the findings of this study provide some objective support for this aim.



## 1.0 Introduction

This study is the second in a series of four studies evaluating a new method of operation for the investigation of sexual assault by Victoria Police. Since early 2007, a pilot program has been operating in one metropolitan and one regional area of Victoria. The pilot program involves the establishment of specialist teams of investigators, referred to as Sexual Offence and Child Abuse Investigation Teams (SOCITs), and the establishment of ‘Multidisciplinary Centres’ (MDCs) where key services (i.e., investigation, counselling, medical examination and child protection) are co-located at an independent facility. The preceding model of service delivery, which is still in operation across the state, consists of specialist teams referred to as Sexual Offences and Child Abuse Units (SOCAUs). Unlike SOCITs, SOCAUs are not detective trained and thus their role is largely limited to interviewing and victim support. Members of Criminal Investigation Units (CIUs) and Sexual Crimes Squads are responsible for the criminal investigation component, including elicitation of written statements from adult witnesses<sup>1</sup>. Further, in the preceding model, the service providers are based at separate sites with police members being based at local police stations.

The philosophy underlying the new model of service delivery is that it enables more coordinated, efficient and specialised responses, thereby increasing victim reporting rates, optimising victim recovery and facilitating better quality investigation and legal outcome (Victoria Police, 2005). The current investigation examines (in part) whether the new model has actually achieved these aims. It does this by examining the investigation procedures documented in a

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<sup>1</sup> Members of SOCAUs work closely with detectives from the CIUs. Both CIU and SOCAU members are responsible for identifying, interviewing and charging the offender. In cases where the investigation is undertaken by a SOCAU member, this person works under the supervision of the Officer-in-Charge of the relevant SOCAU or the CIU. In cases where a CIU member takes the lead role in the investigation, the SOCAU member assists the investigation. In the SOCIT model, in contrast, the roles of the SOCAU and CIU member are amalgamated.

representative sample of files obtained from SOCITs (the new model of service delivery) and those obtained from teams operating at comparison sites (the preceding model).

The cases examined in this particular study were those that were *not authorised* to proceed to prosecution. These cases are of particular interest to Victoria Police because of criticisms outlined in the Victorian Law Reform Commission (VLRC, 2004) report, which was a major impetus for the current reforms. The VLRC report documented (among other concerns) high attrition rates of reported sexual assault cases and inconsistencies in the level of police service delivery and decision making, driven (in part) by widespread police attitudes of scepticism and disbelief towards victims and subsequently low prioritisation of sexual assault cases by investigators. The VLRC's conclusion is largely consistent with that of an independent study of reported rapes in Victoria from 2000-2003 (which revealed high attrition of cases; Statewide Steering Committee to Reduce Sexual Assault, 2003) and an evaluation of the Video and Audio Taped Evidence (VATE) procedures adopted by Victoria Police (Powell, 2008), which analysed supervisors' decisions whether to authorise briefs of evidence involving child abuse to proceed to prosecution. This latter report revealed poor accountability and transparency of decision making and (where the reasons for decisions were clearly documented) overemphasis on superficial indicators of victim credibility without sufficient reflection on the quality and nature of the investigation processes and how these processes (and the context of the abuse itself) may have impacted the victims' statement.

In the preceding report of this series, we provided anecdotal evidence arising from interviews with 90 stakeholders indicating that the new SOCIT model of service delivery has corresponded with a major shift in police attitudes towards victims of sexual assault<sup>2</sup>. SOCIT members reported that the commitment, diligence and quality of briefs of evidence among

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<sup>2</sup> The first report in this series is entitled *Stakeholders' perceptions of the new SOCIT and MDC model adopted by Victoria Police*.

investigators had improved under the new system. Further, members of the OPP reported observations attesting to better quality briefs of evidence, greater police knowledge and expertise, better legal outcomes, shorter investigation/charge times and better liaison (where appropriate) between police and prosecutors to ensure that appropriate legal advice was sought. The aim of this study was to extend the research in this area through direct examination of investigation documentation.

For both models of operation (i.e., the new SOCIT model and the SOCAU/CIU method of service delivery), the procedure for making decisions whether to authorise cases to proceed to prosecution is as follows. The brief of evidence (e.g., collection of witness statements, forensic evidence and record of interviews with alleged offenders), once compiled, is typically forwarded to the designated senior officer with a *supplementary cover report* by the lead investigating officer (i.e., the informant). In essence, the supplementary cover report is like an ‘executive summary’ of the brief of evidence. It details the context of the allegations, investigation procedures and available evidence, and it outlines the investigator’s argument why the case is or is not deemed sufficient to warrant the charges and to meet the legal requirements to proceed to prosecution at court. Based on the case documentation, the senior ‘authorising’ officer decides whether or not the case should proceed to prosecution<sup>3</sup>. In this study, we examined the supplementary cover report to test the assumption that the quality of briefs of evidence is actually higher for cases investigated by SOCITs compared to those investigated by teams located at comparison sites. We also examined whether there is any major deviation in the patterns of victim engagement, as indicated by evidence in relation to this issue that was contained in the supplementary cover reports.

