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Citation: Hohl, K. & Stanko, E. A. (2022). Five pillars: A framework for transforming the police response to rape and sexual assault. *International Criminology*, 2(3), pp. 222-229. doi: 10.1007/s43576-022-00057-y

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Permanent repository link: <https://openaccess.city.ac.uk/id/eprint/28135/>

Link to published version: <https://doi.org/10.1007/s43576-022-00057-y>

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Five Pillars: A Framework for Transforming the Police Response to Rape and Sexual Assault

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Received: 17 February 2022 / Accepted: 30 April 2022
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Abstract

The ‘justice gap’ for cases of rape and sexual assault is well-documented. Despite our rich understanding of the problem, its visibility in the public sphere, and state commitments to increasing charge and conviction rates, the justice gap is getting larger in the Western World. On a practical level, police are gatekeepers of outcome justice—arrests, charges, and convictions. As representatives of the state and society, police also wield significant symbolic power in defining the faultline between behaviour that is deemed ‘right’ or ‘wrong’. In this article we propose a theory-based and practice-oriented framework for transforming the police response to rape and sexual assault that draws on the large body of feminist literature on sexual violence and criminal justice responses, in combination with policing literature. This framework comprises five pillars: (1) suspect-focused investigations; (2) disrupting repeat offenders; (3) a procedural justice approach to victim-survivor engagement; (4) officer learning, wellbeing, and organisational change; and (5) the use of data. We conclude with a discussion of its practical implementation and empirical validation.

Keywords Rape · Sexual assault · Justice gap · Policing · Police reform

Introduction

Calls to end violence against women and girls, in particular sexual violence, capture attention in many countries around the globe. There is an unrelenting stream of high-profile sexual abuse cases as well as media reports unveiling systemic problems within the criminal justice system in the UK, Japan, South Korea, India, Latin America, Iraq, Morocco, the US, and Europe. Victim-survivors are speaking out about rape, sexual abuse and harassment via social media, mainstream channels, and public demonstrations—and by reporting rape and sexual assault to police and demanding criminal justice. In the UK, the sheer volume of government-commissioned reviews, strategies and public commitments, academic publications, third sector manifestos, ministers, victim commissioners, and senior police officers dedicated to the subject may suggest that the country is leading the way in improving the criminal justice response to rape and

sexual assault (rape for short hereafter). Yet, in 2021, only 1.6% of rapes reported to police in England and Wales were prosecuted (George & Ferguson, 2021). Whilst there is evidence of some improvements in how victim-survivors are treated, their interface with the legal process remains gruelling and, in many ways, the advent of a digital world has made police investigations even more intrusive. For example, victim-survivors are now routinely subjected to a “digital strip search” of their smart phones, social media, and digital technologies (Dodge et al., 2019).

We recognize that most experiences of sexual violence remain unreported, so never interface with justice (Wolitzky-Taylor et al., 2011), and that not all victim-survivors whose cases have come to police attention wish to engage with a criminal justice response. Yet, when this interface does happen—initiated by the victim-survivor or others on their behalf—we must commit to making this justice space better for them. Police are representatives of the state, the law, society, and community (Loader & Mulcahy, 2003). As such, their actions carry symbolic power. Part of this symbolic power is the police’s role as “arbiters of moral conduct. They define respectable and disrespectable behaviour. They can delineate the normative from the deviant” (Bradford et al., 2021: 645). Consequently, how police treat rape reports

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and engage with rape victim-survivors and rape suspects—including within their own ranks—sends a powerful signal to wider society as to the faultline between what is and is not morally acceptable. Harnessing this symbolic power of the police, by visibly improving the police response to rape, has the potential to aid the cause of ending sexual violence, and violence against women and girls.

This article sets out a theoretical framework for transforming the police response to rape. The proposed framework underpins an academic-police collaborative programme in England and Wales known as ‘Operation Soteria’, or by the name of its pilot ‘Project Bluestone’ (UK Government, 2021). The aim of this approach is four-fold. Firstly, to improve criminal justice outcomes in rape cases when victim-survivors, or others on behalf of victim-survivors, invoke a formal criminal justice process. Secondly, to improve the victim-survivor experience of the criminal justice process, as well as developing a more nuanced understanding of police symbolic power and what police procedural justice and legitimacy mean in the eyes and experiences of victim-survivors. Thirdly, to give police greater responsibility and better tools for the prevention and disruption of serial and organized sexual offending. Fourthly, to increase the efficient use of overstretched police resources while caring for the well-being of officers, promoting organisational procedural justice for policing staff. This article outlines the background, rationale and key elements of the “five pillars” framework, and how it is being put into practice in England and Wales within ‘Operation Soteria’ and its pilot ‘Project Bluestone’.

