

KATRIN HOHL AND
ELIZABETH A. STANKO



POLICING RAPE

The Way Forward

Routledge Frontiers of Criminal Justice

“This book compels researchers, activists, policymakers, and practitioners to ‘think outside the box’ when it comes to transforming how police respond to rape. Hohl and Stanko’s offering will undoubtedly become a classic piece of innovative feminist scholarship.”

– **Walter DeKeseredy**, *Anna Deane Carlson Endowed
Chair of Social Sciences, West Virginia University*

“How do we increase offender accountability for rape and sexual assault? This book makes an argument that is both impassioned and evidence-based, built on the radical assumption that women have the right to be safe. The authors recognise that transforming justice outcomes requires a transformational shift in police investigative procedures to ensure offender accountability for rape becomes a police priority: women deserve nothing less.

A compelling and comprehensive argument demonstrating the urgent need for a transformational shift in police investigative procedures to hold men who rape accountable when they victimise women.”

– **Jan Jordan**, *Emerita Professor of Criminology,
Victoria University of Wellington*

“Failures around the investigation and prosecution of rape represent one of the greatest continuing policing and justice-related scandals of our age. Written by authors who truly deserve to be called experts, this book is both timely and of huge importance. It will change the way we think about these issues and it should change the way we deal with them.”

– **Tim Newburn**, *Professor of Social Policy,
London School of Economics and Political Science*

“Operation Soteria Bluestone offers the opportunity for change and the promise of a better future if only it can prevail over police history and culture. The early signs are promising and so this is very much a story of hope but, as the authors argue, one that is fragile and susceptible and requires genuine acceptance and buy in at every level of policing. This is an important book and one to which policing must pay attention.”

– **Chief Constable Sarah Crew**, *Avon and Somerset Police,
National Police Chiefs’ Council Lead for Adult Sexual Offences*

“This long-awaited book is vital from two of the foremost academic researchers and activists in the policing of rape. It provides an historical context for why the policing of rape has so dismally failed to date and offers a blueprint for transformational change.”

– **Harriet Wistrich**, *Director of the Centre for Women’s Justice*

“The project that is the subject of this book comes from a place of anger and exasperation at the failings of the police to investigate rape well. Stemming from a far-sighted vision of how to sustainably transform the policing of rape and improve the victim-survivor experience, the authors instigated a brave and ambitious academic-police collaboration that seemed impossible to pull off. But by drawing together feminist research and insights on rape and wider policing scholarship to construct a multi-faceted framework for changing the ways in which rape is investigated, and embedding this in police practice, they have pulled it off. This book is as much about police culture as it is about policing rape. It offers hope, inspiration and a tangible way forward for police to improve the investigation of rape. It deserves to be read.”

– **Michele Burman**, *Professor of Criminology, University of Glasgow*



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POLICING RAPE

The policing of rape is in permacrisis. This book addresses the question of why police investigations continue to fail most rape victim-survivors and puts forward a framework for what policing can do to change this. Low conviction rates and poor victim-survivor experiences are the hallmarks of the rape justice gap. Three decades of research, policy, and legal changes have tweaked rape investigations to alleviate some of their ills; however, for the majority of victim-survivors, the process remains gruelling.

Police forces are notoriously resistant to reform, even in the face of rapidly declining public trust. The starting point of this book is the recognition that if we want profound change in policing, we must try something new. To do so, the authors move from asking “What is it *about rape* that makes it so difficult for police to investigate it well?” to asking “What is it *about the police* that makes it so difficult for police to investigate rape well?”. *Policing Rape* sets out a practice-oriented theoretical framework for radically and sustainably transforming rape investigations, rape prevention, and the quality of officer engagement with victim-survivors. The authors reflect on the journey of putting this framework into practice within Operation Soteria Bluestone as a step on the path towards a radical transformation of rape policing.

This book is essential reading for all those looking to understand and improve the policing of rape.

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Policing Rape

The Way Forward

Katrin Hohl and Elizabeth A. Stanko

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The Way Forward

Katrin Hohl and Elizabeth A. Stanko

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FOREWORD

Policing changed in 2021. The murder of Sarah Everard by a serving police officer and the eventual bringing to justice of another serving officer, a serial rapist and abuser, saw an unprecedented downslide in public trust and confidence in policing, not among minority groups where trust has long been in deficit, but among the majority, among women above all. For policing to rebuild trust and confidence and safeguard policing by consent, it must now win back the confidence of the majority, and the confidence of women as well as those who are seen as the “minority” and marginalised. This means tackling sexual violence, the most extreme manifestation of interpersonal violence and one which disproportionately victimises women and privileges men, in society but also in policing organisations, in a substantive, transformative, and sustainable way. Doing so will be the litmus test of police legitimacy from now on. Operation Soteria Bluestone offers the opportunity for change and the promise of a better future if only it can prevail over police history and culture. The early signs are promising, and so this is very much a story of hope but, as the authors argue, one that is fragile and susceptible and requires genuine acceptance and buy-in at every level of policing. This is an important book and one to which policing must pay attention.

Sarah Crew

Chief Constable of Avon & Somerset Police, England
National Police Chiefs’ Council Lead for Adult Sexual Offences

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This book has been in gestation for eight years. We began working on this manuscript out of our shared frustration at the state of the police responses to rape and our shared conviction that policing can be made better. Years before we could apply our ideas to policing practice through Project Bluestone and Operation Soteria Bluestone, we began to sketch a framework for radical intervention in rape policing. This book preserves how we think and create together as a team. It demonstrates our trust and friendship over the past 15 years.

The project would not have happened without the untiring lobbying of the many feminists agitating for a world without male violence against women and girls. The activists demanded that policing do so much better. We tested our ideas with some of them years in advance of this book. When the opportunity to create Project Bluestone appeared, and Operation Soteria Bluestone unfolded, we felt we had a clear grounding from victim-survivors' experiences. We hope that we have translated the needs and wishes of victim-survivors into a police practice that makes a difference. Working alongside many dedicated police officers and feminist academics enabled us to implement the theoretical framework set out in this book. This experience has been the privilege of our working lives. We are grateful to those who facilitated both projects and shared our journey. Without Chief Constable Sarah Crew, there would be no Project Bluestone and no Operation Soteria Bluestone, and we are indebted to her for her leap of faith, courage, and leadership. We thank the National Police Chiefs' Council, the Home Office, the Home Office's Science, Technology, and Research Fund, and the Mayor's Office for Policing and Crime for funding, programme support, and sponsorship. We thank Avon & Somerset Police, Durham Constabulary, the London Metropolitan Police, West Midlands Police, South Wales Police, the Crown Prosecution Service, and the College of

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ABBREVIATIONS

ABE	Achieving Best Evidence
APP	Authorised Professional Practice
BTP	British Transport Police
CID	Criminal Investigations Department
CPIA 1996	Criminal Procedures and Investigations Act 1996
CPS	Crown Prosecution Service
DCC	Deputy Chief Constable
DCI	Detective Chief Inspector
DFU	Digital Forensic Unit
DS	Detective Sergeant
FRO	First Response Officer
HMICFRS	His Majesty's Inspectorate of Constabulary and Fire & Rescue Services
ISVA	Independent Sexual Violence Advocate
MAPPA	Multi-Agency Public Protection Arrangements
MOSOVO	Management of Sexual or Violent Offenders
NFA	No Further Action
NOM	National Operating Model
NPCC	National Police Chiefs' Council
PCC	Police and Crime Commissioner
PEQF	Police Education Qualifications Framework
PNC	Police National Computer
PND	Police National Database
RASSO	Rape and Serious Sexual Offences
SARC	Sexual Assault Referral Centre
SHPO	Sexual Harm Prevention Order
SOA 2003	Sexual Offences Act 2003
SOIT	Sexual Offences Investigative Trained
SOLO	Sexual Offences Liaison Officer
SRO	Sexual Risk Order

xii Abbreviations

SSAIDP	Specialist Sexual Assault Investigation Development Programme
VAWG	Violence Against Women and Girls
ViSOR	Violent and Sex Offender Register

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INTRODUCTION

The policing of rape is in permacrisis. In this book, we set out to address the question of why police investigations continue to fail most rape victim-survivors and put forward a framework for what police forces might do to change this. Police reform is a wicked problem, long on attempts and short on successes. Barely a week goes by without policing making the headlines with scandals of police-perpetrated sexual violence and domestic abuse, a culture of misogyny and racism, reports of police-traumatised victim-survivors, and routine failures to apprehend dangerous perpetrators. Public goodwill is fading with every broken pledge of reform. One police force inspection follows the next, each independent inquiry into police standards, professionalism, and effectiveness more damning than those gone before, all documenting the “slow-motion emergency” of failing police forces.¹ Senior police leaders respond with rhetoric and action plans. Beneath the surface of the pledges and initiatives sits a deep reservoir of police nostalgia and mythology, entrenched ways of thinking and doing, antiquated systems and approaches to officer learning, the use of data, and digital technology. Paralytic police forces are treading water as they attempt to stay afloat amidst the waves of scandal threatening to sink policing as we know it. The specific task of reforming the police response to rape is particularly challenging. Prosecution rates for rape are lower than for any other crime type (Home Office, 2023). The subject of rape is emotive because it is fraught with stigma, shame, myths, and stereotypes. Rape is an iconic offence in the measure of women’s equality in society (Hohl and Stanko, 2015). As such, how police respond to rape has a lighthouse effect, symbolic of how policing positions itself vis-à-vis the question of women’s status in society and towards male victim-survivors still stigmatised by a crime overwhelmingly committed by men against women. Every chapter in this book describes a key feature of default police approaches to rape and then proposes a way of shifting policing to a new default. Together,

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these interlocking shifts in thinking and doing set out our framework for a way forward in the policing of rape towards greater justice for victim-survivors and towards ending sexual violence.

Rape is effectively decriminalised in England and Wales (Hohl and Stanko, 2015; Victims' Commissioner, 2020). In the year ending March 2023, just 2.1% of police-recorded rapes result in a suspect being charged or summonsed, up from 1.3% the year prior (Home Office, 2023). The police investigation process is so gruelling for victim-survivors that it has been described as secondary victimisation (Campbell et al., 2001; Hohl et al., 2023). A large body of literature has examined the factors associated with the attrition of rape complaints, that is, the reasons why hardly any rape complaints are tested in a court of law. There is also a large body of literature examining rape myths and stereotypes and tracing their influence on police decision-making (Jordan, 2022a, 2022b). Police cultures ripe with sexism and misogyny are a further angle from which to understand why police services are systematically failing rape victim-survivors (Gregory and Lees, 1999; Casey, 2023; Jordan, 2022a). Countless studies have examined the effectiveness of varied attempts at improving rape investigations, such as the introduction of specialist rape investigation units (Rumney et al., 2019); victim-survivor engagement officers with specialist sexual offences training (McMillan, 2015); better victim-survivor interviewing techniques (Westera et al., 2019); independent victim-survivor support workers (Smith and Daly, 2020); and specialist measures to support victim-survivors when giving evidence in court (Majeed-Ariss et al., 2021; Smith, 2018; McMillan and Thomas, 2013). Socio-legal scholars have examined the legal framework of rape investigations and prosecutions and have helped to bring about legal reform, for example restricting the use of sexual history evidence (Conaghan and Russell, 2023; Temkin and Krahé, 2008). Others have evidenced that some victim-survivors are more disadvantaged than others, with race and ethnicity, disability, prior sexual victimisation, sex work, and a range of further rape-myths-related victim-survivor characteristics all playing a role (Kelly et al., 2005; Hohl and Stanko, 2015; Walker et al., 2021). After three decades of research, government reviews, and legal changes, we are left with a justice system that has been tweaked to alleviate some of its ills. Yet rape prosecution rates have remained stubbornly low and the criminal justice process continues to come at a high personal cost to victim-survivors (George and Ferguson, 2021; Hohl et al., 2023). Fundamentally, we are still treading water in the pursuit of a justice system that does right by victim-survivors.

Improving the police response to rape and other forms of sexual violence has always mattered to victim-survivors. Victim-survivors pay the price for a failing criminal justice system in damages to their mental and physical health, family and work life, finances, and above all, their personal safety (George and Ferguson, 2021; Hohl et al., 2023). What appears to have changed is that rape investigation failures now also cut to the core of the legitimacy of the police service in modern Britain. We often talk about the police and public trust in the police as being broken, as if the issue was one of restoring policing to its former glory. Yet policing is Britain's least changed public service and has been branded reform resistant: refusing, subverting, and delaying transformational change at every turn (Savage, 2003). This is not to say that policing is the same as it was 150 years or even a decade ago. Police services continuously engage in change programmes and a dizzying array of initiatives that give the illusion of change, exhausting officers in the process. We suggest that these initiatives and activities mask a lack of deep introspection and reform. Policing bolts on additional requirements, tools, and principles without resetting its core. As such, police reforms resemble an ever-growing scaffolding to prop up policing's crumbling foundational myths in the attempt to delay the ultimately inevitable paradigm shift. This view is shared by many policing scholars, police leaders, and frontline officers who feel the strain of ever-greater public expectations, scant resources, and growing anti-police sentiment (Loader, 2020; HMICFRS, 2021). In this book, we examine low rape prosecution rates and poor police experiences for rape victim-survivors as a problem of a police service in dire need of a reset. We outline how typical elements of frontline policing and general crime investigation play out when officers respond to rape disclosures. We term this "default policing", and we trace its origins and impacts on rape investigations, rape suspects, and rape victim-survivors. If policing is serious about wishing to improve its responses to rape radically, it must – and can – reset its default modes.

The societal context for change

The groundswell of the #MeToo movement, followed by a series of highly mediated rape murders of women, shocked the British public. The Sarah Everard murder by a serving police officer was a watershed moment for policing. For the first time since the recording of public trust in the police in public opinion surveys, public trust has taken a sharp and sustained downturn, with survey respondents who say that they do not have confidence in the police now outnumbering the confident (YouGov, 2023). In the 28 weeks following the Sarah Everard

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murder, a further 81 women were killed by men in the UK. Some of these men were serving police officers (Smith, 2021). The public gaze has turned firmly to the police to put a stop to the rapes, the sexual assaults, and the murders, especially those committed by officers within its ranks. How police respond to rape has become a litmus test for policing. Police services must now convince the public, and especially those feeling at risk of or already harmed by sexual violence, that the police have rape victim-survivors' best interests at heart. The police must convince victim-survivors that they can trust officers with their story and that they are doing the right thing by getting the police involved. The police must convince the public that they are contributing to the reduction of sexual violence, not tolerating or perpetrating it. Senior police leaders have acknowledged sexual violence as a new strategic priority for policing (National Police Chiefs' Council (NPCC), 2023) but are yet to find a way of turning the tide on low prosecution rates, poor victim-survivor experiences, and waning public confidence in the police's ability to keep women safe. Much depends on police services stepping up to the challenge, for victim-survivors and for the legitimacy of policing itself.

The approach: six-pillar framework

This book sets out our theoretical thinking and conceptual approach as it inspired Operation Soteria Bluestone. Operation Soteria Bluestone is an ambitious, government-funded, NPCC-led, police-academic collaboration, aiming to increase outcome justice and improve victim-survivors' experiences of the criminal justice process for adult rape and serious sexual offences (RASSO). The programme began in 2021 under the leadership of Chief Constable Sarah Crew, with Stanko and Hohl as its joint strategic academic leads. The framework is organised into six pillars and draws on our reading of the feminist literature on sexual violence, policing scholarship, and procedural and organisational justice theories. The structure of the book and the six-pillar framework are as follows. Chapter 2 views rape investigations through a policing lens of the unspoken rules of police practice as they have been documented in police ethnographic studies: "default" policing. Taking a policing perspective on rape investigations reveals some of the reasons why rape investigations are so rarely successful by design rather than by mistake. It also reveals why some rapes are less likely than others to attract the sparse police resourcing that will never stretch to fully investigating every rape. This wide-lens perspective situates rape within policing in general, and it is from this venture point that we then move to the six-pillar framework. Our framework initially

comprised five pillars, published in Hohl and Stanko (2022). We added a sixth pillar while implementing the framework within Operation Soteria Bluestone (see Chapter 7). The aim of this framework is four-fold: first, to improve criminal justice outcomes in rape cases; second, to improve the victim-survivor experience of the criminal justice process, as well as develop a more nuanced understanding of police symbolic power and what police procedural justice and legitimacy mean in the eyes and experiences of victim-survivors; third, for police forces to take greater responsibility for the prevention and disruption of perpetrators known to the police; fourth, to increase the efficient use of overstretched police resources while promoting organisational procedural justice. The six pillars (Figure 1.1) comprise the three workhorses of day-to-day police work, supported by three organisational enablers. The workhorses of day-to-day police responses to rape are investigations (Pillar One), prevention (Pillar Two), and engaging with victim-survivors (Pillar Three).

Chapter 3 sets out the rationale for Pillar One: suspect-focused investigations to redress the current over-focus on victim-survivor credibility that comes at the expense of a fair and effective investigation. Chapter 4 describes the thinking behind Pillar Two, arguing that rape prevention is doubly marginalised within policing. It sets out how police forces should and can do more to prevent perpetrators already known to the police from causing further sexual harm. Chapter 5 integrates feminist-informed victim-survivor research with Procedural Justice Theory and discusses the practical utility of an integrated framework for improving police engagement with victim-survivors. The chapter is the basis of Pillar Three.

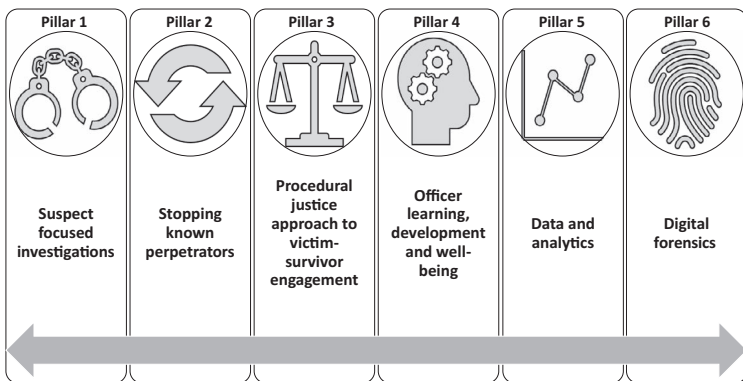


FIGURE 1.1 The six-pillar framework of Operation Soteria Bluestone

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Chapter 6 then turns to the enablers for police organisational change, recognising that if we want officers to go differently about their daily work of investigation, prevention, and victim-survivor engagement, police forces must take organisational responsibility for enabling this. We suggest three organisational enablers mirroring the three types of resources available to police forces: people, data, and technology (Pillar Four: officer well-being, learning, and development; Pillar Five: the use of data and analytics; and Pillar Six: digital forensics). The six-pillar framework puts forward a set of interlocking principles, shifts in thinking, and organisational levers that, in conjunction, may have the potential to contribute to a reset of the police response to sexual violence. The six-pillar framework has been implemented in the pilot study Project Bluestone and then Operation Soteria Bluestone since 2021. Hohl and Stanko have worked with a team of over 50 academics and five police forces to put these ideas to the test and use them to develop guidance, tools, and processes for practical use. The programme has led to the development of the first National Operating Model (the NOM) for RASSO. All 43 police forces in England and Wales have committed to adopting the NOM, supported by the government, the NPCC, and the College of Policing, England and Wales's body responsible for setting police standards. Chapter 7 documents our journey and learnings from Operation Soteria Bluestone. We do not cover the empirical findings of Operation Soteria Bluestone in great detail, though a few are referenced. Initial results can be found in Stanko (2022), and more journal articles, monographs, and edited volumes are likely to follow, published by our co-investigators.² The remit of this book is to set out the underpinning theoretical framework of the programme.