Overall, analyses were conducted in relation to four outcome measures over an 18-month period. The measures included: (a) the quality of the investigation, as indicated by the evidence

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<sup>3</sup> Prior research reveals that this decision is generally consistent with the conclusion of the investigating officer outlined in the supplementary cover report (Powell, 2008).

provided in the supplementary cover report; (b) the quality of the investigation, as indicated by the level of detail in the supplementary cover report; (c) the time taken to investigate the matter; and (d) the circumstances surrounding victim disengagement (if any) from the investigation and legal proceedings. The reason for examining the time taken to conduct the investigation is that it provides a crude measure of the efficiency of the investigating teams (a factor targeted by the reform). Lengthy investigation time is a common complaint of sexual assault victims (City Auditor, 2007; NSW Rape Crisis Centre & Cossins, 2007; Statewide Steering Committee to Reduce Sexual Assault, 2006), and was a problem highlighted in the 2004 VLRC report.

## 2.0 Method

### 2.1 Data

The regions where the new model of operation has been trialled are Frankston (the metropolitan site) and Mildura (the regional site). The comparison sites are Footscray (the metropolitan site) and Bairnsdale (the regional site). These comparison sites were chosen because they were deemed to be similar to the pilot sites in population and sexual offence rates.

The coordination of data collection from these sites was managed by members of the SOCIT project team who contacted the managers of the various units in the regions mentioned above and requested copies of *all* cover reports involving cases of sexual assault where the brief of evidence had not been authorised for prosecution between 1 January 2007 and 30 June 2008. Table 1 provides an overview of the number of case files that were obtained from the managers. Note that of the 116 non-authorised investigations in this period, 7 cases (from a range of units) had missing covering reports and were removed from the sample. In addition, two further cases were discounted as they involved non-authorisation due to the death of the alleged offender (a rare

occurrence that clearly affects the progress of an investigation). The final data set included 107 supplementary cover reports.

Table 1.

Sexual assault cases not authorised to proceed to prosecution from 01/01/2007 – 30/06/2008

<b>Region</b>	<b>Site</b>	<b>Unit where lead investigator was based</b>	<b>Number of cases provided</b>
Regional	Pilot	Mildura SOCIT	22
	Comparison	Mildura SOCAU	7
	Comparison	Bairnsdale SOCAU	12
	Comparison	Bairnsdale CIU	12
Metro	Pilot	Frankston SOCIT	31
	Comparison	Frankston SOCAU	11
	Comparison	Footscray SOCAU	14
	Comparison	Footscray CIU	7
<b>Total</b>			<b>116</b>

The reports involved 59 child complainants (5 with a cognitive impairment) and 48 adult complainants (11 with a cognitive impairment). The majority of complainants were female (80.4%) and the majority of alleged offenders were male (96.4%). The charges investigated included indecent assault (SOCIT  $N = 5$ ; Comparison  $N = 24$ ), indecent act with child under the

age of 16 (SOCIT  $N = 4$ ; Comparison  $N = 8$ ), sexual penetration of child under the age of 16 (SOCIT  $N = 5$ ; Comparison  $N = 6$ ), incest (SOCIT  $N = 5$ ; Comparison  $N = 4$ ), and rape (SOCIT  $N = 29$ ; Comparison  $N = 14$ ). Although the SOCITs investigated proportionately more penetrative offences the conclusions arising from this study were not deemed to be influenced by this. When a subsample of the data was randomly extracted to ensure consistency of case types across pilot and comparison sites (i.e., so that each site investigated the same proportion of penetrative offences), the pattern of results remained consistent. For ease of presentation, we provide the analyses involving the full number of cases.

## 2.2 Coding

As outlined in the introduction, analyses were conducted in relation to four outcome measures: (a) the *quality* of the investigation as indicated by the evidence provided in the supplementary cover report; (b) the level of detail in the supplementary cover report; (c) the time taken to investigate the matter; and (d) the complainant's level of engagement. For each report we obtained, a score was given, one for each of the four outcome measures. All scores were made by the same rater (the second author of this report). The remainder of this subsection outlines how each score was obtained.

