



Pathology & Biology Section – 2004

G53 Legal Outcome of Sexual Assault Cases, The County of Aarhus, Denmark

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After attending this presentation, attendees will become aware of medical findings and legal outcome of sexual assault cases examined by forensic pathologists.

Forensic pathologists are qualified to do clinical forensic examinations of victims experiencing sexual assault, due to their great experience in describing traumatic lesions during autopsies. Objectivity is easier maintained since the Forensic Pathologist does not take part in the following treatment of the victims. In this study the victims testimonies seemed to have had greater influence on the legal outcome than the findings at the clinical forensic examination.

Introduction: The medical examination of victims of sexual assault is in Aarhus, Denmark performed by forensic pathologists at the Rape Crisis Center, the County of Aarhus. This center has existed since the first of november 1999 and is open to all victims of sexual assault irrespective of police reporting or not. It is located in a hospital setting close to the Department of Forensic Medicine. The Rape Crisis Center covers an area with about 645.000 inhabitants.

Material and Methods: This is a study of all cases reported at the Rape Crisis Center or to the police in a fourteen-month period (Nov. 1, 2000 – Dec 31, 2001) from the County of Aarhus which has about 285,000 inhabitants. Police and court files were studied in the reported cases.

Results: 87 cases, all women, were included of which 73 reported to the police and 48 of these had a clinical forensic examination performed.

- 37 (77 %) had the examination performed within 24 hours of the assault, 30(62.5%) had injuries mostly caused by minor blunt trauma and 7 (14,6%) had minor injuries to the genitals.
- 39 (53.4%) women reported vaginal penetration and semen was found in six of these women.
- 18 (24.7%) of the reported sexual assault cases were "stranger rapes", 45 (61.6%) were "date rapes" and 10 (13.7%) "partner rapes."

Legal outcome: 11 were convicted and one acquitted in court, the charges were dropped in 25 cases because of lack of evidence. Eight were false allegations (seven date rapes and one stranger rape). No charges were made in 24 cases, in 12 of these no perpetrator was found, of which 11 were stranger rapes. Partner rape had the highest conviction rate (three (30%)), compared to date rape (seven (15,6%)) and stranger rape (one (5,6%)).

Injuries to the body were found in four convicted cases and to the genitals in one. In six of the convicted cases vaginal penetration was reported. Semen was not a finding in any of the convicted cases.

Conclusion: The presence of injuries, vaginal penetration or the findings of semen had, in this study, no influence on the legal outcome. Partner rape had the highest conviction rate compared to date rapes and stranger rapes. Reservations however have to be taken due to the small number of persons.

Sexual Assault, Legal Outcome, Clinical Forensic Medicine