Scope and terminology

This book focuses on the police response to rape. However, the arguments apply similarly to all other sexual offences. The Sexual Offences Act (SOA) 2003 sets out the current legal definitions of rape, sexual assault, and the range of other sexual offences, such as assault by penetration or causing sexual activity without consent. We use these terms in line with their legal definitions. In places, we summarise sexual offending as sexual violence. We concentrate on adult victim-survivors. Some overlap notwithstanding, child sexual abuse requires separate analyses because the law, some elements of the criminal justice process, the context, and the challenges differ and cannot be subsumed under sexual violence perpetrated by adults against adults. The scholarly literature offers the terms complainant, victim, survivor, and victim-survivor. Within the justice system, the term rape complainant refers to a person who has made a report of rape

to the police. Yet this term is alienating to those whose rape has come to police attention through a third-party report or because they disclosed it without intending to make a formal complaint (Lovett et al., 2022). We accept that for some, the term victim has connotations of weakness and passivity and that this is why the term survivor is preferred by many, in particular among our feminist sisters. We recognise the empowering effect the term survivor has and that it acknowledges the agency, strength, and resilience of those with lived experience of sexual violence (Kelly, 1988). We must also recognise that not everyone survives sexual violence. To those who have lost a loved one through sexual violence-related murder or suicide, the term survivor is inappropriate. And not all victims identify as survivors (Hunt, 2022). The term victim-survivor seeks to be inclusive of all, and we follow this convention in this book. In places, we use victim or survivor where this felt better suited to the particular context of the sentence. Finally, this book focuses on England and Wales. The extant literature has established that other jurisdictions face similar challenges (Gangoli and Westmarland, 2011; McGlynn and Munro, 2010). As such, we hope that our arguments and conclusions will also be relevant to rape policing discussions in other national contexts.

Hope

This book is written from a place of hope. Police forces can do right by victim-survivors and stop some perpetrators. This is evidenced in the data. Some rape disclosures result in charges and convictions, and some victim-survivors have been able to move forward with their lives after sexual violence because of the way police officers supported them (Hohl et al., 2023). To be clear, the positive examples are comparatively small in number and point to a system stacked against victim-survivors and in need of deep reform. Abolitionist feminists see the reformist position as wrong and level a charge of cruel optimism (and worse) against feminists working to reform policing. In this view, “carceral feminists” are seen as funnelling more victim-survivors and suspects into a justice system that only serves to perpetrate further violence, does nothing to reduce harm, maintains structures of inequalities, and is illegitimate in its entirety (Day and McBean, 2022; Pali and Canning, 2022). While our stance differs, we agree on a major point: the law and the police are powerful tools. Police forces can and do cause harm. For us, this means we must not leave them unchecked. We have a responsibility to ensure police powers are not abused, police are held accountable and are governed effectively. The police represent the state, the law, society, and community (Loader and Mulcahy, 2003). As such, their actions

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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 and engage with rape victim-survivors and rape suspects – including within their own ranks – sends a powerful signal to wider society as to the fault line between what is and is not morally and legally 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 male violence against women and girls. In a democracy, the law and the police should be accessible and fair to all, and this must include rape victim-survivors. It is with this aim and the belief that policing can do right by victim-survivors that we have developed our framework. We wish for you to read this book with hope that change is possible and that the police can be in the service of those harmed by or at risk of harm from sexual violence.

Notes

- 1 The phrase "slow-motion emergency" is from Anoosh Chakelian's headline about police forces in the *New Statesman*, which she in turn borrowed from Matt Lloyd-Rose's description of police work in his 2023 book "Into the night: A year with the police". Available at: www.newstatesman.com/the-weekend-report/2023/09/inside-britain-failing-police-forces.
- 2 See Stanko (2022) Appendix Three for a full list of academic contributors to Operation Soteria Bluestone.

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2

“DEFAULT POLICING”

Policing was never designed to investigate every rape

Introduction

Most people, when asked about the task of the police, will think of some form of law enforcement: catching criminals, fighting crime, or at least issuing parking fines and speeding tickets. Rape is one of the most serious offences in English law and carries a maximum sentence of life imprisonment. One might thus expect that investigating rape is among police priorities – and be surprised to find that, *de facto*, it is not. The same year charge/summons rate for rape in the year ending 2022 is 2.1%, lower than any other crime type (Home Office, 2022a). Few suspects are arrested, and even fewer are brought before a court of law (CPS, 2023). While a charge/summons rate of 2.1% is a failure of law enforcement, perhaps counterintuitively, it is an indicator of the (former) success of a policing model that aims to conceal coercive police powers and foreground the democratic ideal of “policing by consent”. As such, low charge rates are no accident. They are a direct consequence of rape investigations falling outside the “default zone” of what the police were initially designed to do. The paramount police mandate is the preservation of social order (Banton, 1964; Reiner, 2010). If we are to understand why rape reports rarely result in criminal charges, we must understand police priorities, the nature of police calls for service, and the default approach officers take to responding to them. Police services were designed by white Victorian upper-class men with the preservation of hegemonic control of urban, industrialised public spaces in mind. Women’s lives, legal status, and rights were very different then. Then, as today, much of the male violence against women and girls happened in private spaces. The police were set up with public spaces in mind. Police services were not designed thinking about women and the crimes that disproportionality affect. What is more, law enforcement has only ever been one and never the main tool of policing (Goldstein, 1979;

Waddington, 1999). Under-enforcement of the law is inevitable and not unique to sexual offences. This is especially true today. A mere 5.6% of all crimes result in a charge and/or summons (Home Office, 2022a). While this overall charge rate is low, it is still a multiple of the charge rate for rape. Rape and other forms of male violence against women and girls remain an afterthought for policing as a function of democratic security, under-resourced and under-valued to this day.

Feminist scholars and researchers of rape and sexual assault over the years have attributed this to the way in which women are seen and treated. Gendered stereotypes and rape myths act to discredit victim-survivors’ lived experiences of rape in the eyes of police and other criminal justice agents (Jordan, 2022). The influence of rape myths is only part of the story. Gregory and Lees (1999), in their seminal book *Policing sexual assault*, examined police practice in how complaints of rape and sexual assault are treated within English police forces. Gregory and Lees lamented a prosecution rate of 8.9% in 1995 compared to 24% in 1985, figures that read aspirational in 2023. A key plank of their argument is the direct link between low prosecution rates and a hyper-masculine, misogynistic police culture, also evidenced in police-perpetrated sexual assaults. We want to go further and examine internal features of police forces that influence its culture and play a role in low rape prosecution rates and poor victim-survivor experiences. These features reveal themselves when we flip the question from “What is it *about rape* that makes it so difficult for police to investigate it well?” to “What is it *about the police* that makes it so difficult for police to investigate rape well?”. This would seem an obvious question for policing research. Yet, policing scholars have thus far shown remarkably little interest in how police engage with those subjected to, or accused of, rape and other sexual violence, with key early works being produced not by policing scholars but by feminist sociologists and socio-legal scholars such as Adler (1987), Temkin (1999), and Gregory and Lees (1996, 1999). The policing of rape is at the periphery of policing research, mirroring its position within policing itself. If we are to dramatically and sustainably improve how the police respond to rape and other forms of sexual violence, we must understand the police as an institution.

In this chapter, we describe “default policing”. That is the purpose, principles, and priorities that inform police practice. Practices are shaped by the skills, knowledge, and attitudes of the workforce. Not only do we suggest that the under-enforcement of rape law is in line with the original function of police services, but we also suggest that triage of crime and social harms is inevitable and not random. We show how rarely enforcing the law is, in fact, a by-product of the success of the evolution of a “policing by consent” approach to legitimising

police authority. Next, we show what happens when a default policing approach is applied to how police engage with rape victim-survivors and respond to rape disclosures. We conclude that transforming the police response to rape necessitates resetting default policing to enable parity of the safety of women from male sexual violence as a core democratic function built into the DNA of policing practices.

Default policing is not designed to investigate every crime

Law enforcement as a last resort

Contrary to the narrow and skewed portrayal of police work in the media, law enforcement is not and never has been the primary purpose of the police. This becomes apparent when we peel back the layers of myths that conceal the realities of the English police since its inception. The first modern English police service – often described as the “world’s best” (Weinberger, 2016) – was the London Metropolitan Police, founded in 1829 by the then Home Secretary Sir Robert Peel. The Peelian principles, wrongly attributed to him, are often said to define the English police mandate and underpin “policing by consent” to this day (though others say they were only ever a branding exercise with tentative links to practice; see Loader, 2016). Peel’s principles were, in fact, only formulated a century later by Charles Reith and further developed through police textbooks over the decades (Emsley, 2013). Peel is important as a person because of the background he brought to designing the English policing system – specifically, his background in colonial policing. Before becoming Home Secretary, Peel was Under-Secretary of State for War & the Colonies and then Secretary for Ireland, where his 1814 Peace Preservation Act shaped the Royal Irish Constabulary. Here, a key concern for Peel was Irish resistance to British colonial rule. Peel used the newly formed police services as a street presence for intelligence gathering and to keep a lid on social unrest. Peel did not design Irish police forces to protect the Irish people from crime but to protect the interest of the ruling British Empire. More generally, policing in colonial contexts served to maintain British rule, particularly to control enslaved people, often through brutal force and coercion (Killingray, 1991).

At home, the formation of the Metropolitan Police served a parallel purpose of aiding the preservation of social order, including its structures of power and inequality. Promoted to Home Secretary, Peel faced problems of social and political unrest during the industrialisation and urbanisation period (Evans, 2006). It is in this context and to address

these problems that Peel set up the Metropolitan Police in 1829. The official narrative, the “orthodox view” of police history, purports the idea that the policing system was established to address increasing crime and disorder that were the side effects of rapid urbanisation. According to this narrative, the police’s main goals were the prevention of crime and the protection of the public. In contrast, the “revisionist view” suggests that the policing system was there primarily to protect the interests of the ruling classes. In this reading of policing history, the official narrative of crime prevention and public protection was rhetoric used to disguise the true purpose of the police and to enable the new police to gain enough public trust to be a respected and effective authority on the streets (Bowling et al., 2019). Crime prevention and crime fighting, in this reading of policing history, were never the main purpose of the police. Within the same historical context, rape was a property crime committed against the father or husband of the victim-survivor (Brownmiller, 1975). Domestic violence was regarded as a private matter, not a police matter, and husbands and fathers were within their rights to physically discipline their wives and children (Stanko, 1985). Police forces themselves continued to be shaped by men for much of its history. The first female Chief Constable in England was not appointed until 1995, and until recently, female Chief Constables have continued to be rare exceptions.¹ One might argue that none of this history matters for how police forces operate today in general or in relation to rape specifically. The remainder of this chapter suggests that its historical legacies continue to shape policing practice to this day.

Then and now, officers rarely invoke the law when responding to the wide array of incidents they are called to attend. Typically, officers rely on citizen respect for police authority and the “or else” of coercive police powers, as well as officers’ interpersonal skills. Authoritative intervention, without the use of the law or force, is the norm. This applies when officers break up street fights, move rowdy drinkers along, control crowds, arbitrate in a neighbourly dispute, regulate traffic, and even at domestic abuse incidents (Bittner, 1970; Banton, 1964; Thacher, 2022). What is more, as Brodeur put it:

It may be possible that the police are, in fact, having more effect by being a threat than in carrying out this threat, the threat leaving more to the imagination than its (potentially unimpressive) fulfilment. Needless to say, the threat has to be forcefully realised when necessary in order to maintain its credibility. *It is this pairing of forcefulness – at times, pushed to the extreme – and underacting that is the specific feature of police action.*

(Brodeur 2010: 344 – italics in the original)

Ironically, the less officers need to resort to law enforcement, the more successful the police are in (re-)producing legitimate authority. Officers who break up a drunken street brawl by talking both parties out of the fight and into going home are using and reinforcing their authority. Conversely, officers resorting to the use of force, arrest, or even tasers to control the situation are likely to garner less respect from those involved and chip away, rather than affirm, the notion of policing by consent. As such, the craft of handling trouble without resorting to coercive use of force or the law is often seen as a hallmark of good policing (Bowling et al., 2019). Minimal law enforcement helps to conceal the coercive nature of policing and reinforces the sense that in Britain, we have a model of “policing by consent” – people cooperating with police because they perceive the police as a legitimate authority.

What is more, the police contribution to crime prevention is minimal. A range of studies have explored whether there is a causal relationship between police activities and crime. Bowling et al. (2019) provide a comprehensive review of studies evaluating the effectiveness of police strategies in reducing crime. The picture that emerges is one of null, minimal, or inconclusive effects of increased police patrol on crime rates, public fear of crime, and public satisfaction with the police. In the few studies where there is evidence of a link between police action and crime reduction, the effect tends to be small, localised, and contingent on conducive social and economic conditions (ibid). Even the widely cited success of the New York Police Department’s “zero-tolerance policing strategy” in the 1990s has since been questioned. The dramatic drop in crime, including homicides and other serious violent crimes attributed to this policing approach, has since been shown to be, in fact, a consequence of wider societal change and a global downward trend in crime (Bowling, 1999; Zimring, 2011). Police effectiveness studies tend to focus on street crime, not specifically on rape and sexual violence. The findings dent the myth of police as general crime fighters and place police failings to prevent sexual violence into a wider context of police forces having little effect on offending generally.

Little police time is spent on law enforcement. This, in part, is due to the largely reactive nature of policing. In Bittner’s much-quoted words, the problems to which police are called “involved something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now!” (Bittner, 1974: 30). The police are the public service of last resort, “equipped, entitled, and required to deal with every exigency in which force may have to be used, to meet it” (ibid.: 45). Legally enshrined, the police in Western societies send police officers to deal with all the problems in which force, or coercive persuasion, may have

to be used, even if in practice it rarely will. The police are the “or else” of society. Those calling for police assistance or at the receiving end of a police intervention are acutely aware of the “or else” that comes with a police request for compliance with whatever the officer asks the citizen to do or, more often, cease doing (Bittner, 1990). Among the wide array of potential police tasks, ethnographic studies over the decades have produced often-quoted conclusions such as:

When one looks at what policemen actually do, one finds that criminal law enforcement is something that most of them do with a frequency located somewhere between virtually never and very rarely.

(Bittner, 1990: 154)

The policeman on patrol is primarily a ‘peace officer’ rather than a ‘law officer’. Relatively little of his time is spent enforcing the law in the sense of arresting offenders; far more is spent ‘keeping the peace’ by supervising the beat and responding to requests for assistance.

(Banton, 1964: 127)

These assessments still hold true decades later. In 2015, 83% of calls to the police were not crime-related (College of Policing, 2015). Mental health crises account for an increasing amount of police time. With other public services, including public health services, dangerously under-resourced and overstretched, more falls to the “last resort” public service of police, whose mandate is so broad it must respond to all calls for assistance, even when it is not a matter of crime and order. It is not uncommon for a police officer to spend much of her shift in a hospital waiting room, unable to leave the person until they have been seen by a medic or mental health clinician (HMICFRS, 2018). In 2023, for instance, the National Police Chiefs’ Council (NPCC) negotiated an agreement with the National Health Service to reduce police time regarding callouts for mental health. The Metropolitan Police stated: “We are failing Londoners a second time by taking large amounts of officer time away from preventing and solving crime as well as dealing properly with victims” (Metropolitan Police, 2023a). Rape and other sexual offences account for a relatively small slice of public demand on police time when placed in the context of overall police demand.

Under-enforcement is inevitable and selective

Even if the police were to concern themselves solely with law enforcement, attending to more than a fraction of all offending is a practical

impossibility. The number of potential offenders and crimes far outstrips police capacity. In the words of Bowling and colleagues:

The police may be the normal gateway to the criminal justice process, but it is a gate that they open relatively seldom [. . .] The basic reason for this is the huge array of potential offences and offenders relative to any conceivable resources of policing [. . .] The toughest zero-tolerance or the smartest intelligence-led approaches cannot do more than chip away at the edges of this mass potential of targets.

(Bowling et al., 2019: 261)

Further, the gap between potential crimes and officers’ capacity to respond to them is widening. In 2020, there were approximately 153,000 full-time equivalent police officers to respond to over 6.1 million police-recorded crimes, compared to 172,000 officers in 2010 having to deal with only 4.3 million crimes (Clark, 2023a, 2023b). Key measures of police law enforcement activity also show a decline, despite police-recorded crime increasing by 9% over the same time period (Clark, 2023a). In the year ending March 2021, police made less than half (46%) the number of arrests compared to 2006/07 and fewer stop and searches (Ministry of Justice, 2008; Home Office, 2022b). They now solve a lower percentage of recorded crime than ever: 5.6% in 2020/21 (Home Office, 2022a) compared to 27% in 2006 and 49% in 1955 (Ministry of Justice, 2010), significant changes in recording rules and practices notwithstanding. Austerity has further widened the gap between public expectation and demand for policing services and resourcing levels (HMICFRS, 2021). Enforcing no more than a fraction of rape crimes appears to be a practical necessity, given the very real resource constraints. There are few exceptions to this, principally homicide and terrorism. These crimes carry a maximum sentence of life imprisonment and are relatively rare in occurrence. Rape carries an equivalent maximum sentence, but – and it is a big but – rape is not rare. Rape is 100 times more prevalent than homicide. In 2021/22, police in England and Wales recorded 666 homicides, compared to 63,136 rapes (ONS, 2022). Placed in this wider context, the notion that the police can fully investigate all rapes brought to their attention seems a fantasy.