**Quality of investigation.** The criteria used to judge the quality of investigation (based on the evidence provided in the supplementary cover report) were specified by two police members in the SOCIT project team. While no formal criteria were available, both of these police members were highly experienced in the investigation of sexual assault and the preparation and evaluation of briefs of evidence. The criteria provided by these officers are outlined in Table 2, which also provides examples of ideal practice for each of the categories listed. Using the criteria outlined in Table 2, the second author of this report independently (i.e., without consultation with the two

officers) provided a rating of how well the investigation was conducted, according to the content in the covering report. Each report was given a rating of either 1, 2 or 3. A score of 1 indicated that the investigation was low quality, a score of 2 indicated that the investigation was of average quality and a score of 3 indicated that the investigation was of high quality.

Before providing each rating, the researcher read each covering report in its entirety, taking notes in relation to the pre-selected criteria mentioned in Table 2. She then provided a rating while reflecting on the notes. After following this procedure for a large proportion of the reports, she then reread these reports and her notes again, adjusting scores where necessary to ensure that there was good distribution of cases across the three scores, and to ensure that her stringency level was consistent and justified, considering the range of reports provided. The rater then coded the remainder of the reports.

Note that investigations that were deemed low in quality were carried out in a manner that deviated considerably from those criteria detailed in Table 2. For example, in one 'low quality' investigation, relevant phone call records were not retrieved and a number of witnesses were not spoken to. Those rated high in quality adhered to all the investigation criteria (where applicable) using ideal practice. Medium quality investigations fell between these two extremes, typically failing to follow ideal practice in one instance. While it was not possible to conceal which unit each case originated from (pilot or comparison site), the researcher had no contact or prior relationship with any members of the teams being evaluated. Further, the cases were drawn from the various units in random order to eliminate any possible effects arising from the order in which each report was ranked.

Table 2.

## Criteria for judging the quality of investigation

<b>Criteria</b>	<b>Example of ideal practice</b>
Medical examination (if applicable)	A medical examination is sought as soon as possible after the complainant reports the allegation(s)
Physical evidence (if applicable)	Physical evidence or other objective evidence is sought (e.g., DNA, phone records, search warrant obtained and executed, and/or the crime scene photographed).
Witness corroboration	All potential witnesses are located and statements are obtained from them
Suspect interview	The suspect is spoken to / interviewed as soon as possible, regardless of the status of the investigation
Pretext interview (if applicable)	A pretext interview is attempted, especially in historical sexual assault cases (i.e. a recording of the complainant in phone conversation with the suspect attempting to elicit their acknowledgment of the offences)

**Detail of documentation.** The length of documentation was determined by calculating the number of pages that the investigator's covering report spanned. Although this is a very crude indication of the level of detail contained in the reports, it is nonetheless justified as a measure of documentation detail because the format and layout of the reports was consistent across units.



**Investigation time.** The time taken to investigate the matter was calculated (in days) by counting the period between the victim reporting their complaint to police<sup>4</sup> and the date on the informant's covering report. The date on the informant's covering report indicates that the investigator perceives all evidence to be exhausted, the brief of evidence has been completed and the informant is seeking an authorisation decision from a superior officer.<sup>5</sup>

**Complainant's level of engagement.** When completing the covering case report, lead investigators (informants) indicated whether the complainant had completed a statement of No Further Police Action (NFPA). A statement of NFPA is where complainants make their wishes formally known that they do not want the investigation to progress any further. If a victim was still wishing to pursue the charges at the time of the authorisation decision, this indicates that the victim was still engaged in the investigation process.<sup>6</sup>

For those cases where a NFPA statement was made, the timing of the statement was noted by assigning one of the following three mutually exclusive codes:

- (a) *Immediately*: The NFPA statement was made immediately after the complainant's initial report (i.e., the complainant was hesitant to pursue charges from the outset);
- (b) *Police influenced*: The NFPA statement was made after the suspect was interviewed and on discussion with police members;

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<sup>4</sup> If the date of complainant reporting was not noted in the available data, members of the SOCIT Project Team accessed this information via the police computer database.

<sup>5</sup> Ten cases were removed for the purposes of this analysis because they had been investigated as part of both the SOCIT and SOCAU/CIU systems (due to the movement of police members when creating the pilot teams). In addition, there was one case removed from the comparison sites group because it was an outlier in the data, taking more than three years to resolve. This is an atypical investigation duration and well beyond the time period that the SOCIT had been in operation at the commencement of this evaluation (i.e., 18 months).

<sup>6</sup> One case was removed as it was solely concerned with the charges of possession of child pornography (with no identified complainant). Additionally, six cases were classified as No Offence Detected. One hundred cases remained to be analysed for this measure.

(c) *Independent*: The NFPA statement was made after the suspect was interviewed *however* the witness reached the decision independently with no apparent consultation with police members.

Note that there are numerous possible reasons for a NFPA statement, and a rating of ‘*police influenced*’ does not necessarily indicate that the decision was related to police attitudes or behaviour *during* the investigation process. For example, the witness may make a NFPA statement because they decide that the court process will be detrimental to their wellbeing. Nonetheless, the timing of the decision provides one crude indicator of whether patterns of engagement are consistent across the pilot and comparison sites.