Background

When feminist academics began writing about women’s experiences of reporting rape or sexual assault to the police and having their case tried in court in the late 1970s, rape justice was largely ignored as a justice concern. The laws application focused on stranger rape. Married women could not be raped in law.¹ Men could not be raped in law.² Centring rape cases on judgements of the victim’s “respectability” was the norm and cast doubt on the believability women’s (and children’s) accounts of rape (Jordan, 2004). Women’s movements across the globe opened the space for debating and challenging violence against women in the public sphere, out of the harmful shadow of being a strictly

personal, shameful, and private experience. The early pioneers—Diana E. H. Russell, Susan Brownmiller, bell hooks, Kimberlé Crenshaw, and many others—opened the possibility for academic study of violence against women (Hague, 2021). Activists drove political action and forced public debate. A key part of this early task for scholars in the social sciences was to make the problem visible and known, and create public debate.

Since then, an extensive body of academic and government research has identified, documented, described, and analysed the impact of sexual violence on people’s health, quality of life and life chances, and proposed solutions, not only in law, but in the sectors of social work, health and education. Little of those pioneering observations have lost their relevance today (see, for example, contributors to Horvath & Brown, 2022). Recent years have advanced our understanding of intersectionality in victim-survivor experience of criminal (in-)justice and made our understanding of victim-survivor experience more trauma-informed (ibid.). Yet, in practice, we have witnessed a deterioration in the most symbolic of powers under the rule of law to challenge sexual offending—the power of the law, and the police, to validate sexual violence experiences as illegal, wrong, and not tolerated.

Then, as now, there was the hope that once the public understood the gravity of the problem of a systemic lack of justice for victim-survivors, the overwhelming evidence of its harm and public recognition of its importance would drive justice reform and better justice outcomes. It is thus troubling that despite the public visibility and acknowledgement of the problem evidenced in the sheer volume of research, reports, media reporting, strategies, dedicated ministers and action plans, legal justice for victims of sexual violence is becoming increasingly illusive in plain sight of public knowledge and policy focus. The symbolic power of law in action in a democratic society is at present operating not as a challenge to, but exemplification of tolerance of sexual violence, assault, bullying and harassment. The problem of better justice is not (only) a problem of better law, but one of better legal practice.

Improving justice starts with improving the police response to rape and sexual assault.

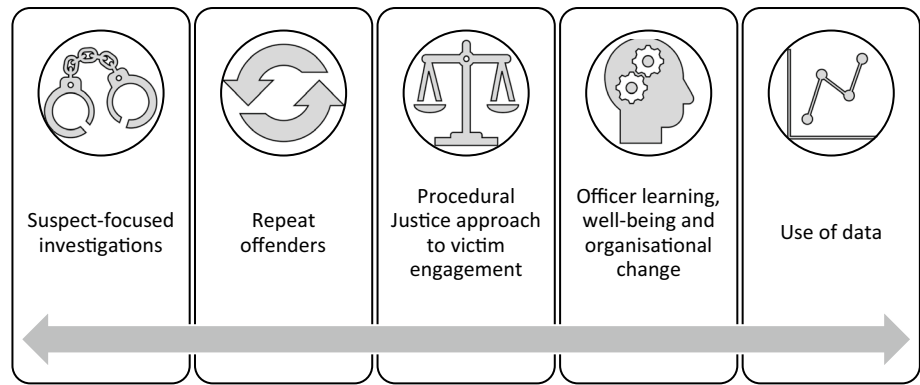
Reframing the “Attrition Problem” as a Problem of Police Organisations as Institutions

In England and Wales, the police as gatekeepers of the criminal justice system drop 97% of rape cases without referring them to the Crown Prosecution Service for a charging decision (George & Ferguson, 2021). 1.6% are prosecuted and around 1% result in a conviction (ibid.). Feminist research

¹ Marital rape, also known as spousal rape, is a sexual assault under law in England and Wales (as outlined in the Sexual Offences Act 2003).