The incidents singled out for law enforcement is not a random draw. Officer decisions on when and against whom to use force or their powers of arrest, investigation, and charge are influenced by policing priorities but also societal prejudice and stereotypes. One of the most criticised aspects of the “law and order” mandate of policing is the evidently selective way in which police exercise discretion to use police powers

to preserve the current order, including structures of inequality – in other words, institutionalised discrimination in policing practice. Bowling et al. (2019) review policing’s long history of explicit discrimination and enforcement of racial segregation, for example, in South Africa and the US, policing slavery in the British Empire, policing poverty in England in the 19th century, and policing religious conflict and ethnic minority communities. A large catalogue of studies reveals implicit and less overt racial discrimination in contemporary Britain, including in stop and search, arrest, and charge (Bowling and Phillips, 2002; Delsol and Shiner, 2015), but also in the treatment of Black and minoritised ethnic people that appears to lack in dignity, fairness, and respect (Bradford, 2016). Discrimination also plays out internally: Black and minority ethnic officers are far less likely to get promoted, far more likely to leave the service, and more likely to report bullying from colleagues (Hasan, 2021; Casey, 2023). Racial discrimination is most evidenced in over-policing, for example, in disproportionality and discriminatorily high rates of stop and search. Gender discrimination tends to take the form of under-policing.

Decades of research evidence show that women and girls subject to male violence experience discrimination through police inaction and police-perpetrated sexual violence. Domestic abuse now makes up as much as a quarter of police calls for service (HMICFRS, 2019). Domestic abuse is highly gendered; nine out of ten perpetrators are male and eight out of ten victim-survivors are female (ONS, 2020). Domestic homicides account for the vast majority of femicides (Femicide Census, 2022). Despite this, officers tend to have little understanding and professional curiosity about this type of crime, and attempts to harness police authoritative intervention are often inadequate (Hoyle, 1998; Myhill, 2019). This can include, for example, officers advising a domestic abuser to buy flowers to “make up” with their abused partner instead of taking steps to safeguard the victim-survivor and arrest or otherwise intervene around the perpetrator (HMIC, 2014). Another example includes officers telling a rape victim-survivor to “go home and have a stiff drink” in place of investigating the rape.² The attrition of rape complaints is a manifestation of gender-based discrimination and injustice in policing. It extends to female officers subjected to sexual violence and misogyny from male colleagues (Gregory and Lees, 1999; HMICFRS, 2022). Under-enforcement of rape law and under-protection of women from rape is not an anomaly within an otherwise fair policing system. It forms part of a pattern of selective, discriminatory use of – or a decision not to use – police powers that serve to protect the existing social order, delivering “parking tickets and class repression” (Marenin, 1982), white

privilege, and patriarchy. For women from Black and minoritised ethnic backgrounds such patterns are particularly likely to be overlooked in analyses that focus on either race or gender, but miss the intersectionality of both (Crenshaw, 1991). The police mandate was not set with the policing needs of women in mind, let alone those of Black and minoritised women. As such, default policing is policing where law enforcement, including rape law enforcement, is institutionally disincentivised and plays a secondary “means to an end” role within what is largely a peacekeeping mission.

The impact of default policing on the police response to rape

The Worboys case: law enforcement failure, order maintenance success

John Worboys was a London black cab taxi driver who, over many years, routinely drugged female customers and then sexually assaulted them. In 2003, five years before Worboys was first charged, a member of the public took one of the Worboys’ rape victims, “DSD”, into Holloway police station immediately after Worboys had raped her. Here is an excerpt from the High Court ruling on the Metropolitan Police investigation of the Worboys rapes:

Immediately following her attack, [DSD] was disorientated, incapacitated and vomiting. When she first came into contact with police very shortly after the assault, she appeared to be a drunk or a drug addict or both; and the police assumed as much. In an extraordinary twist of fate, she was in fact transported to the police station by Worboys himself, who had been persuaded to take DSD to the police station by a Good Samaritan third party, who also accompanied both Worboys and DSD to the station. But because she was mischaracterised as a drunk, she was not treated as a victim of crime, no one took the name or address of Worboys or his vehicle registration. He was treated as a model citizen. And no one took the name or address of the third party who accompanied them.

(DSD and NBV v Met Police, 2014: 12)

DSD appeared on drugs or drunk and was covered in vomit. Officers resolved the situation by taking DSD to the nearest hospital. The law and legal powers did not have to be invoked to resolve the situation, and so they were not. Had officers followed their own police force guidance

on drug-assisted rape and, crucially, approached the situation with a professionally curious mindset, they might have asked more questions. That might have led officers to taking a closer look inside Worboys’ taxi when they retrieved DSD from its backseat. In the boot, they would have discovered Worboys’ rape kit, consisting of date-rape drugs, alcohol, and sex toys. Instead, officers remained in their default zone of order maintenance and miscellaneous social service. Worboys was treated as a model citizen (DSD and NBV v Met Police, 2014: 12). DSD was the problem to be solved. Within hours of being at the hospital, and as soon as regaining full consciousness, DSD realised she had been raped by the taxi driver and told her boyfriend. Her boyfriend made an immediate police report on her behalf. An officer took DSD’s first account the same morning while she was still in the hospital. Despite the report being made within 24 hours of the rape, officers were unable to trace Worboys because Holloway station had failed to take basic details just hours earlier (ibid.). Worboys was not interviewed until five years later for a different rape. During those five years, he committed countless further rapes, using the same modus operandi. A total of 105 rape cases have now been linked to Worboys. He was never charged in connection with DSD (Hattenstone and Allison, 2018).

The High Court ruled that the Metropolitan Police investigation of Worboys constituted a systemic failure in the police services’ legal duty to investigate rape and serious assault allegations and, as such, was in violation of Article 3 of the Human Rights Act. Yet, ironically, the Holloway police station incident is *successful* policing when measured against the overarching policing goal of order maintenance: the immediate situation was resolved by driving DSD to a hospital. DSD received medical care and no longer posed a risk of causing a public disturbance. Officers achieved this through an authoritative intervention – in this case, taking DSD to the hospital – without activating the law or police powers, exemplifying and reinforcing police authority in the process. Worboys is a further winner in the process, being treated as a model citizen, getting away with rape, and being free to continue offending. The “losers” in this policing model are DSD and countless other women Worboys was free to sexually assault because police had failed DSD.

Danger, primacy, and the default zone of policing

Officers are not immune to the crime-buster police image. Many join the police because they are attracted to carefully cultivated police images, not only by the media but also by police forces themselves (Loftus, 2010). The 2022 Metropolitan Police recruitment campaign features car

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chases and crime scenes with the slogan, “Choose a career most people only see on screen” (Metropolitan Police, 2022). The crime focus myth is further reinforced by police forces being organised by crime type, including the labelling of many of its branches and departments, such as counter-terrorism, roads and transport, or organised crime (see Metropolitan Police, 2023b). Similarly, police administrative data collection and police performance measures narrowly concern themselves with crime-related police activity such as detection rates, arrests, charges, and prosecutions (Bittner, 1990; Rumney and McPhee, 2023), and police force internal promotion and performance criteria align to reward police bravery. While some police work does involve catching criminals and car chases, the vast majority is “boring, tiresome, sometimes dirty [. . .] rarely dangerous” (Manning, 1977: 158–159). The danger of police work has a “prominent position within occupational consciousness” (Loftus, 2010: 13) and is a “principal variable” (Skolnick, 1966: 44) of police culture. “[T]he police officer faces, round every corner she turns or behind every door whose bell she rings, potential danger. Hence coping with violence is a recurring feature of police culture” (Bowling et al., 2019: 172). At the same time, situations that carry the possibility of requiring the use of police powers tend to attract considerably greater officer attention and resources than incidents that do not. For example, officers may rush to a “live” (in progress) burglary but not attend a burglary that is only discovered days later, despite forensic opportunities still being present. Bittner (1990) suggests that even when suspects willingly comply with an arrest, officers often put on handcuffs in a symbolic show of police powers. Once an incident is no longer “live” or the primary investigation is complete, police interest tails off:

Like doctors in a war zone, criminal investigators employ a triage strategy. If a crime cannot be solved more or less on the spot, the case will probably be closed, and the detectives will move on to more promising cases. [. . .] The likelihood of solving a crime varies with the nature of the offence, with higher rates for confrontational crimes and lower rates for property crimes.

(Bayley, 1994: 145)

The default setting for police work is to prioritise live cases, yet rapes are rarely reported as they happen or immediately after. In police jargon, “live stranger rapes” are rapes reported to police shortly after the rape, where the suspect is unknown. The likelihood of a crime being solved dramatically reduces if this cannot be done within the first few days of it being reported; this applies to all crime types. This

particularly disadvantages rape cases because the vast majority (76%) are disclosed to police only weeks, months, or years after they happened, particularly if the victim-survivor and suspect are known to each other (Wunsch et al., 2021). Only a quarter of rapes are reported within the first 24 hours. What is more, rapes where the perpetrator is a partner or family member are less likely to be reported immediately (ibid). As a result, they are less likely to be seen as a live danger, typically do not receive the same amount of investigative resources and are typically not treated with the same urgency.

In officer interviews conducted by Hohl in 2016 and 2021, officers universally described “stranger rape” cases, especially when they occur in public spaces, as receiving a “Rolls Royce” service. Then, as one participating officer put it, “It is all hands on deck; everyone drops everything and mucks in.” This, officers frequently reasoned, is necessary because the attacker is a danger to the *wider* public and could rape another victim at any time. Entire teams dedicate their shifts to securing forensic evidence, identifying witnesses, and apprehending suspects. The urgency and resource expended are rarely replicated when the assailant is closely related to the victim-survivor, for example, the partner or a family member. Officers act as if such offenders pose less of a risk of repeat offending. Yet the evidence suggests the reverse. Often, there is a history of prior sexual offending against the very same victim-survivor, and a proportion of those offenders also abuse women and children outside of their relationships (see Chapter 4). However, officer interviewees suggested that these suspects do not trigger the same sense of urgency. They are likely to downgrade the possibility of legitimate force being needed, particularly in cases where the suspect is a current or former intimate partner. This may be linked to a sense that these perpetrators are “only” a danger to this particular woman, unlike a stranger rapist who may strike again against any woman at any time. Domestic abuse is perhaps the most iconic illustration of how danger and offending that occurs in private, domestic spaces was not a police matter (Hoyle, 1998; Stanko, 1985), and it is still to this day considered by many officers to be “rubbish work” (Myhill, 2019; Myhill et al., 2023).

Most rapes happen in private spaces, often in the perpetrator’s or the victim-survivor’s home. Only one in four police-recorded rapes occurs in public spaces (Hohl and Stanko, 2015). This means that most rape cases fall outside the default zone of police priorities for live stranger rape perpetrated in public spaces eligible for a “Rolls Royce” service. The SOA 2003 states the legal definition of rape. This definition makes no mention of the location of the rape or the relationship between the victim and the offender, rendering them extra-legal factors

that should have no bearing on case outcomes (Temkin and Krahé, 2008). Yet police crime data shows that charge rates vary significantly depending on the victim-suspect relationship, from 8.2% for strangers to 1.2% for intimate partners (Lovett et al., 2022), and varies similarly depending on whether the rape took place in a public space or a private space (Hohl and Stanko, 2015). Stranger rapes in public not only meet the criteria of danger but also that of being located within a public space and converge with rape myths around “real rapes”. The latest live stranger case will take precedence; domestic and family rape cases go on the back burner, alongside non-recent reports and last month’s live stranger case. In sum, the two-tier system of live stranger rapes and everything else is a complex cocktail of rape myths, case complexity, and a seemingly universal law of police culture and resourcing that prioritises live danger cases that either get solved relatively quickly or not at all.

Resetting default policing is necessary for public trust

What has been termed “Peel’s mantra” – the public are the police, and the police are the public – is common parlance even today. Effective policing depends on public cooperation and compliance. The police rely on the public to report, discover, and solve crimes. Officers also rely on public cooperation to resolve most incidents without resource-consuming legal force or law enforcement to control public order situations, regulate traffic, or conduct traffic stops and searches efficiently. The public-police relationship is as essential for the police to function effectively today as it was for gaining public acceptance when police services were first established (Loader and Mulcahy, 2003). Democratic governance and governments began to recognise the importance of public satisfaction in public services, introducing mechanisms to measure public perceptions of policing in the 1980s (Hough and Mayhew, 1983). Over the past three decades, academic and media assessments of public support for the police and empirical legitimacy overwhelmingly describe a trajectory of decline in public confidence: the public is growing disenchanted, cynical, and critical of the police (Newburn, 2008; Reiner, 2010; Harkin, 2014; Goldsmith and McLaughlin, 2022; Casey, 2023). Public criticism of the police has increased, but so too have public expectations of what policing might be able to achieve. The list of police responsibilities and priorities is ever expanding, ranging from anti-social behaviour and mental health emergencies to bicycle thefts and burglaries, from cyber-crime to hate crime, and from domestic abuse to international organised crime (HMICFRS, 2021; Reiner, 2010). There is debate about how to define

the policing remit and manage the varied and evolving contemporary issues facing policing today. If they fail to deal with the vast array of issues, the police risk losing legitimacy. The police face losing legitimacy over how they treat people, too. Following the George Floyd murder in Minnesota in the US in 2020, for instance, activists in the UK argued that British policing, much like its US counterpart, is inherently lacking legitimacy and is institutionally anti-working class, racist, misogynistic and, as such unreformable and must be defunded, with money used for preventing social harms instead (Day and McBean, 2022; McElhone et al., 2023). Other commentators argue against defunding and suggest that the police must and can be reformed (McGlynn, 2022; Fleetwood and Lea, 2022). Police abolitionist and reformist thinkers do agree on the centrality of how the police relates to the public and the importance of attending to questions of how the police exercise its coercive power in assessing the legitimacy of policing.

Some have questioned whether academia and the media are overstating this crisis in public trust in the police. The Crime Survey for England and Wales – widely considered the most robust measure of public attitudes towards the police and crime – continues to evidence public support has remained relatively stable and at a high level through the decades (Bradford, 2016). Large, representative studies have shown that public trust is largely insensitive to media reporting on crime and on police scandals and failings, however dramatic these may be, and that such failings would, at most, cause a small, temporary dip in public confidence (Jackson et al., 2013; Hohl et al., 2013), confirming Reiner’s (2010) conclusion that the police are a “Teflon service”: no scandal sticks. Bradford (2016) suggests that this may be explained, at least in part, by a strong association between people’s social identity and perceived police legitimacy. Put simply, those who identify as law-abiding British citizens tend to have more positive views of the police and tend to grant police support regardless of how these are put into question by police ineffectiveness or high-profile police scandals. Other research suggests that public trust in the police is expressive of wider perceptions of social cohesion and moral consensus within society (Jackson and Bradford, 2009; Bradford and Myhill, 2015). These theories and empirical studies demonstrate that there is more to public judgements of and trust in the police than mere assessments of police actions.

The year 2021 marks a plot twist in the British public’s relationship with, and especially women’s confidence in, the police. A serving Metropolitan Police officer used his warrant card to “arrest”, kidnap, rape, torture, and murder Sarah Everard (Fulford, 2021). When investigating the case, the Metropolitan Police uncovered that the officer had a

long history of sexual offending, had gained the nickname “the rapist” among officer colleagues and that the Met’s vetting system still allowed him to transfer into the Metropolitan Police’s Parliamentary and Diplomatic Protection command (Sinclair, 2021). Women, in particular, expressed fears for their personal safety from male police officers following the murder. The Metropolitan Police further shocked the public with its heavy-handed policing of peaceful vigils attended mostly by women in Everard’s memory on Clapham Common, South London (Karim, 2021). As a consequence of the murder, the Met advised women to allay their fear of police by suggesting that they “flag down a bus” if they felt unsafe when approached by a lone male police officer (Ward and McTaggart, 2021). The Met’s approach to women’s safety seemed tone-deaf and showed no trace of a reset of how it viewed its responsibility in assuring women’s safety. The deep shock and horror felt by women nationwide was palpable (Davis, 2022). Within months, another serving Met officer pleaded guilty to 85 counts of sexual offences, including 48 rapes, following an investigation by a different police force. He had gotten away with over a decade of sexual and domestic violence perpetrated against countless women, including female police officers. His known violence against women earned him the nickname “Bastard Dave” among officer colleagues. Yet he was still able to pass vetting and progress in his career. Two years prior, 70% of the UK public felt “the police were doing a good job” (a widely used measure of public trust), while only 54% said so in February 2022, falling further still to 47% in May 2023, the lowest level on record (YouGov, 2023). One might wonder whether wider societal change and the social movements to which this change is giving rise to, such as #MeToo and Black Lives Matter, have corroded policing’s Teflon coating and prepared the ground for these scandals to stick. How police respond to rape and other forms of male violence against women and girls, thus far falling outside default policing, has now become a litmus test for public trust in the police. The police response to sexual violence has moved from marginal to central, and public trust in the police and public perceptions of the police have become bound up with the police response to rape.

For police to pass this litmus test, it needs to reset default policing. This requires revisiting the purpose, principles, priorities, and institutionalised ways of working within policing. Good starting points are the four questions posed by Robert Reiner in 2015:

Who defines the peace the police keep? Whose law and what order do the police enforce (however legally)? If the cops are called because someone wants something that ought not to be happening stopped

now, why should the caller’s claim be prioritised over the people whose activities are to be stopped? Who decides when the use of force is situationally justified, and according to what principles?

(Reiner, 2015: 323)

Reiner essentially poses the question of who policing should be for and against. Who gets to make the rules of policing practice and define the aims, purpose, and core function of the police? And how should the public be assured that democratic oversight of such rules and functions is in place? Such questions draw in the wider debates among policing scholars and commentators on the past, present, and future of policing. Loader (2016, 2020), too, argues for a return to the drawing board. He outlines the pros and mostly cons of the theoretical approaches commonly taken to attempt to define police priorities, functions, and principles. Whether that is starting from historical analysis, Peelian principles, the omnibus police mandate, empirical observation of the nature of public calls for service to police and how officers spend their time, or questions of whether the police should or can effectively fight crime, the conclusion is that none of these have been effective at bringing policing into the 21st century. But there is a question Reiner does not ask. That is, who decides what (largely hidden) knowledge is handed down from police officer to police officer, in effect, shoring up the institutionalisation of a way of working that perpetuates and excludes or diminishes the benefits of peace, access to law, and use of law for some people? We assert that this question is relevant to our study of the policing of sexual violence. Whether and how the police protect society from perpetrators of sexual violence and safeguard those disproportionately raped – women – can no longer remain at the periphery of our discussions of policing. While we may not yet have answers, what is evident is that when such questions are asked, the excluded and the marginalised demand a seat at the table to define ways of providing safety and security in a democratic society.