### 3.0 Results

#### 3.1 Quality of investigation

Documentation related to cases investigated by SOCITs had a higher mean ‘quality of investigation’ rating ( $M = 2.32$ ,  $SD = .79$ ) compared to cases investigated at the comparison sites ( $M = 1.95$ ,  $SD = .76$ ), as shown by an independent samples t-test,  $t(105) = 2.48$ ,  $p = .015$ .

#### 3.2 Detail of documentation

The covering reports related to cases investigated by SOCITs were significantly longer ( $M = 4.04$  pages,  $SD = 1.99$ ) compared to cases investigated at the comparison sites ( $M = 2.01$  pages,  $SD = 1.05$ ), as demonstrated by an independent samples t-test,  $t(72.09) = 6.44$ ,  $p < .001$ .

### 3.3 Duration of investigation

There was no significant difference in the duration of investigations conducted by SOCITs ( $M = 105.39$  days,  $SD = 96.90$ , range = 1 to 413 days) and those investigations at the comparison sites ( $M = 118.63$  days,  $SD = 100.76$ , range = 4 to 388 days), as indicated by an independent samples t-test,  $t(95) = 0.65$ ,  $p = .52$ .

### 3.4 Complainants' level of engagement

Table 3 presents the data relating to complainants' engagement with the investigation process across the pilot (SOCIT) and two different comparison sites where the lead investigator was based. Although the figures suggest that SOCIT is keeping a higher proportion of complainants engaged in the investigation process, an independent samples chi-square analysis was not significant ( $\chi^2(2, N = 100) = 0.48$ ,  $p = .79$ ). The proportion of 'complainants engaged' in the SOCIT investigations was not significantly different from the proportion of 'complainants engaged' in the CIU or SOCAU investigations. In other words, based on our limited data set, there is no association between complainants' level of engagement and the investigating unit.

Finally, Table 4 shows the timing of the NFPA statements across the various units where the lead investigator was based. Due to the low occurrence of several of these categories<sup>7</sup>, no statistical analysis is available to determine whether there are reliable differences between the units in relation to this measure.

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<sup>7</sup> For chi-square analyses, the lowest expected frequency in any category should be at least  $N = 5$  (Pallant, 2007).

Table 3.

Level of the complainants' engagement in the legal process across unit type

<b>Level of engagement</b>	<b>SOCIT</b> (% of SOCIT cases)	<b>CIU</b> (% of CIU cases)	<b>SOCAU</b> (% of SOCAU cases)
Complainant engaged	34 (72.3%)	11 (64.7%)	24 (66.7%)
Complainant disengaged (NFPA)	13 (27.7%)	6 (35.3%)	12 (33.3%)
<b>Total</b>	<b>47</b>	<b>17</b>	<b>36</b>

Table 4.

Timing of complainant making statement of NFPA across unit type

<b>Timing</b>	<b>SOCIT</b>	<b>CIU</b>	<b>SOCAU</b>	<b>Total</b>
Immediately	5	1	7	13
Police influenced	4	2	0	6
Independent	3	3	3	9
<b>Total</b>	<b>12</b>	<b>6</b>	<b>10</b>	<b>28</b>

NB: Three cases were not included in this table because the timing of the NFPA statement was unclear (SOCAU  $N = 2$ ; SOCIT  $N = 1$ ).

## 4.0 Conclusion

The new SOCIT model was introduced by Victoria Police with the aim of providing a more efficient and specialised response to sexual assault complaints, potentially resulting in better quality briefs of evidence and better engagement of complainants. In relation to the quality of briefs of evidence, the findings of this study provide some objective support for this aim. Overall, our ratings of the quality of the investigation (based on the evidence indicated in the covering reports and criteria provided by members of the SOCIT Project Team) revealed significantly higher quality investigations by SOCITs compared to those teams located at the comparison sites. The higher quality investigations was also evident by the greater detail supplied in the reports. Importantly, these positive findings were revealed despite that the average time taken to conduct the investigations was not significantly greater for the SOCITs (the investigation time did not differ across the pilot and comparison sites).

Our crude measure of victim engagement did not reveal any obvious difference in patterns across the pilot and comparison sites. Nonetheless, it is important to note that approximately three-quarters of the victims dealing with SOCITs and two-thirds of the victims dealing with CIUs or SOCAUs were still engaged in the process at the completion of the investigations. This suggests that since the publication of the VLRC (2004) report there may have been improvements in victim satisfaction with the police response in general. This issue is the subject of the two final reports of our SOCIT evaluation, which involve (a) an analysis of in-depth interviews with victims from both pilot and comparison sites, and (b) the comparison of the attrition of cases (among other hard indicators) prior to and after the implementation of the reform at the pilot sites.

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