² Male rape, became recognised in law in England and Wales in 1994 but the 2003 legislation made victims of rape gender neutral.

Fig. 1 The five pillars framework



and theory has centred on the gendered nature of sexual violence as a key explanation on why reports of rape so rarely result in a charge, prosecution, and conviction. This literature has evidenced how criminal justice decision-making is shaped by rape myths, victim-blaming and gendered expectations of how people ought to behave to prevent an attack as well as during and after one (Jordan, 2004; Stanko, 1997; Temkin & Krahé, 2008). Research has also demonstrated the intersectionality of gendered sexual violence and racial discrimination in how Black and minoritised ethnic victim-survivors experience accessing criminal justice (Gill & Harrison, 2016; Harrison & Gill, 2019). At the same time, there are beliefs about what constitutes appropriate (overwhelming) male sexual behaviour, consigning sexual offenders to a ‘bad’ or ‘sick’ few (Ryan, 2011).

Gregory and Lees (1999) shone a light on the ways in which a police response to rape is fundamentally shaped by its culture of masculinity and misogyny. Reviews of police practice consistently found, in 1996 as in 2021, that mistaken belief that false allegations are common, along with other rape myths and stereotypes, continue to thrive amongst police officers, prosecutors, judges and jurors, and that this influences case outcomes at every stage of the criminal justice process (George & Ferguson, 2021; Gregory & Lees, 1996; Kelly et al., 2005; Stern, 2010). The police service’s own oversight body, HM Inspectorate of Constabulary and Fire & Rescue (2022) identifies rape investigations to be marked by multiple missed opportunities and errors. There are repeated calls for a better understanding of why victims withdraw and to reduce victim disengagement with justice, and all note poor outcomes for victims with vulnerabilities such as learning difficulties, being in a past or current intimate partner relationship with the perpetrator, alcohol or drug use, or simply being a young person (Hohl & Stanko, 2015). Where good practice in investigations is identified, it is inconsistently applied even within forces. Report after report concludes that the policies are right, but implementation is inconsistent or lacking (see Green, 2014). Recommendations made by these official reports have barely changed over the decades. All assert that victim rights need

to be strengthened and acted upon, victims need better communication and information from police and the courts, and support is needed from specialist trained officers, sexual referral centres and Independent Sexual Violence Advocates (ISVAs) (see, for example, George & Ferguson, 2021).

Our approach offers a further angle from which to chip away at the legal failings of justice practices, drawing on decades of feminist research in the field of violence against women and girls. Rather than asking the question of ‘*what is it about rape that makes it so difficult for police to achieve outcome justice in rape cases?*’ the starting point of this framework is the question ‘*what is it about the police and policing practices that make it so difficult for police to achieve outcome and procedural justice in rape cases?*’ The ‘five pillars’ framework informed by the global scholarship on sexual violence and wider scholarship on policing as the mechanism to improve the policing response to those victim-survivors who report rape. The approach combines feminist literature with forensic psychology literature on sexual offending behaviour, and extends the scholarship on Procedural Justice Theory to include the experience of rape victim-survivors. It also harnesses literature on understanding the importance of internal police organisational justice and the self-legitimacy of criminal justice actors (here the police). Together, the five pillars and the literature they draw upon provide a systematic approach to understanding and changing the police response to sexual violence.

The Five Pillars

The ‘five pillars’ (Fig. 1) comprise the three ‘work horses’ of day-to-day police work (*Pillar One*: suspect-focused investigations, *Pillar Two*: disrupting repeat offenders, *Pillar Three*: victim engagement), supported by the two ‘corporate enablers’ of organisational change (*Pillar Four*: officer learning, development, and wellbeing, *Pillar Five*: the intelligent use of police data). We propose that, in combination, these five pillars enable the application of rule of law in the following forms: firstly, outcome justice—arrests, charges,

and convictions—for those victim-survivors who request it, and symbolically for society at large; and, secondly, procedural justice for victim-survivors.