Ultimately, any transformation of default policing requires public trust to be baked into the solutions. The outcry about the way in which the police have managed male violence against women developed at pace following the Everard murder. The justice gap for rape and other sexual offences became even more indicative of the ills of today’s police. The outcry of how women were being raped, abused, and ignored in law became louder by the day. It was harder as a senior police officer to say, “Trust me, I’m a police officer.” Yet the introspection into the police organisation remained opaque. Day after day, new examples come to light of predatory police officers and faulty decision-making.

The institution of policing remains notoriously resistant to change. Bayley (1994: 148) observed that “police organisations do not adapt to the work they must do. Rather, the work they must do is adapted to the police organisation”. Similarly, Savage (2003) argues that policing is reform resistant and has succeeded in frustrating attempts of major reform and subverting modernisation efforts. He concludes that police forces have seen the least change in terms of their governance and accountability compared to any other part of the public sector. If the police service is to meet the challenge women’s trust in the police has put to it, it must begin to embrace, not frustrate, transformational change.

Conclusion

Default policing has not developed with rape and other forms of male violence against women in mind. As a result, policing is neither designed to prevent or criminally investigate rape, nor does it measure its success in women’s safety from sexual violence. Low rape prosecution rates and poor victim-survivor experiences have become a problem for policing because they are now challenging the foundation of effective policing: public trust in the police and public perceptions of the police as legitimate authority holders. Improving how police respond to rape and other forms of sexual violence requires resetting default policing with and for women. Our modern policing system was designed by white, Victorian, upper-class men to serve the interests of men like them. It emerged within the colonial context of the British Empire with a focus on controlling native populations and enslaved people and, in England, controlling the working classes and preserving order in public spaces within fast-growing industrial towns and cities. The safety of women, and in particular ethnic minoritised women, was an afterthought, outside the default zone of policing for most of policing history. For rape victim-survivors, the consequences of this are police services not fit for rape law enforcement and not set up with the interests of rape victim-survivors at heart. This chapter outlined a series of empirical facts about policing today: the number of rapes and men committing rape far outstrips police capacity to prosecute them all. The police contribution to the prevention of rape is minimal. The selective (under-)enforcement of rape offending is systematically influenced by societal prejudice and stereotypes, including rape myths and racism. Most rapes take place in domestic settings, away from the public spaces that remain the primary default focus of policing. The results are rape prosecution rates lower than the prosecution rates for any other crime type and poor rape victim-survivor experiences of the police process, particularly for victim-survivors from minoritised backgrounds.

Improving the police response to rape requires a transformational shift in whose peace we are asking the police to keep. Existing institutional arrangements of policing appear unable to deliver sustainable change to practice. Shifting policing requires cutting to its core. This requires scholars to look beyond the role of rape myths and stereotypes as the sole drivers of the justice gap in sexual offences to consider how their effects are compounded by default policing. Rape is a relationship-based crime often committed by men in positions of power over their victims. As such, rape is enabled by existing power relationships and structures within a patriarchal society (more on this in Chapter 3). To challenge rape is to challenge social order. Making rape a priority in police practice would constitute a de facto change to the police mandate. To truly protect the public in a democratic society against crime requires policing to embrace gender and race equality. The remainder of this book sets out our approach to the transformation of rape investigation. It begins by focusing rape investigations on the suspect’s offending behaviour.

Notes

- 1 This is now changing rapidly. In 2023, 40% of Chief Constables in England and Wales are female, according to a *Telegraph* press article published in 2023 (Hymas, 2023).
- 2 Personal observation during a historic cold case review in one English police force.

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3

DITCHING BLIND SPOTS AND RED HERRINGS

Suspect-focused investigations

Introduction

To be fair and effective, rape investigations must centre on the suspect's actions and behaviour surrounding an alleged rape, rather than on judging the victim-survivor against common rape myths and misconceptions. We propose a suspect-focused principle for rape investigations as a mechanism to overcome some of the well-documented biases and failures. Existing research has consistently revealed an over-focus on the victim-survivor within investigations, driven by myths and stereotypes about how “real victims” behave during or after a “real rape” (see Jordan, 2022; Horvath and Brown, 2022 for reviews). In this chapter, we propose that curiosity about and expert knowledge of sexual offending behaviour allows investigators to pivot away from over-focusing on victim-survivor credibility and towards scrutiny of those responsible for sexual offending: perpetrators. We begin by examining the current criminal justice practices of testing victim-survivor credibility against rape myths and stereotypes. We show that suspects are a blind spot in rape investigations. Shifting to suspect-focused investigations is a cornerstone of resetting the default police approach to rape investigations.

A large body of research documents the reasons why the vast majority of investigations do not result in a suspect being charged, in the UK and around the globe (Lovett and Kelly, 2009; Daly and Bouhours, 2010; Gangoli and Westmarland, 2011; FitzGerald and Skilbrei, 2022). There is research identifying the factors that play into officer decision-making in the case, for example, whether the victim-survivor has previously reported a rape, has a mental health condition, or is in a relationship with the suspect (Walker et al., 2021; Hohl and Stanko, 2015; Kelly et al., 2005), as well as what makes a victim-survivor credible in the eyes of investigators (Jordan, 2004; O'Neal, 2019). Most scholars agree that rape myths and misconceptions are shaping judgements of

victim-survivor credibility and affecting case outcomes. A near-universal recommendation of the academic work and the government-commissioned reports is that officers should receive training on rape myths and misconceptions to counter their apparent influence on criminal justice decision-making. However, there is little evidence that such training has resulted in better investigations or improved justice outcomes (see Chapter 6). Telling officers what not to believe, think, or do regarding rape myths and stereotypes is a weak intervention. In this chapter, we build on existing literature but propose a further avenue through which to work towards unbiased, fair, and effective rape investigations.

Out of 100 rapes recorded by the police in the UK, less than two will result in a suspect being convicted (ONS, 2018). Given that false allegations of rape are rare (CPS, 2013), the low conviction rate suggests that a large number of guilty suspects walk free. Such failures in law enforcement have grave consequences. Perpetrators can become emboldened by a cursory police investigation that signals to them that they are untouchable and have no reason to fear the police (Godenzi, 1994; Chopin et al., 2020). Some victim-survivors of ongoing sexual violence report their perpetrator laughing in their face because officers did not believe them, just as the perpetrator had said they would not. Perpetrators then use this to further imprint on the victim-survivor that no one will believe them. Victim-survivors describe how this adds to their sense of worthlessness and hopelessness that they could ever escape the abuse (Hohl et al., 2023). Poor investigations can make victim-survivors feel disbelieved, devalued, or even blamed for what happened to them. To victim-survivors, it is extremely important that officers look at all the evidence, do all they can to stop the perpetrator, and that the investigation process shows the perpetrator that their actions were wrong (Hohl et al., 2023). What is more, perpetrators learn from failed police investigations and use this knowledge to avoid future detection (Beauregard and Bouchard, 2010). Fair and effective investigations are essential because failure to place thorough scrutiny on the suspect increases the risk of further harm to victim-survivors.

The problems of low prosecution rates and ineffective police investigations are well documented, as are their roots in rape myths and stereotypes and the ensuing consequences for victim-survivors and for societies in which rape is de facto decriminalised (Hohl and Stanko, 2015; Victims' Commissioner, 2020). In this chapter, we propose a shift in thinking that may unlock a route to improved police investigations. We begin by evidencing how a victim-survivor credibility focus, fed by rape myths and misconceptions, has become entrenched in police investigations. Then, we show how this creates a critical blind spot in the

investigation where suspects receive insufficient scrutiny and sometimes no scrutiny at all. We reveal how some suspects benefit more than others from this investigative blind spot, with cultural and racial stereotypes playing a role. We propose a way forward through suspect-focused investigations, which are bound by a human rights legal framework and underpinned by evidence-based knowledge of the psychology of sexual offending. It is the application of such specialist knowledge within the police investigation process that is the antidote to the influence of rape myths and misconceptions.

Red herrings: victim-survivor credibility as the first and main site of police investigative focus

Rape and sexual offences differ from other crimes in that the victim-survivor's state of mind – whether or not they were consenting or able to consent to sexual activity – is a point to prove within the legal case. The current definition of rape in English law is set out in the SOA 2003 and has three components. The first is the intentional penetration of the vagina, anus, or mouth with a penis. In cases involving adult victims, that sexual activity took place is often uncontested and the least challenging element of the investigation. More difficulty is typically involved in establishing the two additional conditions necessary to meet the legal definition of rape: the victim's lack of consent or lack of ability to freely consent, and the suspect's reasonable belief of the victim's consent or ability to consent (Temkin and Krahé, 2008). As such, the legal definition of rape necessitates an examination of some facts of the case that pertain to the victim-survivor. There is a clear legal framework and guidance regarding directly relevant, proportionate, and reasonable lines of enquiry in rape investigations (CPS, 2023). Sexual history evidence has been a battleground for feminist challenges on what constitutes directly relevant lines of enquiry, and many hard-fought debates have led to a change in legal guidance to limit its use in rape trials. However, scholars still find these guidelines are easily and routinely circumvented in practice (Smith, 2018; McGlynn, 2017; Herriott, 2023). More recently, police and Crown Prosecution Service (CPS) requests for disclosure of victim-survivors' counselling notes have become visible examples of investigations leaning into victim-survivors' lives, and where the question of what counts as directly relevant, proportionate, and reasonable is highly contested. The women's sector is campaigning for legal changes that would mean counselling notes are only requested in exceptional circumstances (Rape Crisis, 2023). What is more, it is not in fact the role of the police to judge the credibility of a victim-survivor's account, or that of any other witness, or even that of

the suspect for that matter. In the English legal system, the role of the police is to unearth all relevant evidentiary material, not to judge it. It is for the Crown Prosecutor to assess that evidence when deciding whether or not to charge a suspect, and it is for the court to judge the credibility of the accounts of the victim(s), witness(es), and the accused (Temkin and Krahe, 2008). While the law allows or even requires investigation of the victim-survivor's state of mind – their consent or ability to freely consent – these enquiries have legal boundaries and do not justify what is currently the norm in rape investigations: victim-survivor credibility as the first and sometimes only site of the police investigation.

Rape myths and misconceptions shape the victim-survivor credibility focus

Criminal investigations routinely over-reach legal boundaries and over-focus on the credibility of the victim-survivor's account beyond what is justified by rape law and statutory guidance. This results in rape victim-survivors feeling that they, rather than the perpetrator, are the suspect under investigation and on trial (Gregory and Lees, 1999; Jordan, 2004; Kelly, 2010; Brooks-Hay et al., 2019; Smith, 2018). The investigation of the credibility of the victim-survivor often takes the form of scrutinising so-called third-party material, including, for example, the victim-survivor's social service records, counselling notes, school and medical records, alongside the contents of their mobile phone, other digital devices, and social media accounts. Such requests are often disproportionate and stretch well beyond what is directly relevant to the case (Murphy et al., 2022; Victims' Commissioner, 2019). The evidential value of such victim-related material is often low, yet the impact on victim-survivors is profound. The prosecution must notify the suspect of all evidentiary material they intend to rely on in the prosecution as well as all unused material. This rule is essential for a fair trial, but it comes at a cost to victim-survivors. It means the suspect may gain sight of highly personal and intimate information relating to the victim-survivor if such has been collected by the police (Rumney and McPhee, 2021). In many police forces, frontloading the investigation of the credibility of the victim-survivor as a witness is hardwired into police organisational processes and takes place long before a suspect is interviewed – if officers interview them at all (Hohl et al., 2022). Such practices result in victim-survivors, not suspects, becoming the primary focus of the investigation.

Rape myths and stereotypes – more recently termed rape misconceptions and assumptions – are often considered to be the driving force behind such over-focus on victim-survivors. It is thought that these myths

and misconceptions activate when officers form judgements on whether complaints of rape are truthful and indeed a criminal offence. Smith (2018) provides a useful thematic grouping of rape myths falling into four categories: beliefs that effectively blame the victim-survivor (e.g. getting drunk, dressing provocatively, flirting with a man who later sexually assaults them); beliefs that cast doubt on the allegations (e.g. delayed reporting, ongoing contact with the perpetrator, the belief that most rape allegations are false and that women claim to have been raped out of revenge, jealousy, or regret of what was consensual sex at the time); beliefs that excuse the accused (e.g. rape as crime of passion, uncontrollable male sexuality once ignited); and beliefs that assume rape only occurs in certain groups (e.g. male rape only happens to gay men).

A further example of such misconceptions is that rape only occurs between strangers and that if the victim-survivor and the perpetrator are in an ongoing relationship, this does not really constitute rape. Or if the victim-survivor stays in the relationship or engages in consensual sex with the accused after the alleged rape, then it cannot really have been rape, so the misconception goes (Russell, 1982; Finkelhor and Yllö, 1985; Campbell, 1989; Wiener, 2023; Areh et al., 2009; Yllö and Torres, 2016). Yet the legal definition of rape (SOA, 2003) makes no mention of the relationship between the offender and the victim. In law, it is irrelevant to the question of whether or not the accused is guilty of an offence of rape. In practice, the victim-perpetrator relationship matters tremendously for criminal justice outcomes. One in three police-recorded rapes takes place in the context of domestic abuse. Operation Soteria Blue-stone research found that while the charge rate for rapes perpetrated by complete strangers was 8.2%, this fell to 3.4% where the suspect had recently met the victim-survivor, and to only 1.2% where the suspect was a current or former intimate partner (Lovett et al., 2022b). Such rape myths, coupled with a lack of understanding of sexual offending behaviour in general and sexual offending in the context of domestic abuse in particular, can lead officers to over-focus on the credibility of the victim-survivor's account for their actions before, during, and after the alleged rape. They can lead to officers failing to look for evidence of perpetrator actions that may be proof of their manipulation, coercion, and control of the victim-survivor, that is, actions capable of removing the victim-survivor's freedom and choice to engage in sexual activity. Rape myths can also blind officers to evidence that the perpetrator could not have reasonably believed the victim-survivor was consenting, given he knowingly and deliberately took steps to remove the victim-survivor's freedom and choice through the use of threats, coercion, and a wider web of controlling behaviours (Wiener, 2023; Stark, 2007; Hamilton

and Tidmarsh, 2022). Myths and misconceptions become a red herring of the rape investigation. There is a vast literature exploring rape myths and misconceptions, assumptions and stereotypes, and evidencing their impact on criminal justice decision-making (Kelly et al., 2005; Temkin and Krahé, 2008; Brown and Horvath, 2009; Jordan, 2004, 2022; Parrat and Pina, 2017; Shaw et al., 2017; O’Neal, 2019; Smith, 2018; Ellison and Munro, 2009). Some recent studies have found relatively low levels of rape myth acceptance among officers and are more cautious about strong causal claims of their direct impact on decision-making (Sleath and Bull, 2017; Hine and Murphy, 2019). However, these studies focus on how rape myth acceptance operates on the level of individual officers’ beliefs. Rape myths may however also influence decision-making in less direct, mechanical ways, for example through a downstream orientation in investigator decision-making.

Downstream orientation and denial of agency

There is some evidence that officers who do not personally hold rape myths may still be influenced by them in their decision-making. In 2015/16, Hohl conducted a study of RASSO officers’ perception of decision-making in rape cases (Hohl, 2016). As part of the study, Hohl conducted semi-structured interviews with a random probability sample of 20 officers working in the specialist rape investigation units of a large police force in England. The sample included officers of Detective Inspector, Detective Sergeant, Detective Constable, Sexual Offences Investigator Trained (SOIT) officer, and Police Constable rank/role. A core theme emerging from the interviews was officers’ articulation of what might be called an enlightened understanding of rape. These officers named a large variety of rape myths and stereotypes, declared them inaccurate, and expressed heartfelt sympathy for rape victim-survivors. In the interviews, almost all officers showed an acute awareness of some victim-survivors’ complex lives and explained that perpetrator(s) look for and exploit certain vulnerabilities. These officers often also asserted that they thought very few rape complaints were false. Virtually all of these officers went on to say that while they personally do not believe rape myths, prosecutors and juries did – and that they are the ultimate decision-makers calling the shots. Senior officers lamented that their success was measured in prosecution rates and that their performance metrics are penalised if they take too many chances in putting “weak” or “borderline” cases to the CPS, de facto discouraging them from sending anything but the most robust cases to the CPS for a charging decision. Further, officers emphasised that their focus on investigating

victim-survivor credibility and their requests for third-party material was driven by the CPS. The CPS can return a case file to the police with an action plan requesting further evidence to be collected before a charging decision can be made, delaying the case and creating additional work for officers. To avoid case files being returned with an action plan, investigators would pre-emptively request all available third-party materials and carry out extensive digital downloads from victim-survivors' electronic devices, regardless of whether they thought it necessary, proportionate, or relevant to the case. Another study found that officers were seemingly unaware that they could challenge the CPS prosecutor if they felt the request was disproportionate or not directly relevant to the case (Gekoski et al., 2023). In sum, officers denied personally believing rape myths but said they felt their hand forced by the CPS and courts who make decisions on victim-survivor credibility further down the line.

A large body of literature evidences this downstream orientation in officer decision-making and how this feeds a vicious cycle of attrition – police pre-emptively closing investigations because they anticipate a CPS prosecutor will not charge or a jury will not convict. This includes second-guessing the CPS prosecutors' prediction of how a presumed biased jury might see the case. Each criminal justice agent is putting their understanding to one side to give priority to the presumed rape myths that influence decision-making at the next stage in the criminal justice process (Munro and Kelly, 2013; Campbell et al., 2015). Paradoxically, when Hohl (2016) asked follow-up questions about whether officers felt that they could typically predict the jury verdict in any one case, most said that they could not: juries were unpredictable, they said. This finding mirrors Sinclair's (2022) study of 29 serving and retired officers. Sinclair exposes the flawed logic of investigators' downstream orientation while at the same time saying that jury decisions are impossible to predict. This finding is reminiscent of Sykes and Matza's (1957) techniques of neutralisation. Techniques of neutralisation enable us to release cognitive dissonance, shame, or guilt from knowingly doing wrong. Officers blaming the victim-survivor credibility focus in their investigation on higher forces (in this case, the wider criminal justice system) is a technique of neutralisation. In doing so, officers deny responsibility for their actions, their action's impact on case outcomes and victim-survivors. Denial of inquiry or denial of victimhood is another technique of neutralisation. Examples of this involve officers resolving any feelings of guilt for dropping rape cases by telling themselves (and others) the allegations are false anyway. These forms of denial allow a victim-credibility focus to live on within investigations and permit officers to evade feeling responsible for it and denying their ability to change it.

