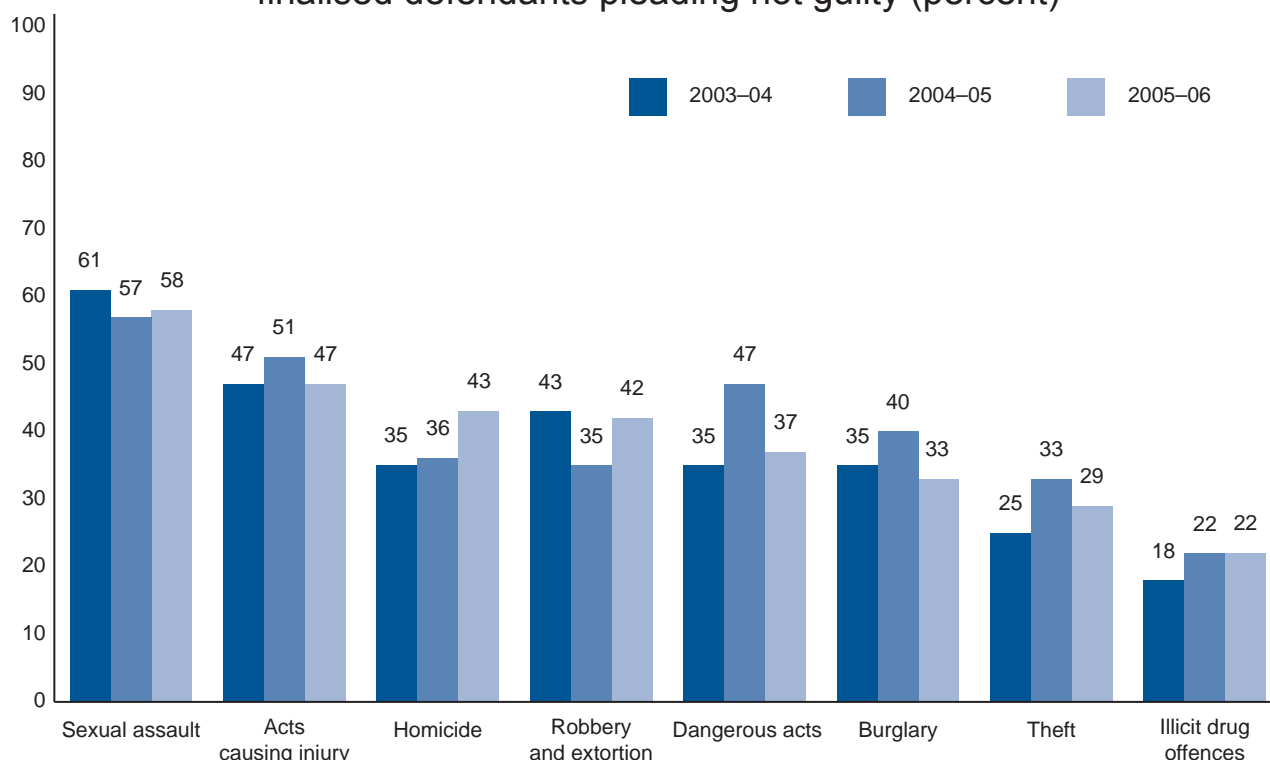


Acquittals in the higher courts

A new report by the Australian Institute of Criminology (Taylor 2007) examines the juror beliefs and attitudes that often shape the outcome of sexual assault trials. As illustrated below, the report shows that sexual assault trials are more likely to result in an acquittal than in a guilty verdict in the higher courts; this occurs in more than half of the cases brought to the higher courts. The figure also shows that acquittals have been more common in sexual assault cases than in all other serious offences in the past three years. A possible reason for this is that there are seldom independent witnesses to sexual assaults and testimony involves one person's word against the other's. The requirement for proof beyond reasonable doubt in criminal cases makes the prosecution case difficult in these circumstances. The report suggests that jurors actively interpret the evidence presented to them in such cases according to pre-existing attitudes, and calls for more research about the link between these attitudes and courtroom outcomes. In terms of other offence types illicit drug offences are the least likely to result in acquittals in the higher courts.

Acquittals in the higher courts for finalised defendants pleading not guilty (percent)



Source: Taylor 2007

Reference

Taylor N 2007. Juror attitudes and biases in sexual assault cases. *Trends and issues in crime and criminal justice* no. 344 <http://www.aic.gov.au/publications/tandi2/tandi344.html>