Pillar One: Suspect-Focused Investigations

A consistent finding is that a police investigation primarily concerns itself with testing the credibility of the victim as a witness and their account of the rape or sexual assault (Campbell et al., 2015). Today, this encompasses the victim-survivors police, social service, school, medical and mental health records, alongside the contents of their mobile phone and social media. The premise of pillar One is that the investigation must begin by examining the suspects offending behaviour early in of the investigation, rather than focussing on the victim as the first and primary site of the investigation.

Perpetrators find or create vulnerability in victims as part of the coercion or manipulation that often precedes a rape, and silence victim-survivors afterwards. This includes making the victim-survivor feel responsible or complicit in the rape, to blame themselves and as a result, not report what happened to anyone, including the police (Tidmarsh, 2021; Weiss, 2010). Such knowledge of sexual offender behaviour enables a shift in how officers understand and respond in the investigation to so-called “victim vulnerabilities”. Victim vulnerabilities have become a form of victim responsabilisation (Garland, 1996), such as being under the influence of alcohol when the rape occurred, having a learning, socio-psychological or physical disability, being a drug or alcohol user, care leaver, sex worker or being a known to authorities because of regular offending or social services contact (Kelly et al., 2005; Hohl & Stanko, 2015; Horvath & Brown, 2022). Suspect-focused investigations require officers to move beyond the ‘red herring’ of victim credibility that arises from entrenched rape mythology and victim-blaming and seeps into investigative strategies, lines of enquiry, case building, engagement with victim-survivors and suspects, and decision-making in the case. Instead, the investigation should mobilize an understanding of sexual offending and focus on suspect behaviour. Rather than seeing victim vulnerabilities as a “liability” undermining the credibility of the victim as a witness, police investigators should use their knowledge of how sexual predators routinely exploit or create “vulnerability” for better suspect and victim interview strategies, lines of enquiry and to build stronger cases with a better chance of making it before a jury and resulting in a conviction. Pillar One argues that such specialist knowledge is essential to shifting from victim-focused to suspect behaviour focused investigations. Specialist knowledge and specialism within policing have been variously advocated as a mechanism to improve the justice outcomes for victims of sexual violence (Dalton et al., *this issue*; Rumney et

al., 2020). Yet, the need for serving investigation officers to be “omnicompetent” (Stelfox, 2011) still dominates police forces today, partly as a solution to police funding cuts and the shortage of investigators throughout the police service.

Pillar Two: Identifying and Disrupting Repeat Perpetrators

Pillar Two places greater responsibility on police to proactively identify, disrupt and prevent repeat sexual offending by utilizing past and current intelligence provided by victim-survivors through their police reporting. Policing has yet to accept a near universal tenant of criminological research: a small number of prolific offenders account for a large proportion of criminal offences (Gendreau et al., 1996; Lovell et al., 2020; Thornberry & Krohn, 2006). Indeed, Tidmarsh (2021) shows that convicted sex offenders, once in treatment, will often admit to having committed multiple other such offences—often over many years—that have yet to come to police attention. With a lack of recognition of the prevalence of repeat offending comes a lack of recognition of the impact of repeat offenders and repeat offending on the safety and well-being of victim-survivors, many of whom are repeatedly victimized by the same or multiple similar offenders. The first application of this approach in the Project Bluestone Pathfinder in Avon & Somerset. It found that 23.3% of named suspects in sexual offences had been previously named in a sexual offence report, growing to 60.5% if all offence types are considered.³ The latter finding echoes existing research that suggests that contrary to common belief, including amongst officers, sex offenders are often not specialists but general offenders, committing a range of crimes (Tidmarsh, 2021). An area of particular concern here is the overlap between sexual violence and domestic abuse. There is increasing recognition that sexual violence forms part of patterns of domestic abuse, in particular coercive control, and as a result is both prevalent and under-recorded (Stark, 2007; Wiener & Palmer, 2021). Using Metropolitan data from 2012, Hohl and Stanko (2015) found that 29% of rapes are committed by previous or current intimate partners, rising to 35% in 2021 (Wunsch et al., 2021, using the same data source and methodology as Hohl & Stanko, 2015). Such findings suggest that looking for patterns of repeat and crossover offending must form part of a suspect-focused approach and requires specific attention during police investigations, for example through case file reviews and critical reflection practices (Norman et al., *this issue*). Pillar Two is closely connected yet distinct from

³ Unpublished result of Pillar 2 police case file review, led by Davies, K. and Horvath, M.A.H.