Victim-survivor credibility as the first port of call in rape investigations is well-evidenced. Standard investigative practices result in disproportionate requests for victim-survivor third-party materials, digital devices, and counselling notes. Coupled with this is an assumption that within those materials could be found an answer to whether the victim-survivor is telling the truth and whether the alleged incident meets the legal definition of rape. It implies that the primary question is not whether sexual activity took place, whether the victim-survivor consented, or whether the suspect could have reasonably believed that the victim-survivor consented (i.e. the three legs of the legal definition of rape), but whether the victim-survivor can be believed in their naming the sexual activity as non-consensual. Rape myths and misconceptions fuel such a victim-survivor credibility focus, in particular those pertaining to reasons why victim-survivors may be mistaken or lie outright. They also absolve perpetrators and switch the locus of responsibility onto victim-survivors. While the evidence on individual officers' rape myths acceptance is mixed, arguably, it makes little difference whether these beliefs are held by officers personally or whether they influence their decision-making through a collective downstream orientation. The outcome is the same. If the latter holds, however, it partially explains the persistence of the issue and why rape myth-busting training of individual officers appears to be largely ineffective (see Chapter 6). More importantly, this has profound implications for the quality and fairness of an investigation. The victim-survivor credibility focus is a red herring that draws the investigative focus away from the suspect's behaviour. In effect, suspects have become the blind spot of rape investigations.

Blind spots: how perpetrators are missing from rape investigations

A suspect's behaviour surrounding an alleged rape should be the focus of any criminal investigation. According to the Criminal Procedures and Investigations Act (CPIA) 1996 (Section 2.1): "a criminal investigation is an investigation conducted by police officers with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it". In England and Wales, the College of Policing further sets standards for policing, including so-called Authorised Professional Practice (APP). The APP for investigations specifies that "investigators conducting an investigation should impartially follow all reasonable lines of enquiry to gather material which points both *towards and away from a suspect*" (College of Policing, 2022). Both the CPIA 1996 and College of Policing APP centre the police investigation

and decision-making on the suspect. No mention is made of the victim(s). This may surprise many rape victim-survivors. As outlined above, wide-ranging disclosure requests from police to access the victim-survivor's third-party material and digital devices upon reporting to police set the tone for what is to come: intense scrutiny of all material pointing towards or away from the credibility of the victim-survivor. When it comes to police default practice, the focus of investigations centres on the credibility of the victim-survivor instead of where it ought to be, according to the CPIA 1996 and the College of Policing APP, on evidential material pointing towards and away from the suspect.

Rape suspects occupy a relatively small space within rape investigations. Research undertaken as part of Operation Soteria Bluestone suggests that suspect checks against police national databases were conducted in less than half of cases (Horvath et al., 2022). Further, case file reviews and interviews with officers revealed that investigators did not always make links between different sexual offence disclosures against the same suspect. This was especially so for suspects where previous sexual offence disclosures had not resulted in the suspect being charged (the most common outcome of any sexual offence investigation). Further, key investigative milestones for securing evidence pointing towards or away from the suspect were missed in half of the cases. For example, no forensic evidence was obtained despite clear opportunities to do so, forensic samples were collected but never submitted for testing, or if tested, the results not recorded in the case file. Evidence of offender risk management activities was found in just one in ten cases (Horvath et al., 2022; Davies et al., 2022). Operation Soteria Bluestone research further showed that the median time between a rape report and a suspect being interviewed was 70 days (Lovett et al., 2022a), with no suspect interview being conducted in four out of ten cases (Horvath et al., 2022). Overall, these findings point to a pattern of routinely missed opportunities and long delays in the investigation of evidentiary material relating to the suspect.

What is more, officers do not always treat rape suspects like a suspect in a serious violent crime investigation. In rape cases, suspects are often not formally arrested but instead invited for a voluntary interview, or “a chat”, as one officer put it (Hohl et al., 2023). In a large survey of rape and sexual assault victim-survivors in England and Wales, some respondents recounted how officers appeared to have greater sympathy for the suspect and were more concerned about the impact of the allegation on the suspect than they showed concern for the needs of the victim-survivor. Some respondents report that this way of interacting with rape suspects emboldened and empowered them to sexually abuse again (Hohl et al., 2023). This finding chimes with research suggesting

that the more offenders get away with their offending, the more this reduces their perception of the risk of punishment (Paternoster and Piquero, 1995; Stafford and Warr, 1993). Additionally, repeated police contact may make perpetrators more forensically aware (Beauregard and Bouchard, 2010), aiding perpetrators in evading ever having to have consequences for their actions in a criminal court. In sum, police interactions with rape suspects may have perverse consequences when officers do not conduct investigations in a manner that treats rape suspects like crime suspects.

Lack of suspect focus in research and officer learning and development

Officers are not alone in paying comparatively little attention to perpetrators of sexual violence. Academic studies on sexual violence, and specifically on the police investigation of sexual offences, have produced a far larger body of literature on victim-survivors than on perpetrators. A simple Google Scholar search conducted in October 2023 provides a crude indicator (see Table 3.1). The results suggest that for every 1 article about rape and sexual assault offenders, there are 1.3 articles on rape and sexual assault victim-survivors. Focusing on the police investigation of rape and sexual assault, the ratio tilts further to almost 18 publications about victim-survivors per 1 academic publication on suspects and the police investigation. Not only is there less research on sexual offending behaviour, but the research that does exist is under-used in police training. The literature on sexual offenders, while comparatively small, has produced a wealth of knowledge on those who sexually offend that is directly relevant to officer training on sexual offence investigations. This literature covers theories of motivations for offending and sex offender typologies (Lalumière et al., 2005; Seto, 2019; Robertiello and Terry, 2007; Godenzi, 1994); research on the onset, desistance and recidivism of sex offending (Harris, 2021; McAlinden et al., 2017), in particular among adolescents (Seto and Lalumière, 2010); the effectiveness of offender intervention and rehabilitation programmes (Kim et al., 2016); and perpetrator strategies for offending, including strategies for keeping victim-survivors silent and covering up the offending (Tidmarsh, 2021). However, reviews of officer training and continuous professional development routinely show a near-complete absence of learning on sexual offender behaviour and how to utilise this knowledge in rape and other sexual offences investigations (Williams et al., 2022; see also Chapter 6). Perpetrators remain in the margins of sexual violence research and a blind spot in sexual offences investigative training.

TABLE 3.1 Google Scholar search results for perpetrator versus victim-related search terms

<i>Search term base</i>	<i>Victim versus suspect terms</i>	<i>Number of results</i>	<i>Victim to suspect ratio</i>
rape OR sexual assault	AND victims OR survivors OR victim-survivors	810,000	1.3 to 1
	offenders OR perpetrators OR suspects	629,000	
rape OR sexual assault AND police	AND victims OR survivors OR victim-survivors	459,000	19.4 to 1
	offenders OR perpetrators OR suspects	23,700	
rape OR sexual assault AND investigation	AND victims OR survivors OR victim-survivors	448,000	17.9 to 1
	offenders OR perpetrators OR suspects	25,200	

Perpetrators as blind spots as a societal issue

Perpetrators of sexual violence are, however, very much a focus within feminist criminology. It is an uncontested empirical fact that the vast majority of sexual violence is perpetrated by men against women. From a feminist criminologist perspective, acts of male sexual violence against women are not isolated incidents but a pervasive manifestation of gender inequality. Feminists argue that rape and other forms of sexual violence are tools used by men to maintain control and dominance over women, and some simply feel entitled to use women as objects for sexual gratification (Stanko, 1985; Brownmiller, 1975; Millet, 1970; Walklate, 1997). The feminist perspective emphasises the importance of acknowledging the power dynamics at play in sexual violence and highlights the role of societal norms, the objectification of women, and rape culture in the prevalence and persistence of sexual crimes. As such, shifting the locus of responsibility for sexual violence onto perpetrators has been a central tenant of the feminist argument of the past 50 years. A core plank of the argument is the absence of perpetrators from rape

prevention advice and strategies which are instead directed at women and what they must do to protect themselves (Stanko, 1997; Berrington and Jones, 2002; Brooks, 2011; McMillan and White, 2023). A prominent example is the trope that women who get drunk on a night out only have themselves to blame if they are raped. It is only “common sense” for young women not to get excessively drunk and to “maintain control and respectability”, or if they really must drink to excess, to always buddy up with a sober friend to keep safe (Brooks, 2011; Finch and Munro, 2007). Similarly, self-defence courses and “anti-rape technology”, including rape alarms or bras and shorts that are difficult to remove, are marketed towards women. These examples illustrate how responsibility for sexual victimisation is both individualised and gendered – it is up to each and every woman to keep herself safe, and she has only herself to blame if she fails to do so (Walklate, 1997). One antidote feminist campaigners have developed are adverts that place the focus and responsibility back onto those who commit sexual offences. For example, the “10 Top Tips to End Rape” poster shown in Figure 3.1. This puts the spotlight on the existing blind spot of mainstream rape prevention advice: the men who commit rape.

Some categories of perpetrator are bigger blind spots than others. McMillan and White (2023), in their review of the range of sexual offence prevention strategies, discuss not only the “invisible” but also the “imagined” perpetrator in mind when designing anti-rape technologies and self-defence courses, namely “stranger danger” attacks by unknown men in public places. In particular, this involves perpetrators whose modus operandi is to use surprise moments and force to overpower their victims. The imagined perpetrator is not the husband or father, family friend, boss, teacher, or medical professional the victim-survivor trusts or even depends on (Stanko, 1988). Media reporting perpetuates a certain image of rapists, portrayed as “perverts” and “monsters” with an out-of-control sex drive or sick sexual desires – essentially, outcasts of society. It is a depiction that places a reassuring distance between rapists and ordinary men (Mason and Monckton-Smith, 2008; Ryan, 2011). Media reporting disproportionately covers cases in which the perpetrator fits this stereotype. Everyday sexual violence of abusive partners, family members, and men in positions of power and trust features less frequently, further reinforcing myths and stereotypes (Greer, 2012; O’Hara, 2012; Mack and McCann, 2021). Myths and stereotypes protect those who “don’t look like rapists” and are seemingly “nice guys” with “good jobs”, who are good-looking, white, successful, and well-to-do, and who “don’t need to rape to have sex”. In police decision-making, there is evidence that rape cases are more likely to be dropped if the suspect is not deemed a “credible criminal”: a white man with

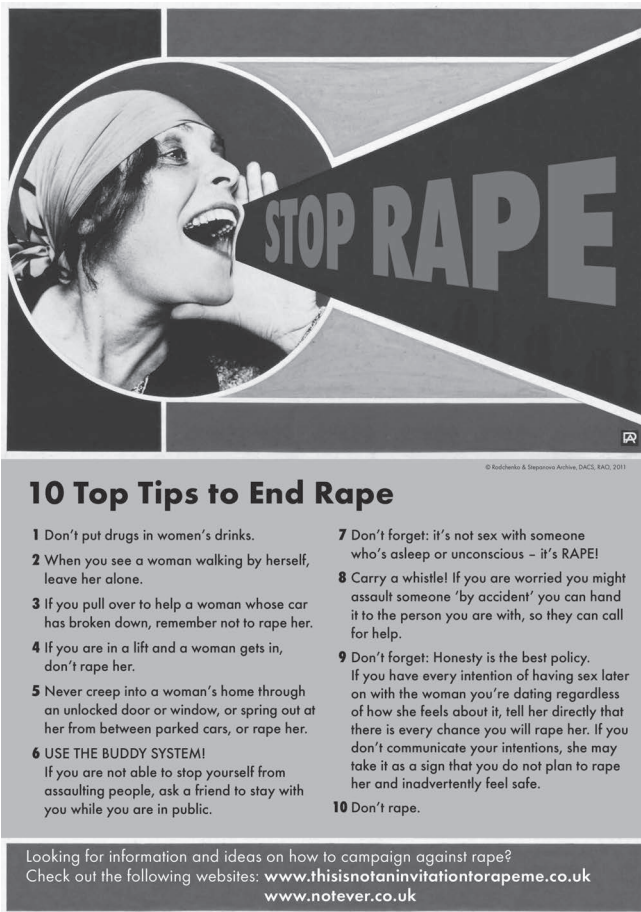


FIGURE 3.1 “10 Top Tips to End Rape” poster by Rape Crisis Scotland. Reprinted with permission

no prior criminal record. Research has shown that the police were less likely to dismiss a case when the suspect was of colour or had a prior police record (Hohl and Stanko, 2015; Nielsen et al., 2018). Some perpetrators are, therefore, more likely to be out of the focus of police investigation and prosecution because rape myths, misconceptions, and racial stereotypes obscure our understanding of rapists.

The suspect is the focus of a criminal investigation – except when the crime in question is a sex offence. Then, victim-survivor credibility is the focus, while suspects often only receive cursory and delayed investigative

attention. At times this includes officer “himpathy” for rape suspects. Myths about rape and rapists, including racial stereotypes, protect some rapists more than others. Crucially, they shift the focus of suspicion, blame, and responsibility onto the victim-survivor. Officers are not alone in falling for the red herring of victim-survivor credibility and perpetrator blind spots: academic research, officer training, and “common sense” rape prevention advice all have more to say about the role of victim-survivors in sexual offending than about those who commit it. Feminist analyses begin with the simple observation that perpetrators, not victim-survivors, are the ones who rape – and that most perpetrators are men. It is perpetrators who are responsible for their offending and at whom we should direct our gaze when investigating rapes and designing rape prevention strategies. The question that presents itself, then, is, how can we ditch the red herrings and blind spots to arrive at a fair and effective investigation of complaints of rape?

The way forward: suspect-focused investigations

Suspect-focused investigations begin where the offending begins: with the offender’s actions. Suspect-focused investigations examine the suspect’s offending behaviour as the primary site of interest. They impartially follow relevant and proportionate lines of enquiry to gather evidentiary material that points away or towards the suspect, in line with the 1996 CPIA and the APP for investigations. Practically, this means asking questions about what happened before, during, and after the rape in a manner that centres on the suspect’s behaviour, not that of the victim-survivor. Here are some examples to illustrate the differences:

Victim-focused: Did the victim-survivor physically resist the rape? Are there injuries to prove it?

Suspect-focused: Did the perpetrator take actions to manipulate or coerce the victim-survivor into a situation where they did not have the freedom or ability to *not* partake in or be subjected to sexual activity?

Victim-focused: Was the victim-survivor laughing and smiling at the perpetrator earlier in the evening, seeming flirtatious and “up for it”?

Suspect-focused: Is there evidence of perpetrator “love bombing”, grooming, and manipulation relevant to the alleged rape that might explain victim-survivor behaviour prior to the rape?

Victim-focused: Did the victim-survivor consume drugs or alcohol prior to the alleged offence?

Suspect-focused: Did the suspect insist on more alcohol, keep encouraging the victim-survivor to drink more, or discreetly pour more drinks?

Victim-focused: Did the victim-survivor continue to message the perpetrator after the rape? Did they act as if nothing had happened?

Suspect-focused: Who controls the relationship? Is there evidence of the suspect being in a position of power over the victim-survivor that would limit their freedom and ability to extract themselves from the relationship? Is there evidence of the perpetrator manipulating the victim-survivor into thinking and feeling they are responsible for what happened, or reframing the sexual assault as consensual? Did the suspect initiate communications continuing as before?

Victim-focused: Has the victim-survivor previously reported a sexual assault to the police? Have they had episodes of mental ill-health, school absences, or social service involvement in the past?

Suspect-focused: Has the suspect been reported to have sexually assaulted or attempted to sexually assault anyone before? Are there similarities in *modus operandi*?

Such questions about the suspect's behaviour provide pieces of a puzzle that tells a different story: the story of the protagonist of sexual offending. Notice how victim-focused questions play on common myths and misconceptions about rape, whereas the suspect-focused questions derive from sexual offending behaviour research. For rape and sexual offences, such expert knowledge appears particularly important to counter rape myths and misconceptions. The remainder of this section seeks to illustrate how knowledge of the psychology of sexual offending can change our interpretation of victim-survivor and suspect behaviour before, during, and after a rape. We lean heavily on Tidmarsh's (2021) "Whole Story" approach here because it is based on a comprehensive understanding of the sexual offending psychology and intervention literature combined with his practitioner experience working with young people who sexually offend. The approach demonstrates how sexual offending knowledge can be practically applied and speaks to investigators in a way that we have experienced as policing's "light bulb" moment in Operation Soteria Bluestone (see Chapter 7).¹

The "Whole Story" approach

Tidmarsh's (2021) "Whole Story" approach is based on the notion that sexual offending is a relationship-based crime. The perpetrator seeks to create or exploit a relationship with the victim-survivor that enables the sexual offending and allows them to get away with it. This applies to stranger rapes as much as it does to rape within intimate relationships or family settings. Perpetrators use a range of techniques to groom,

manipulate, and coerce victim-survivors into situations where their freedom and ability to escape the sexual assault are removed. Tidmarsh draws particular attention to the early stages of the relationship, where the offender is deliberate in setting the terms of the relationship before any sexual activity occurs. This stage is central to understanding the whole story of a rape but is often missed by police investigators. This first stage, which he calls “Grooming 1”, is non-sexual grooming. He argues that this stage always exists, however short it may be in a stranger rape or however long it has been cultivated in the case of intimate partner or family sexual violence. This may include showering the victim-survivor with attention and validation (“love bombing”) to gain access and trust. It also lays the foundations for making the victim-survivor feel responsible for what happens after. Grooming 1 may also include perpetrators getting to know the victim-survivor to collect insights into any insecurities or anything they may feel ashamed of or frightened about. Perpetrators may also be keen to find out what things or which people in the victim-survivor’s lives matter most to them – this is invaluable information should the perpetrator later need to coerce or threaten the victim-survivor into silence. Using these tactics, the perpetrator creates or manipulates the relationship with their chosen victim in a manner that gives them the necessary access, power, and control over their victim to enable the sexual offending. It is also the groundwork for getting away with sexual violence or to repeat the sexual violence over a long period. Grooming 1 is hard to spot in the moment. Much of what the perpetrator does in this stage will appear normal and innocent. It is often only with the benefit of hindsight that the perpetrator’s intent becomes clear to the victim-survivor and to others. Unless police investigations capture evidence pertaining to this stage, it will be difficult for them, a prosecutor, and a jury to fully understand what crime took place, why it could take place, and why the victim-survivor acted the way they did during and after the sexual violence.