Pillar One in its suspect focus and its focus on improving the outcomes of rape investigations.

Pillar Three: A Systematic Procedural Justice Approach to Victim Engagement

“Secondary victimization” (Campbell & Raja, 1999; Patterson, 2011; Stanko, 1985) is a term to capture the way in which many victim-survivors experience the police investigation and criminal justice process as further abuse. “Secondary victimization” includes victim-survivors not feeling believed, taken seriously or even being blamed for what happened. It also includes long police interviews and repeat questioning alongside extensive scrutiny of the victim’s mobile phone, social media, medical history, social services, school and police records, and long delays in the criminal justice process (Dodge et al., 2019). Such experiences do not merely result in dissatisfaction with the process but cause psychological harm to victim-survivors. The reason for this lies in the power police hold as representatives of the state and law. How officers engage with victim-survivors, specifically how officer behaviour is marked by key components of procedural fairness—voice, dignity and respect, neutrality, and trustworthiness—not only shapes victim-survivors’ trust in the police but also their sense of self-worth, and perceived value and status in society as a victim-survivor of sexual violence (Hohl et al., *this issue*; Sunshine & Tyler, 2003; Tyler, 2006). Pillar Three proposes a systematic procedural justice approach to the evaluation of police practice in engaging with victims, and as guiding principles for every officer contact victim-survivors have from first report to case conclusion.

Pillar Four: Officer Learning, Development, and Well-Being

A recurring recommendation for improving how police investigate rape and engage with victim-survivors is ‘better training’ (George & Ferguson, 2021; Kelly et al., 2005; Stern, 2010). The perennial complaint that training is inadequate combines with an apparent belief by the public, stakeholders, within government departments and within policing that somehow training is the solution and will change police practice. Recognising why so few reports of rape go to court, and why victim-survivor experiences are so poor is a first step (see also *Pillars Three and Five*), but this must be accompanied by diagnosing why attempts to improve policing practice have not led to better justice outcomes. The police largely have been left to improve policing practice themselves. Where this is attempted through training it often does not make full use of extensive learning through decades of feminist research on rape conducted by scholars across the globe, or the literature on effective teaching and

learning practices (Stanko, 2020; Stanko & Hohl, 2018), and on police culture as a barrier to change (Myhill & Bradford, 2013).

The theoretical underpinning of this pillar is the organisational justice literature. The principles of Procedural Justice Theory do not only apply to the relationship between individuals and the police (see *Pillar Three*) but also to the relationship between individual officers and their police organisations. A range of studies suggests that officers want to feel valued, respected and treated fairly by their supervisors and by the organisation as a whole, and that perceptions of organisation justice are associated with greater group identification, emotional attachment and loyalty to the police force (Myhill & Bradford, 2013; Williams & Cockcroft, 2018; Wolfe & Lawson, 2020). Greater group identification, in turn, is associated with a range of positive behaviours such as willingness to take on additional tasks, though over-identification may also foster unthinking, and possibly counterproductive, types of compliance (Bradford et al., 2014). *Pillar Four* uses the principles of organisational justice to inform recommendations for police policies to enhance procedural fairness the police organisation displays towards its own officers. Organisational procedural fairness has been shown to improve officer well-being and reduce the high levels officer burn-out, which in turn leads to officers acting in procedurally fair ways towards the communities they police (Trinkner et al., 2016; Williams et al., *this issue*). As such, *Pillar Four* is a necessary precondition for the implementation of *Pillar Three* in particular (procedurally fair engagement with victim-survivors) and for enabling organisational change within all pillars.

Pillar Five: Strategic Use of Police Data

Police services collect and store vast amounts of data: detailed information about every single rape and sexual assault that has come to police attention. When this information is recorded, interpreted, and deployed effectively, it provides an evidence-based understanding of the kinds of rapes and sexual assaults reported to a specific police force (and smaller geographical areas within it). Analysis of this data can uncover systematic patterns in differential outcomes for particular offences, suspect and victim profiles, as well as differential patterns in the propensity in the police failing to keep victim-survivors engaged depending on offence profiles (e.g., rape within the context of domestic abuse). As such, a force’s own data and information can be a powerful enabler of all other pillars. Data can be used to identify factors contributing to or inhibiting effective investigations, factors influencing charge rates, to identify repeat perpetrators, to explain victim withdrawal, and to inform learning, continuous professional development, and reflective practice. At present, the effective use of police administrative

data is hampered by poor data quality, outdated IT systems and dramatic cuts to performance analyst capacity. Pillar Five encompasses academic-police collaborative exploration of the potential of police administrative data, ways of improving data quality and useability, and developing analytic products, such as problem profiles, that help police forces translate findings from the data into concrete actions to support rape investigations operationally, as well as to inform strategic decision-making.