Knowledge of Grooming 1 can flip what may appear to be a weakness in the victim-survivor’s account into a coherent legal narrative of sexual offending that makes for a more compelling case. The “Whole Story” approach, in line with previous research, suggests that perpetrators find or create such vulnerability in victim-survivors as part of the coercion or manipulation that often precedes a rape and that they silence victim-survivors afterwards (Tidmarsh, 2021; Chopin et al., 2020). Perpetrators may look for ways of creating economic dependencies, for example, by forcing a partner into a traditional homemaker role without an income, controlling access to a partner’s own money, or forcing someone into debt, for example as part of trafficking, sex work, or drug addiction. Perpetrators

may prey on those with drug or alcohol dependencies, disability, neurodiversity, or mental health conditions. Finding or creating vulnerability in victim-survivors may also involve exploiting a position of power or trust, for example as a teacher, carer, parent, medical professional, taxi driver, or police officer. Perpetrators can also create vulnerability through manipulating their victim's alcohol and drug consumption. Some perpetrators are opportunistic, for example, by taking advantage of someone already being very drunk. Others engineer the situation to separate their target from their friends, classmates or family, or simply by making them miss the last train home at the end of a night out. Knowledge of sexual offender tactics enables a shift in how officers understand and present in their case file these so-called victim-survivor vulnerabilities. An officer who understands Grooming 1 may see victim-survivor vulnerabilities in a different light and recognise them as something the perpetrator may have plausibly created or abused. Such awareness puts officers in a position to identify and pursue lines of enquiry and to collect relevant evidentiary material for prosecutors and juries to test such hypotheses. Yet, without knowledge of Grooming 1, and under the influence of rape myths and misconceptions, victim-survivor vulnerabilities are typically interpreted as weakening the credibility of the victim-survivor as a witness to their own rape. Evidence from police case file reviews suggests that perpetrator-created or exploited vulnerabilities also make the victim-survivor vulnerable to their case being dropped by criminal justice decision-makers (Williams and Stanko, 2009; Hohl and Stanko, 2015). This pattern of attrition includes victim-survivors being less likely to be believed and less likely to see their perpetrator charged if they were under the influence of alcohol when the rape occurred (regardless of who poured the drinks); have a learning, socio-psychological, or physical disability; are a drug or alcohol user, care leaver, sex worker, or previously known to police or social services (Kelly et al., 2005; Hohl and Stanko, 2015; Horvath and Brown, 2022). Victim-survivor vulnerabilities become a form of victim responsabilisation (Garland, 1996), shifting the focus of responsibility, blame, and investigative attention away from the suspect and onto the victim-survivor. A "Whole Story" suspect-focused approach keeps the attention on how the suspect may have created or abused victim-survivor vulnerabilities and disables the red herring of victim-blaming and shaming.

Tidmarsh (2021) further suggests how the "Whole Story" does not finish when the rape or sexual assault is over but continues affecting the victim-survivor's mind, body, and actions. Where there is an ongoing relationship between the perpetrator and the victim-survivor, the perpetrators will likely continue to deploy various tactics to ensure the victim-survivor feels responsible for what happened or is gaslit into thinking

what happened was not really rape – powerful tools to ensure the victim-survivor stays silent. If Plan A – victim-survivor remains silent – fails, the Grooming 1 phase has laid the groundwork for Plan B: enough “evidence” planted to make it appear plausible that the encounter was consensual. Plan B is likely to be successful when others, including investigators, fail to spot sexual offending tactics and cannot unmask the planting of evidence. Experienced sex offenders are more often forensically aware and will use their past experience to reduce the risk of detection (Hazelwood and Burgess, 2001; Park et al., 2008). Interestingly, Chopin et al. (2020) found that not all sex offenders appear to use strategies to avoid detection. However, their study only considers traditional “CSI effect” tactics, such as being mindful not to leave fingerprints or other DNA evidence. Tidmarsh’s (2021) scope is broader and includes documenting tactics offenders use to manipulate the primary source of evidence: the victim-survivor. Ensuring victim-survivor silence is their first and most powerful defence, evidenced in the small proportion of rapes reported to the police (Hohl and Stanko, 2015). Then, the police will have no victim-survivor account at all. A suspect-focused investigation should include looking for actions the suspect has taken to avoid detection, including those that may result in the victim-survivor not giving or delaying giving an account to the police, or withdrawing their support for a police investigation and prosecution.

Suspect focus applied to rape in the context of coercive control

A “Whole Story” approach is especially important when rape occurs within an intimate partner relationship. Such rapes account for a third of police-recorded rapes, making it the most prevalent suspect-victim relationship type (Wunsch et al., 2021; Lovett et al., 2022b). Yet it is perhaps in this context that consent and reasonable belief of consent are most poorly understood. Investigative strategies that work off the template of stereotypical (stranger rape) ways of evidencing non-consent are unlikely to succeed. Stark, in his seminal book *Coercive control—how men entrap women in personal life* (2007), suggests that alongside physical assaults, 60–80% of domestic abuse victim-survivors seeking outside help are subjected to multiple tactics designed to frighten, intimate, isolate, and degrade them: in other words, tactics of coercive control. He defines coercive control as:

a malevolent course of conduct that subordinates women to an alien will by violating their personal integrity (domestic violence), denying

them respect and autonomy (intimidation), depriving them of social connectedness (isolation) and appropriating or denying them access to the resources required for personhood and citizenship (control).

(Stark, 2007: 15)

Stark categorises coercive control as a liberty or capture crime, comparing it to hostage and war prison camp tactics. Importantly, Stark pairs the perpetrator tactics with the impact coercive controlling behaviour has on the victim-survivors, considering perpetrator behaviour and victim-survivor response together as part of the coercive control paradigm (see also Russell, 1982; Finkelhor and Yllö, 1985). “Rape as routine” forms part of sexual coercion and is often part and parcel of coercive control (Stark and Hester, 2019; Stark, 2007; Palmer and Wiener, 2021; Wiener, 2023). Sexual violence functions to instil fear and a constant credible threat of the “or else”. The first rape or other sexual assault can be a transformative moment that gives credibility to any subsequent threats and demands. Wiener (2023) gives the example of Louise:

Richard seemed to believe that in order to keep me, he needed to rule me. Early in our relationship, we argued and he called me degrading names. I angrily expressed regret for becoming involved with him and said, “You will never touch me again. Now, get out.” Richard sneered, “I can fuck you whenever I want to.” I raised my voice, reiterating that he should leave. Richard pushed me to the floor and sat on me, delivering repeated hard slaps across my face, and then raped me, taunting me with the fact that he could and would do what he liked, when he liked. I actually did feel like conquered property: worthless. The rape ended – at least for the time being – further talk of leaving.” [Louise’s quote ends] [. . .] For the rest of their time together Richard only needed to warn, “don’t make me come and get you”, and she would submit to sex. His threat had credibility. She knew what he would do if she did not submit. The regular (unwanted) sex that they had was Richard exercising sexual control: having sex when and how he wanted.

(Wiener, 2023: 21)

Another example is Sally Challen, who went on to kill her husband after decades of coercive controlling abuse. Sally experienced routine rape as part of the coercion:

After we returned from America, Richard [Challen] started calling me slut, and other horrible things. He did anally rape me a few more

times. I didn't resist, I just let him do it, but it would have been clear that I didn't want it. Occasionally I tried to get out of sex, by saying that I had a headache, but he would proceed anyway. He would tell me to "Go upstairs and get ready", which would mean being clean and washed, and sometimes he would leave me waiting for ages.

(Wiener, 2023: 22, transcribed from a BBC 2 interview with Sally Challen)

Both perpetrators used rape in combination with non-sexual tactics to intimate, degrade, humiliate, violate, isolate, and control their victims. This context to the rapes, both in terms of perpetrator tactics and victim-survivor impacts, is essential to understanding whether or not Louise and Sally freely consented to sex and, importantly, whether the Richards could have reasonably believed that consent was freely given. In both examples, rape became a routine that lasted years. In the context of a coercive controlling relationship, the freedom to consent may have been removed days, weeks, months, or years before the rape. There may be no physical struggle, no screaming "no!" in the moment, because the credible threat, the "or else" is implied (Stark, 2016). Any one incident of rape will have a dual impact; the immediate violation and the becoming "part of the fabric of the chronic abuse that she was subjected to every single day" (Wiener, 2023: 22). Palmer and Wiener (2021) explain how a rape establishes ownership and worthlessness, which, once established, is then reinforced by "low level" everyday sexual violations – unwanted touching, grabbing, and sexualised remarks that serve to remind and reinforce the subjugation and control. Investigators and prosecutors approaching the collection and interpretation of evidentiary material on the question of consent without understanding coercive control are unlikely to produce a compelling case of rape. A narrow focus on overt signs of non-consent or threat of violence in the moment misses the context of entrapment in a web of coercion, violence, and control. It also misses key evidence to challenge whether a suspect could have reasonably believed that there was consent, given their coercive controlling conduct and keen knowledge of its impacts on the victim-survivor. In short, without taking into account all of the suspect's relevant behaviour towards the victim-survivor over the course of the relationship and without considering the impact of this behaviour on the victim-survivor, investigators are unlikely to see the whole story of sexual offending within intimate relationships.

Swinging the pendulum too far the other way?

Advocating a move to suspect-focused investigations might sound like we are swinging the pendulum too far the other way. A couple of media

commentators warned that the principle we are proposing – and have implemented in Operation Soteria Bluestone (Chapter 7) – is dangerous. The concern is that suspect-focused investigations violate suspect rights, remove the presumption of innocence or even reverse the burden of proof (Scott, 2023; Philipps, 2023). These concerns are unfounded. Suspect-focused investigations are mandated by law because they are what is set out in the CPIA 1996. This is also reflected in the College of Policing APP for investigations in general. Additionally, we neither propose nor have the means to reverse the burden of proof or remove the presumption of innocence. Suspect rights are enshrined in law, and we do not suggest altering or undermining these. What we propose is that investigations follow the law and police professional guidance, and are informed by evidence-based knowledge and understanding of sexual offending behaviour rather than by rape myths and misconceptions. Asking questions about what the suspect did guides the identification of relevant lines of enquiry towards gathering of evidentiary material that is directly relevant and proportionate as part of a fair and effective investigation. Because of the current over-focus on victim-survivor credibility and the persuasiveness of rape myths, the term “suspect-focused investigations” is there to make explicit that sexual offending starts with the offender and that suspect behaviour needs to be given much greater attention than it is currently receiving. It is also important to note that a shift away from a victim-survivor focus must not be read as decentring victims’ rights and needs within the criminal justice process. Victims’ rights, needs, and wishes must remain at the heart of how officers, prosecutors, and courts engage with victim-survivors and criminal justice decision-makers must always consider the impact of their decisions on victim-survivors (see Chapter 5). Suspect-focused investigations help stop practices that violate victims’ rights through unjustified incursions into victim-survivors’ backgrounds. Unless investigations begin where sexual offending begins, with the perpetrator’s behaviour, investigators will miss key evidence hiding in plain sight and end up not telling the whole story of directly relevant evidence. With key jigsaw pieces missing, the victim-survivor’s account is less likely to make sense and be less compelling as an account of a crime, making the police investigation part of the process of silencing and discrediting victim-survivors.

Conclusion

Just as rape investigations fall outside the default zone of policing (see Chapter 2), suspects are not the default subject of such investigations. In this chapter, we have shown how victim-survivors’ actions and backgrounds are often the first and main site of the investigation, while

perpetrators remain in the shadows. Suspect background checks, arrests, and interviews are often delayed or not done at all. This emboldens perpetrators and leaves victim-survivors feeling that they, not the perpetrator, are under investigation. There is now greater recognition that this is the problem at the heart of the criminal justice process, resulting in justice systems failing victim-survivors and letting perpetrators get away with their offending (HM Government, 2021). This comes after a long history of feminist analyses and campaigning to end the responsabilisation of women for male sexual violence. Officers must show more professional curiosity about the suspects' behaviour and offending background. Police officers require expert (specialist) knowledge about sexual offending to inform relevant lines of enquiry and to make sense of the evidentiary material they gather, unobscured by rape myths and misconceptions. We have leaned heavily on Tidmarsh's (2021) "Whole Story" approach to illustrate what this may look like in practice and on Wiener (2023) for examples of coercive control. Compared to research on victim-survivors, the research on sex offenders is relatively small. It is smaller still for sexual offending in the context of coercive control. More research on perpetrators is needed to deepen our understanding of sexual offending. Officer learning and development programmes must find ways to effectively teach officers how to use academic knowledge in their investigations (more on this in Chapter 6). In the next chapter, we take the suspect focus further to argue that policing should and can take greater responsibility for the prevention of sexual violence.

Note

- 1 For comprehensive overviews of the psychology of sexual offending literature, see Sanders et al. (2017) and Cording and Ward (2021).

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4

PREVENTION IS BETTER THAN PROSECUTION

Stopping known perpetrators

Introduction

The declared primary goal of the police is to prevent crime, not to catch criminals (Home Office, 2012). When it comes to sexual violence, police have all but abandoned this first Peelian principle. Policing is almost entirely reactive, with investigative action sparked only after a crime has already happened. Putting perpetrators before a court of law may be a way of attempting to right a wrong, but it cannot undo a rape. For the majority of victim-survivors, the criminal investigation elongates the trauma and does not end with the perpetrator(s) facing trial (Hohl et al., 2023). As such, preventing rape should be the priority; prosecuting rape a last resort. The existing policing literature on crime prevention has largely side-lined the topic of sexual violence. Where it does exist, it tends to focus narrowly on stranger rapists or “target hardening” advice to women thereby placing the focus and responsibility back onto victim-survivors to keep themselves safe (see also Chapter 3). For police forces, stopping perpetrators already known to the police should be an obvious place to start.

To sexual violence victim-survivors, the police stopping their attacker from causing further sexual harm matters deeply. In a survey of nearly 2,000 rape and sexual assault victim-survivors on their experience of the police, the most frequently cited reason for reporting the rape or sexual assault to the police was to keep others safe. This mattered above and beyond any other potential outcome, including the perpetrator getting convicted (Hohl et al., 2023). Studies on the prevalence of serial sex offenders suggest that victim-survivors are right to be concerned about their perpetrator going on to sexually offend again. As such, policing is yet to act upon a near-universal tenant of criminological research: a small number of offenders account for a large proportion of criminal offending (Lovell et al., 2020; Thornberry and Krohn, 2006). It is

unrealistic to expect that the police can prevent all sexual violence (see Chapter 2). What rape victim-survivors and the general public should reasonably be able to expect, however, is that police forces abide by the first Peelian principle and proactively contribute to crime prevention. For sexual violence, this means policing should honour every victim-survivor report by treating the information offered up by victim-survivors as valuable and valued intelligence.

Any known perpetrator disruption strategy must begin by understanding the prevalence and nature of repeat offending. The first section of this chapter outlines some of the key research findings and arguments in this area. We then move to examining how police forces count repeat perpetrators and the barriers to police forces joining the dots between sex offences committed by the same (known) suspect. The section concludes that rape crime prevention is doubly marginalised within policing and policing research, with neither rape nor prevention within the default zone of policing. We propose a way forward that starts from the point of accepting that repeat perpetrators cannot be dismissed as rare, mentally ill outcasts. Prevention in the form of disruption of known perpetrators builds on the suspect-focused investigation approach set out in Chapter 3. It requires testing and applying the full range of legal disruption tools available to police forces, such as civil orders.

The everydayness of repeat perpetrators

Repeat sex offenders are not rare. We might be excused in thinking they are, partly because so little data is published on them. Almond et al. (2015) found that 36% of convicted offenders of serial sexual assault received a further conviction of a sexual contact offence, with a medium number of 5.5 post-offence convictions. Earlier studies suggest that most convicted sex offenders go on to re-offend and that sex offenders are three times more likely than other offenders to re-offend within the same crime type (Alper and Durose, 2019; Greenall and Richardson, 2015). Operation Advance, an extensive cold case review of unsolved stranger rapes, found that 72% of offenders identified in the review had convictions prior to the rape that they were eventually convicted of, and 90% had continued offending after that offence. In total, 59% had other sex offence convictions, with an average of 22 offences per offender (Allsop, 2013). Convicted sex offenders, once in treatment, will often admit multiple further sex offences that have not yet come to police attention (Tidmarsh, 2021; Weinrott and Saylor, 1991). Groth et al. (1982) surveyed 83 incarcerated rapists who admitted to a mean of 5.2 rapes, out of which the police recorded an average of 2.8 rapes. Abel et al. (1987)

estimate a mean of seven rapes per convicted sex offender. However, the median was one rape each, suggesting a highly skewed distribution, with most admitting only to the offence for which they are currently incarcerated and some admitting to a number far exceeding the mean number of seven rapes per offender. These studies are all based on detected rapists. Convicted sex offenders form a minority of the perpetrators of all sexual offences (Jordan, 2022). Detected rapists are just the tip of the iceberg, but their data alone is enough to conclude that repeat sexual violence perpetration is no minor issue.

While some sex offenders only commit sexual offences, most known sex offenders also commit other types of offences (Lussier, 2005; Soothill et al., 2000). Roach and Pease (2013a, 2013b) suggest that most criminal offenders are not specialists, and they argue that individuals who break the law are likely to do so in more than one way. In the words of Schneider (2005: 3), shop thieves should be “policed as though they were burglars on their day off rather than shop thieves pure and simple”. A small number of prolific offenders often account for a large amount of various types of harm. Similarly, for sexual offending, men who disregard rape law are also likely to engage in other forms of violence against women and girls (Dobash and Dobash, 1999). When it comes to sexual offending, the empirical evidence base for this is relatively small (see Chapter 3). Moreover, what we do know about sex offenders largely derives from studies of incarcerated rapists, despite evidence that they may systematically differ from undetected rapists. Convicted sex offenders are overwhelmingly convicted of stranger rapes, even though stranger rapes account for a relatively small percentage of rapes. Undetected rapists typically feel little danger of getting caught – their experience has taught them so. While to a convicted rapist, the criminal justice system is “enemy No. 1”, for the undetected rapist, the opposite holds. To them, the criminal justice system is an ally that attests to their innocence of any criminal wrongdoing. Undetected rapists are less likely to feel guilt and more likely to blame the victim-survivor. Their self-image often remains intact with their sexual offending compartmentalised (Godenzi, 1994). The empirical studies paint a picture very different from media portrayals (see Chapter 3): one where men who rape do not see themselves as doing wrong and are not necessarily specialists but may also engage in other forms of violence against women and girls, and where prolific repeat perpetrators account for much of the sexual harm in society.

Feminist theories argue that acts of sexual violence are not isolated events perpetrated by a small number of mentally ill individuals. Instead, they locate rape within societal structures of gender inequality.

In patriarchal societies, hegemonic attitudes and beliefs about women's value and status subordinate them to men. Feminist theories seek to surface how patriarchal structures privilege men and disempower women (Brownmiller, 1975; Stanko, 1985; Beneke, 1982; Ward, 1995). Feminist scholars argue that it is attitudes, beliefs, and values that enable men to cross the line from sex to rape. Misogynist attitudes and beliefs might find expression in further forms of male violence against women such as stalking, domestic abuse, image-based abuse, and honour-based violence (Flood and Pease, 2009). Attitudes and beliefs are typically held over long periods or even lifetimes. They are often closely linked with a person's self-identity (Glick and Fiske, 1996; Fiske et al., 2010; Albarracín and Shavitt, 2018). Because attitudes and beliefs are deeply held, men enabled by them in their sexual or other offending against women may feel entitled to abuse women time and again. Such analyses sit in stark contrast to those portraying rape and sexual assault as a one-off, "heat of the moment" blips explained as the behaviour of a few men with pathological, uncontrolled sex drives (McMahon, 2010) or dismissed as provoked by a victim-survivor who aroused the perpetrator beyond a presumed "point of no return" (Muehlenhard and MacNaughton, 1988; Grubb and Turner, 2012). The feminist argument encourages us to examine repeat sexual offending by investigating the link between misogynistic attitudes and beliefs and sexual violence.

Misogynistic attitudes and beliefs create an environment conducive to normalising and justifying rape and its everydayness. Andrew Tate is a social media influencer whose videos have been viewed more than 11.6 billion times and who has become a household name among teenage boys. In 2022, Romanian police arrested him for allegations of rape and human trafficking (Tahsin et al., 2023). Ten years prior, in 2013, Amelia, a young woman in England, met Andrew Tate, and the two began dating. At one point, when they are together, she tells him that she has only had sex twice before and that she does not want to have sex with him. Tate assures her that they will only be kissing. She recalls how, after this, he stopped suddenly and lay back down on the bed. She says that when she asked what was wrong, he said, "I am just debating whether I should rape you or not." Amelia reports that he then proceeded to violently rape and strangle her. Amelia, like many victim-survivors, continued the relationship with Tate (*ibid.*). This is common in the context of coercive controlling behaviour in abusive relationships, which are characterised by a mixture of consensual sex and rape. Research details how victim-survivors' trauma responses include inability to accept and name what happened to them as rape (Weiner, 2023). Amelia reported the alleged

rape to the police in 2014. No charges were brought, despite her presenting voice recordings from Tate, according to Vice:

“I love raping you.”

“When ur under my control, I do what I please.”

“Am I a bad person . . . because the more you did not like it, the more I enjoyed it.”

(Tahsin et al., 2023)

Further reports of rapes and sexual assaults committed by Tate were made to the police by other women in the following years. Tate was by then a repeat suspect on UK police data systems, with multiple alleged offences of rape and sexual assault as well as multiple other alleged crimes of domestic violence, assault, and human trafficking. However, English police did not act upon knowing about these patterns of alleged repeat offending, and no criminal charges were ever brought against Tate. Tate was eventually arrested for human trafficking and rape by Romanian police in December 2022, ten years after Amelia reported his sexual violence to the police – a decade-long campaign of alleged rape, sexual assault, domestic abuse, and human trafficking of a known, named suspect in plain sight on social media. Across countless videos and interviews, Tate frames women as objects owned by men, created specifically and entirely to serve men and their sexual pleasure (Das, 2022). In one video, seemingly with full conviction and pride, Tate says, “I go out and f*ck and I come back to her, and I do not care about her, and I only love my girl. That’s not cheating; that’s exercise” (Wyder, 2022). Tate’s statements exemplify, in the words of Bart and O’Brien (1993: 92), men who “feel they have a right to this sex object that is created for them”. Tate’s words are strikingly similar to the words of rapists interviewed decades earlier:

“The reason I rape is because I like the idea that I can do whatever I want to a sex object . . . you look at a girl and she looks like something out of the Playboy and you have her there and you can do whatever you want”. He is 22 years old, convicted of the rapes of four women, and describes it as ‘fucking’, not ‘rape’.

(Bart and O’Brien, 1993: 98)

Rape is a man’s right. If a woman doesn’t want to give it, the man should take it. Women have no right to say no. Women are made to have sex. It’s all they are good for. Some women would rather take a beating but they always give in, it’s what they are for.

Quote from an interview with a convicted multiple rapist (Scully and Marolla, 1985: 261)

Andrew Tate is only one prominent example of what Bates (2021) calls the “manosphere”: the collection of internet forums, blogs, YouTube, and TikTok channels marked by extreme misogyny. Bates describes “pick-up artists” as self-appointed gurus providing advice to men on how to get women to have sex with them. She documents how these portray women as objects for pleasure whose inconvenient resistance to sex needs to be overcome. The tactics proposed include negging, dehumanising insults, and “cave-manning” (pulling, throwing, or dragging women onto the bed). Bates’ analysis is strikingly similar to that of Griffin (1971) half a century earlier. Griffin (*ibid.*: 29) writes, “In the spectrum of male behaviour, rape, the perfect combination of sex and violence, is the penultimate act. Erotic pleasure cannot be separated from culture. In our culture, male eroticism is wedded to power.” Gavey’s (2005) socio-cultural analysis shows that the everydayness of coercion and acquiescence to sex in heterosexual relationships provides the “cultural scaffolding of rape”, blurring the lines and making rape seem not all too different from sex. Gavey concludes that rape is far from rare and that, instead, it is repeated and “almost ordinary”. The continuum of women’s experiences of sexual violence, a concept introduced by Kelly (1988), similarly emphasises the everydayness of sexual violence and the fluid grey zone between sex and rape. These analyses further explain why policing is ill-advised to proceed from an assumption of rape as a one-off event and should treat every rape disclosure as intelligence about a potential repeat perpetrator.

In today’s world, online pornography has become part of the cultural scaffolding of rape. Online pornography consumption is highly prevalent, with more than 85% of men using it regularly and evidence that this is influencing sexual scripts (Wright, 2014; Sun et al., 2016). Sexual scripts are our learnt understandings of sexuality and shape what we deem appropriate or inappropriate sexual contact, and shape our sexual activity, and how we experience and make sense of these activities (Simon and Gagon, 2003). Vera-Gray et al. (2021) show how pornography functions to erode the boundary between sex and sexual violence within hegemonic sexual scripts. Their analysis of 150,000 video titles on the three most popular pornography websites in the UK evidences routine humiliation, degradation, and torture of women in mainstream pornography. Further, words that signify sexual violence occurred most often in combination with the word “teen” and in combination with words that indicate sexual activity between family members (i.e. incest). These findings are the results of an analysis of the landing pages of mainstream online porn websites, not niche content, meaning they will be seen by anyone accessing these

websites. Other studies of online porn document routine depictions of sexual practices involving choking, gagging, slapping, torturing, deception, non-consensual or otherwise criminal acts. Almost always, these acts are performed by men on women. The women's bodies become objectified for male gratification, and their degradation and humiliation are framed as sexual pleasure (Vannier et al., 2014). The routine display of such videos on the landing pages of mainstream pornography websites widely consumed by teenagers (and adults) positions what is unlawful material (clearly describing rape or incest) as normal and legitimate for everyday consumption (Vera-Gray et al., 2021). Other studies have evidenced a link between pornography consumption and sexually coercive behaviour (Marshall et al., 2021) and how pornography is now part of how people form their understanding of sexuality and appropriate sex acts (Simon and Gagon, 2003). In sum, these studies suggest that within mainstream online pornography, rape and other forms of sexual violence are ordinary and routine, and this, in turn, functions to normalise sexual violence within hegemonic sexual scripts. Those holding those scripts, in turn, are more likely to engage in sexual acts that meet the legal definition of rape and other sexual offences.

Repeated sexual violence also routinely forms part of terror regimes. This is perhaps most obvious where rape is used as a weapon of war, as has been documented in Vietnam (Weaver, 2010), China (Hill et al., 2021), Bosnia (Amnesty International, 1993; Benard, 1994), Africa (United Nations, 2020), Ukraine (Barber, 2022), and Iraq and Syria (Ahram, 2019). Closer to home and part of everyday policing in the UK is what Johnson (1995) termed "intimate terrorism". Sexual violence is almost always present in intimate partner coercive control (Stark, 2007; Palmer and Wiener, 2021; Wiener, 2023). Coercive control is a form of domestic abuse in which the perpetrator uses a range of highly personalised tactics of manipulation, isolation, surveillance, threats, emotional and physical violence, and financial exploitation to achieve total control over their partner. Coercive control is deeply rooted in a desire to control and own the other. It is intimate terrorism designed to remove dignity, agency, and personhood from the victim-survivor and make the perpetrator the centre of the victim-survivor's thinking and self-identity. Coercive control is highly gendered, not only in that it is primarily perpetrated by men against women but also because it uses gendered norms and structures of inequality as part of the abuse. For example, coercively controlling men will often use control tactics that play on the performance of traditional gender roles – an always immaculately clean house, dinner on

the table, perfect physical appearance, dressing in a certain way, and sexually performing in particular ways (Stark, 2007). As such, control of the woman's sexuality, sexual degradation, rape, and constant "low-level" sexual assaults and threats form part of the abuse (Wiener, 2023). Police officers must be aware of the possibility of ongoing sexual violence when responding to domestic abuse incidents instead of treating rape disclosures as isolated, past events divorced from their broader relationship context.

Feminist analyses root sexual violence in misogynistic attitudes and beliefs. Such analyses put repeat offending into a new light and explain why it may be far more prevalent and, in many ways, far more ordinary than one might believe based on common rape myths and media portrayals. Studies of sex offenders and undetected rapists support such analyses, suggesting that those who successfully avoid detection hold beliefs about their offending and their self-identity that enable them to cross the line between living an ordinary life and sexually offending time and again. Rape and other forms of sexual violence do not take place in a vacuum. They must be understood within their broader social context and the wider cultural scaffolding as it is shaped by online pornography and social media. If policing is to contribute to the detection and prevention of rape, policing strategies and tactics must be alive to the nature of sexual offending.

Police practices hindering repeat perpetrator identification and disruption

At present, police rarely identify repeat perpetrators, let alone stop them. The mediatised grooming gangs in Rochdale, Oxford, or Telford, and individuals such as John Worboys, Kirk Reid, Wayne Couzens, or David Carrick are the tip of the iceberg of repeat perpetrators who are eventually charged with multiple acts of sexual violence. The true level of repeat perpetration is unknown, even to police forces themselves. Multiple barriers stand in the way of officers identifying repeat perpetrators in their crime recording systems. This begins with the lack of a clear and shared definition of what constitutes a "repeat suspect". Operation Soteria Blue-stone research found that police forces typically do not have a definition of what counts as a repeat suspect (only of "repeat offenders", referring to those who have been convicted). In some forces, repeat suspects only included those who have been previously convicted of a sexual offence or have at least been previously charged with one, and excludes previous reports that resulted in the default outcome in sexual offences: no

criminal charges (Davies et al., 2022). In England and Wales, the working definition of a convicted sex offender on police recording systems even excludes some convicted sexual offenders. The Rehabilitation of Offenders Act (1974) means that spent convictions are cleared from a person's police record. Most sexual offence convictions, like any other conviction, disappear from police systems after the sentence has been served and a set period of years has passed.¹ Official definitions of serial rapists widely accepted in the serial offender literature and used by government agencies define a serial rapist as an offender who has committed more than two offences against two different victim-survivors (Slater et al., 2014). This definition, as well as the literature in question, appears to focus primarily on stranger rapes (a minority of offences; see Lovett et al., 2022). This excludes repeat offending against the same victim-survivor by the same offender as is common in family sexual abuse, domestic abuse, and abuse in institutional settings. Police forces using narrow definitions of serial offending overlook the non-stranger rapists, in effect searching the rockpools while ignoring the ocean of the majority of perpetrators who go undetected and who repeatedly offend against people they are in close relationships with.

Currently, statistics on repeat suspects are not routinely generated by police forces and not included in official crime statistics. Although under-reporting leads to an underestimation of the prevalence of repeat perpetrators, there are some contexts where repeat offending is commonly known, such as domestic abuse. Sexual violence within coercive controlling relationships is rarely disclosed, and as a result, there are no reliable estimates of the true number of rapes within such relationships (Myhill and Hohl, 2019). In England and Wales, domestic abuse is now *de facto* a volume crime, accounting for about 20% of all police-recorded crimes (ONS, 2022). We know that any figure based on police data is likely an underestimation of alleged perpetrators known to police given the poor quality of police-recorded data with high proportions of both missing data and incorrectly entered data (Lovett et al., 2022; see also Chapter 6). Errors in recording suspect data correctly, or at all, start a cascade of issues for police investigations. Each failure to record information on suspects identified by the victim-survivor reduces the quality and quantity of intelligence on potential perpetrators that can be used to identify patterns of offending behaviour. As a consequence, police forces systematically fail to build the data, intelligence, and evidence base for preventing known perpetrators from continuing their sexual offending.

As outlined in Chapter 3, victim-blaming attitudes, rape myths, and stereotypes draw attention to victim-survivors as the common denominator and invisibilise suspects as the common thread. Empirical studies

have repeatedly shown that many officers believe that few rape reports are genuine and that most victim-survivors do not want to go ahead with an investigation (Saunders, 2012; McMillan, 2018). If officers think a case is not “a runner” (Saunders, 2012) or “not genuine” (Stanko, 2022), they may see little reason to begin proactively checking for repeat perpetration by the same named suspect. This protects the suspect from scrutiny and reduces the chances of officers joining the dots between cases with the same named suspect(s). In the Rochdale grooming gang case, the alleged common denominator was “troubled girls” (Jay, 2014). In the Worboys case, it was young women who liked to party in central London’s nightclubs, drink too much, and make their way home alone (albeit in a licenced taxi) (see Chapter 2). In both examples, the explanation for the repeated rape reports of the same suspects was to be found in the girls and women. Each time, the suspect remained in the shadows, barely in the scope of a police investigation that was more determined on finding evidence on the (lack of) credibility of the victim-survivor than on uncovering patterns of offending behaviour. Each time, this resulted in less evidentiary material being collected to support the victim-survivors’ accounts and, by extension, less material for joining the dots. Taking every rape disclosure seriously, as well as accurate and comprehensive recording of information on police systems are a necessary (if insufficient) basis for identifying repeat suspects and patterns of repeat offending.

The “incident focus” of the police mindset is a further barrier to spotting patterns in offending behaviour. Incident focus describes officers’ concern with resolving the immediate incident before them without considering the broader context of the relationship and the dynamics between the parties involved. There is a plausible reason for this. The law requires officers to distil from a singular incident one or more discrete criminal charges, with little provision made in law for prosecuting patterns of behaviour. The coercive and controlling behaviour law introduced in 2015 forms the exception but is rarely used in practice (Barlow et al., 2020). The mismatch between the incident focus of policing and the true nature of the repeat offending is perhaps most evident in domestic abuse. Domestic abuse, and in particular coercive control, is almost always an ongoing pattern of behaviour. However, police are notoriously poor at identifying and responding to it (Stark, 2007; Myhill and Johnson, 2016; Myhill et al., 2023). This extends to the investigation of rapes that take place in the context of a coercive controlling relationship – the nature of that sexual violence is routine and repeated. The coercive control literature would suggest that many, if not most, suspects in these cases are prime candidates for repeat sexual offending against the same victim-survivor (their

partner) and that this pattern is likely to repeat across intimate relationships (Stark, 2007). However, an incident focus that blanks out the relationship context of the incident, combined with a victim-survivor rather than suspect focus, renders repeat perpetrators invisible in plain sight.

Practical barriers also get in the way of identifying repeat suspects, specifically within police data. Operation Soteria Bluestone research found police forces in England and Wales have outdated and clunky IT systems that make the routine, systematic checking for patterns of repeat suspects difficult. Trained staff and certain licences are required to access the Police National Database (PND), but there is not always one on shift to allow for immediate suspect checks. As a result, suspect checks are delayed or missed, or when they eventually occur, the inquiry's outcome is not always noted in the case file (Davies et al., 2022). This problem may appear easily fixable by upgrading IT systems and training officers but require large financial investments few forces are able to make. The Police National Computer (PNC) and the PND are the central national policing systems in the UK and have long been deemed unfit for purpose and were due to be replaced by a new system in 2020. The new system is already delayed, over budget, limited in functionality and some say, outdated (National Audit Office, 2021). A shortage of officer resources further adds to the pressure. There is little doubt that officers carry high and often unmanageable workloads (HMICFRS, 2021; Williams et al., 2022), a further reason why officers may stick to the bare minimum (or less) with anything that is outside the immediate incident focus and where there is no “live danger” (see Chapter 2), with little resource devoted to the identification of repeat perpetrators to prevent their further offending.

One of policing's paradoxes is the mismatch between its declared principles and its practice. Crime prevention is the first Peelian principle, yet in practice, it is marginal to police activity. In this section, we showed how little status, priority, strategic thinking, resource, and activity are devoted to it. Officers lack accurate and complete data, analytic resources, and a clear definition of what counts as a repeat suspect to identify the prevalence of repeat perpetrators. The lack of data, combined with the red herring of victim-survivor credibility, reduces the likelihood of officers joining the dots to uncover repeat perpetrators. The default of policing is reactive, after-the-fact investigation. However, police forces possess both the intelligence and the legal tools to disrupt perpetrators known to them.

The way forward: routine identification and disruption of known perpetrators

Every rape disclosed to police provides intelligence to the police about potential perpetrator(s). Victim-survivors are lived experience experts of

the specific sexual offending behaviour of their attacker. This unwanted expertise is incredibly valuable. When reporting to the police, the victim-survivor transfers to the police their first-hand knowledge of how the perpetrator groomed, manipulated, or coerced them into a situation where the perpetrator took their freedom to choose, took advantage of their inability to make a choice, or acted against their express choice and raped them. With strangers accounting for less than 10% of recorded rapes, in the majority of police-recorded rapes victim-survivors are able to provide the name and often also the contact details for the suspect (Wunsch et al., 2021). At this point, the police have a duty to investigate the reported rape. Police then also have a duty to use this intelligence to stop known perpetrators from raping again, as affirmed powerfully by the verdict in *DSD and NBV v the Commissioner of Police for the Metropolis* (Fulford, 2021). We have outlined above some of the reasons why police forces routinely fail to meet this duty and now turn to the tools available to police forces to fulfil their duty to victim-survivors and society at large.