Putting the Framework into Practice

Operation Soteria is a bold, government-funded police-academic collaboration aimed at transformational change in police responses to rape and sexual violence with the objectives of improving charge and conviction rates for rape, as well as improving victim-survivor experience of the justice process that builds on the 2021 ‘Project Bluestone’ pilot (UK Government, 2021).

The programme is based on the five pillars framework set out in this article. Operation Soteria constitutes one of the largest academic-police collaborative programmes ever conducted in the UK. The programme does not follow a conventional linear sequence of research, recommendations, implementation, and evaluation as strictly distinct phases. Instead, findings are being shared with police partners as they emerge, seeking continuous discussion, feedback, and challenge (Stanko and Crew, *this issue*). There is transparency and dialogue throughout, and the craft and knowledge of officers is incorporated to map out the most practical way to address issues arising during the practical implementation (see Hough & Stanko, 2020; Stanko, 2020; Stanko & Dawson, 2016; Willis, 2013).

As such, it is designed to overcome some of the typical failings in attempts of evidence-based reform police practice. Police reform, or any kind of practical implementation of theory within policing is difficult and rarely succeeds, even when the scope is limited to one-off experiments designed to test whether proposed theory works in practice. Breakdowns in communication between academics and officers, misunderstandings of aims, and police culture have all been identified as reasons for implementation failure (MacQueen & Bradford, 2015; Murphy & Tyler, 2017) with Worden and McLean (2017), concluding evidence-based police reform remains a “mirage”. Initial findings suggest effective changes in police practice are feasible as result of this approach (Hohl et al., *this issue*).

Conclusion

The perennial problem of low charge rates for rape cases, and lack of procedural justice afforded to victim-survivors over the course of the police and criminal justice process are well-documented. Complaints about a lack of effective change in police practice and recommendations for such change have echoed through the decades to insufficient effect. The five pillars framework outlined in this article is a theoretically grounded and practice-oriented attempt to employ the *practical and symbolic* powers of policing more effectively towards ending sexual violence, and violence against women and girls. It combines feminist literature, forensic psychology, procedural justice theory, organisational justice theory and the wider policing literature on police culture, learning, development and well-being, and the use of quantitative social statistics in enabling police forces to make effective use of their data. Operation Soteria is a first step to empirically testing the framework. The empirical approach is a multi-method research design that combines statistical analysis of large police administrative datasets, case file reviews, focus groups, interviews, observations of training and of officers in their day-to-day police work, review of video-recorded victim interviews and body worn video footage, as well as extensive document analysis. The academic-police collaborative approach marked is by mutual trust, transparency, continuous dialogue, and addressing challenges jointly.

The successful integration of academic insight and research into the world of policing will be judged through the experiences of victim-survivors, their families and friends, as well as those of the police officers who apply the law’s faultline to reports of rape. Harnessing academic insight in situ can only be accomplished through the open and willing collaboration with police officers and the policing organisations for which they work. This makes Operation Soteria a lever of hope in changing police practice. Too often academics lament—decrying either theory failures or implementation failures—leaving practitioners with little steer on how to improve practice through evidence and theory. As the outcomes of Project Bluestone (*see all articles in this special issue*) and Operation Soteria will be published we can but hope that they will add to this literature, as means to an end. As academics, we want to make a difference to victims-survivors and their experience of formal justice. We want better policing. The five pillars framework, and its implementation through Operation Soteria not only seeks to change the way we think about using Social Science as a lever for change in the police response to sexual violence, but as a mechanism to move justice closer to the wider health and well-being of our social worlds.

Funding Funding was provided by UK Home Office.

Declarations

Conflict of interest The authors declare that there is no conflict of interest.

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