Police forces already possess wide-ranging powers and tools to stop known perpetrators, including those never charged or even those acquitted of sexual offences. The obvious port of call is law enforcement of the most recent crime reported against a suspect. Office for National Statistics (ONS) analysis indicates that less than two out of 100 rapes reported to the police will result in a conviction (ONS, 2018), meaning that in more than 98% of cases, the law enforcement route will not stop a perpetrator. What is more, investigations take months or years. In 2023, rape cases in England and Wales took an average of 309 days from report to a police decision in the case, and a further 142 days for the CPS to make a charging decision. If a suspect is charged, long waits for a trial date means a further 369 days for a court outcome (HM Government, 2023). Most suspects are now released under investigation with no bail conditions, meaning the investigation process in itself is not a means of disrupting a suspect's ability to offend further (Sosabowski and Johnston, 2023). If criminal prosecution of a repeat suspect's most recent suspected crime is unlikely to succeed, or officers are looking to strengthen an ongoing investigation, they may conduct a cold case review of previous incidents naming the same suspect. Allsop (2013) provides evidence that such cold case reviews are effective, however, concedes that they are resource-intensive and, therefore, rarely done. Live cases tend to take priority over historic cases (see also Chapter 2). Consideration must also be given to how reopening cases and re-contacting victim-survivors years or decades later may impact victim-survivors. An unexpected call from the police may be unwelcome, especially if the original police experience was poor. The few studies that have examined the impact of cold

case reviews on victim-survivors found that being re-contacted can cause significant emotional stress and recurring post traumatic stress disorder (PTSD) symptoms. If officers decide to re-contact victim-survivors, they must consider that victim-survivors will need emotional support and tangible assistance to support them (Regoeczi and Wright, 2016; Campbell et al., 2023). There is very little research on this subject, and to our knowledge, none specifically within the English legal system. What is more, the deterrent effect of law and criminal justice on perpetrators is generally contested. With it, so is its effectiveness in crime prevention beyond the relatively small number of perpetrators prison removes from the community at any one time (Robinson and Darley, 2004; Apel and Nagin, 2011). Perhaps in recognition of the limitations of the speed, capacity and conviction rates in criminal investigations of sexual offences, lawmakers have created further tools for disruption of suspected or known sex offenders.

All police forces in England and Wales have specialist Management of Sexual or Violent Offenders (MOSOVO) officers tasked with assessing and monitoring the ongoing risk of convicted sex offenders. Their remit is the essence of proactive, preventative work to stop known perpetrators from causing further sexual harm (College of Policing, 2023b). Among colleagues, MOSOVO officers are sometimes called “scum cud-dlers”, suggestive of the status of sex offender management work within policing. MOSOVO officers conduct risk assessments of registered sex offenders, mainly through unannounced home visits and by using risk assessment checklists to identify risk factors and protective factors (Nash, 2016). Officers do so as part of Multi-Agency Public Protection Arrangements (MAPPAs). MAPPAs were set up to improve cooperation and information flow between all agencies involved in managing registered sex offenders – the police, prisons, and probation services and sometimes also housing, health, and social services. In the year ending March 2022, 66,741 registered sex offenders were managed as part of MAPPAs. Of these, 98% are so-called Level 1 offenders, meaning offenders of the lowest risk category where no multi-agency meetings are foreseen, and interagency cooperation primarily involves exchanging information (Ministry of Justice, 2022). For these 98% of MAPPAs management offenders, the prison and probation service involvement has long ended, and the police are now the only agency monitoring and managing the sex offender. This may include police reviewing and assessing registered sex offenders’ online activity, including whether they view or store sexual offending relevant images and videos on their devices to assess the registered sex offender’s intent or risk of further sexual offending. In practice, officers often lack the technological capabilities, skills, resources, and time to monitor online activity and digital devices

effectively (Horsman, 2023). MOSOVO officers feel ill-equipped for their role, poorly resourced, and perceive tensions between their specific role requirements and general policing policies (Mydlowski and Turner-Moore, 2023). The picture that emerges is one in which policing has sole responsibility for the management of over nine in ten registered sex offenders without the necessary training, intelligence, capacity, and technological capabilities to do so.

Over the past decade, means for preventing known perpetrators from causing further sexual harm have been strengthened and expanded beyond convicted sex offenders. Civil orders provide police forces with a way of imposing protective prohibitions on those suspected of committing sexual offences, regardless of whether they have been convicted. The two main civil orders police can apply for are Sexual Harm Prevention Orders (SHPOs) and Sexual Risk Orders (SROs), introduced into legislation through the Anti-social Behaviour, Crime and Policing Act 2014 and in effect since 2015. They replaced previous civil orders limited to protecting children. Police forces considered them cumbersome and unnecessarily restrictive in their application (Davies et al., 2013). SHPOs require offenders to register with the police as sex offenders and prohibit them from doing anything described in the SHPO. While the police can apply for SHPOs, only the courts can issue them. The court needs to be satisfied that the order is both proportionate and necessary for protecting the public from sexual harm. Breach of a SHPO is a criminal offence and carries severe sanctions of up to five years imprisonment (a more serious sanction than those attached to some sexual offences). Police forces can apply for SROs where an individual is deemed a risk even though they have never been convicted of any sexual offending. Again, the police force must evidence reasonable cause to believe that the individual may offend in the future and that it is necessary to impose prohibitions on them to protect the public from sexual harm. The burden of proof for the reasonable cause of concern in a magistrate's court is far lower than that in a criminal investigation ("more likely than not"), where a jury must be sure of the suspect's guilt ("beyond reasonable doubt"). This reasonable cause may arise from a police investigation that did not result in the suspect being charged or from an investigation that is still ongoing. An individual subject to an SRO must notify local police of their name and home address within three days of the order being made and notify them of any changes to this information. A breach of an SRO is a criminal offence punishable by a maximum of five years imprisonment and is subject to full notification requirements (Home Office, 2022; College of Policing, 2023a).

The prohibitions and restrictions a SHPO or SRO can impose on an individual include the person not being allowed to visit parks, playgrounds, swimming pools, or other places where children tend to be if they are considered a risk to children; letting police review their online activity and check their digital devices at any time, prohibition from deleting their online browsing history; requirement to notify the police when starting a new relationship; and foreign travel restrictions if there is reasonable concern that the person may cause sexual harm abroad (Home Office, 2022; College of Policing, 2023a). SHPOs can be tailored to the modus operandi of the perpetrator. For example, the British Transport Police (BTP) successfully applied for an SHPO for a male offender who repeatedly posted videos on social media of himself masturbating in front of and exposing himself to other male passengers on London underground trains and, on one occasion, ejaculating over a sleeping passenger. The SHPO included a prohibition to use public transport in London unless having paid for the journey in a manner that allows his identification (e.g. contactless payment with a bank card), prohibits the offender from any filming or photographing on the transport network, requires him to make his digital devices available to officers on request, and prohibits him from deleting his internet usage history. In the case of another perpetrator convicted of exposing himself to lone female passengers on the London underground, BTP successfully applied for a SHPO that precludes this offender from approaching, touching, or attempting to communicate with any female unknown to him in any public place in the UK, including on the transport network. The offender's modus operandi included sitting opposite a lone passenger, his genitals only covered by a coat, which he would then lift to expose himself. As a result, BTP included in the SHPO a prohibition to sit immediately next to or opposite any lone female passenger unknown to him on public transport and a prohibition to place a coat or any other item over his lap in any public place. In another case, BTP used a Criminal Behaviour Order to prevent a male suspect from touching his crotch area while on any form of public transport within London. This man is also prohibited from making deliberate, constant, or fixated eye contact with any female passenger travelling on any form of public transport within London. These are only three examples from one police force.² Common to all is that the process begins by identifying the perpetrator's modus operandi across a series of incidents and then using this knowledge to disrupt their approach using a civil order.

Civil orders give police powerful tools to restrict a suspect's sexual harm-relevant behaviour. There are a range of further civil orders available to police forces. These include Domestic Violence Protection Orders,

Domestic Violence Protection Notices, and other protective orders primarily designed with stalking and harassment in mind, but which may also serve to protect from potential sexual harm (College of Policing, 2023a). Civil orders exist in law specifically for harm prevention and to enable police forces to fulfil their crime prevention duty. Their prevention promise is only realised when they are effectively applied in police practice. There is very little data and research on police forces' use of civil orders. In 2015/16, 5,931 SHPOs were authorised, with the number steadily declining to 4,325 in 2019/20, before increasing back to 5,731 in 2020/21. In the past three years, between 37 and 45 SROs have become subject to full yearly notification requirements (Ministry of Justice, 2022). To the best of our knowledge, there is no published data on the total number of issued SROs. We also could not find any published evaluation or research on the effectiveness of SHPOs and SROs in preventing sexual offending, their impacts on individuals who have SHPOs or SROs placed on them, or their impacts on victim-survivors or those deemed at risk of future victimisation by the person subject to the SHPO/SRO. Research on officers' knowledge, understanding, and use of civil orders, as well as obstacles to their use, is minimal. There is also limited research on the effectiveness of MAPPA as the central pathway for reducing further offending. In 2015, the Ministry of Justice published an early evaluation of MAPPA for the period of 2000–2010, which concluded that MAPPA might decrease proven re-offending in the MAPPA-eligible population by four percentage points and decrease proven serious re-offending by two percentage points. The authors clearly emphasise the study's limitations, including the inability to rule out that the observed statistical estimate may be explained by something other than a direct effect of MAPPA (Bryant et al., 2015). Given sex offence prevention is mainly reliant on MOSOVO officers, MAPPA, and civil orders, there is a concerning paucity of empirical research on their effectiveness and their impacts on perpetrators, victim-survivors, policing, and society.

Conclusion

Prevention is better than prosecution. Criminal investigations of rape are few, slow and often traumatic for victim-survivors. No criminal investigation can turn back the clock and undo a rape. The first Peelian principle states that policing's primary purpose is preventing crime. In practice, the police response to rape is almost exclusively reactive. Police investigate rape as discrete incidents, one at a time. Minimal resources and professional status are afforded to the management of known sex

offenders and rape prevention programmes, even though sexual offending is a prime candidate for preventative interventions. Like with other offending, prolific repeat offenders are likely to account for a large volume of harm. What is more, the nature of sexual offending and the cultural scaffolding of rape are such that men who sexually offend once are likely to do so again. They may also engage in other forms of male violence against women and girls. For police forces, this means that an obvious place from which to begin rape prevention efforts is by targeting those already known to police for their sexual offending: the rape suspects already in their databases. Rape victim-survivors are lived experience experts on their attacker's sexual offending behaviour. Typically, the attacker is someone known to their victim, and often, a victim-survivor can provide their attackers' names and contact details alongside intelligence on their *modus operandi*. The law has equipped officers with criminal investigation powers as well as with a range of civil orders explicitly designed to prevent further offending by known suspects and convicted sex offenders. However, in practice, police forces make little use of either. Failures and missed opportunities in individual investigations reduce the quality of police data. This is further compounded by missing and incorrectly entered data on police crime recording systems (see also Chapter 6). IT systems are clunky and make it difficult and sometimes impossible for forces to even count the number of repeatedly named sex offence suspects already on their books.

There exists little research on police rape prevention strategies and tactics, suggesting that policing's apparent lack of curiosity and drive to prevent sexual offending also afflicts the field of policing research. Civil orders are potentially powerful legal means and should attract robust evaluation and evidence-based development. As such, the problem of rape prevention is not so much a question of a lack of tools, but of testing and using them. At present, we have little evidence to understand police practice around these tactics; how effective they are in preventing sexual violence; and how they impact perpetrators, victim-survivors, and society. When it comes to the intelligence and data necessary for targeted rape prevention, victim-survivors are already providing it. However, police forces need to become better at storing and analysing it systematically for operational and strategic use. Police rape prevention is doubly marginalised. Rape and prevention both sit outside the default zone of policing. The price is paid by the victim-survivors of attackers the police had known about but did not attempt to stop. Ultimately, failing to take sexual violence prevention seriously as a remit for policing is failing to make the protection of women (and men) from sexual violence a priority.

Notes

- 1 The time someone spends on the register will be determined by the sentence or disposal they receive. If they receive a prison sentence of 30 months or more, they will be on the register indefinitely, although they can ask for this to be reviewed after 15 years have elapsed. Further information at <https://unlock.org.uk/advice/sexual-offence-convictions-what-you-need-to-know/>
- 2 Hohl would like to thank the British Transport Police for providing case examples in personal correspondence (November 2023) and permission to include them in this chapter.

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5

THE JOURNEY MATTERS AS MUCH AS THE DESTINATION

A procedural justice approach to police engagement with victim-survivors

Introduction

Improving outcome justice – charges and convictions – is necessary but insufficient to close the rape justice gap. How officers treat rape victim-survivors during an investigation affects them as much, if not more, than its outcome. Both Procedural Justice Theory and the feminist-informed literature on victim-survivor research provides evidence to support this claim. In this chapter, we place feminist-informed victim-survivor research into the context of Procedural Justice Theory. Procedural Justice Theory explains why the quality of police engagement with members of the public can have a profound impact on people's self-identity and sense of worth and belonging within society. It also explains why wider public trust in the police, as well as peoples' willingness to report a crime to the police or to support an investigation, depends on how officers treat people. We outline what a victim-survivor research-informed procedural justice approach could look like. The proposed approach widens the default police performance focus on criminal justice outcomes to include victim-survivor experiences of police encounters, as measured through the components of procedural fairness.

Feminist-informed victim-survivor research has extensively documented the aspects of police investigations and officer interactions that shape victim-survivors' negative experiences of the process. This includes the impacts of intrusive investigations on victim-survivors (see Chapter 3) and the effects of officer demeanour on victim-survivors (e.g. Campbell, 2005; Smith, 2018; Smith and Daly, 2020; Rich, 2019). The past decades have seen significant improvements in the way forensic medical examinations and victim-survivor interviews are being conducted. In England and Wales, a Victims' Code of Practice sets out victims' rights (Ministry of Justice, 2023). Many police forces now have dedicated

victim engagement officers with specialist sexual offences training, and there is independent victim-survivor support (Brown et al., 2010; Tong et al., 2011; Westmarland et al., 2012; McMillan and Thomas, 2013). This scholarly research on rape victim-survivor experiences of the police sits separately from the general policing literature on the relationship between the police and the public. Within the general policing literature, Procedural Justice Theory has become a dominant paradigm for understanding the relationships between public perceptions of and public trust in the police, police legitimacy and the public's willingness to cooperate with the police and to comply with the law (e.g. Tyler, 2006; Tyler and Huo, 2002; Jackson et al., 2012, 2013). Only a handful of studies have tested the applicability of Procedural Justice Theory to police-victim interactions, and rape victim-survivors particularly (e.g. Elliot et al., 2014; Lorenz, 2017; Wemmers, 2008, 2013). Prior to Operation Soteria Bluestone, no such study had been conducted in the UK (see Hohl et al., 2022, and Chapter 7). We address this gap by assessing the face-value compatibility of feminist-informed victim-survivor research and Procedural Justice Theory. We outline the value of the procedural justice lens for understanding the importance of procedurally fair police engagement with rape victim-survivors, both for their experience of justice and for UK policing's ability to regain/retain public trust, especially that of women.

Increasing rape prosecution and conviction rates are rightful aims of the survivor support sector, police forces, and the government (HM Government, 2021). However, low prosecution and conviction rates are not the only, and perhaps not even the main, reason why rape victim-survivors experience police investigation as "secondary victimisation". Secondary victimisation describes the additional trauma that can be inflicted upon a rape victim-survivor by the criminal justice process (Campbell and Raja, 1999; Stanko, 1985). Police officers behaving in ways that signal disbelief, disinterest, blame, or a lack of empathy towards victim-survivors can be deeply damaging (Campbell, 2005). Excessive questioning of the victim-survivor and intrusive investigation of their personal records and data – for example, the downloading of mobile phone content or medical, social services and school records – can amplify trauma. This is especially true when such intrusive investigations are unjustified and disproportionate (Dodge et al., 2019; Information Commissioner's Office, 2022). The way police interact with victim-survivors and approach their cases can be life changing. In a large survey, some victim-survivors described feeling well supported by officers and reported that officers had treated them with kindness, empathy, and care. These victim-survivors said that the officer's conduct helped them to move forward with their lives after sexual violence. However,

75% of victim-survivors reported that their mental health had worsened as a direct result of what the police did or failed to do in their case (Hohl et al., 2023). Some reported having suicidal feelings and suicide attempts. Many regretted having trusted the police with what happened to them, stopped reporting subsequent sexual violence, and began avoiding any form of police interaction, even if this leaves them exposed to ongoing sexual violence or domestic abuse. Half of victim-survivors who withdrew from the investigation said “more kindness and understanding from officers” would have enabled them to continue with the case (ibid). The study attests to the importance of appropriate and empathetic treatment of rape victim-survivors by officers and the harm that flows from officers’ failures to do so. Government and police forces are increasingly recognising the importance of victim-survivor experience for their trust in the police.

For rape victim-survivors, the journey matters as much as the destination. In this chapter, we argue that a procedural justice framework informed by victim-survivor research provides a useful framework for understanding why the quality of police interactions with rape victim-survivors matters. Our starting point is a review of the feminist-informed research that documents rape victim-survivors’ current experiences of their police interactions. We introduce Procedural Justice Theory and explore its contribution to understanding why these police interactions affect rape victim-survivors the way that they do. We then map the principles of procedural justice onto the victim-survivor literature to assess the face-value compatibility of the two bodies of research. Finally, we explore its practical use in improving how police forces engage with victim-survivors based on a case study from Project Bluestone. The current default key performance measures for police forces’ success in responding to rape and sexual offences are charges and convictions. We conclude that police forces must widen their perspective to afford equivalent importance to the quality of their engagement with victim-survivors.

The criminal justice journey as an assault course for victim-survivors

The criminal justice journey is an assault course for many rape victim-survivors. In 2020, less than half (48%) of rape victim-survivors felt the police had treated them with sensitivity, fairness, and respect when they reported to police, slightly fewer than in the 2018 wave of the same survey (54%) (Molina and Poppleton, 2020). In 2023, 75% of victim-survivors taking part in a police experience survey said their mental health worsened as a result of the police investigation (Hohl et al., 2023). Victim-survivors are aware of the low level of prosecutions for rape and

often feel a deep sense of unfairness about the rights, protections, and legal representation afforded to rape suspects that are not available to victim-survivors (Frazier and Haney, 1996). Just 14% of the victim-survivors taking part in the Victims' Commissioner's survey felt that they could obtain justice by reporting to the police (Molina and Poppleton, 2020). In their interviews with Scottish rape victim-survivors, Brooks-Hay et al. (2019) found that none of the interviewees whose rapist was found guilty felt that justice had been done because of how they experienced the process leading up to the conviction. Victim-survivors are telling us, through these studies, that outcome justice is not their only, and perhaps not even their primary concern. Existing research gives us a good grasp of what exactly it is about the process that leaves victim-survivors traumatised and with a sense that, whatever the outcome of the case, the process has undermined any sense of justice.

Rape investigations are more intrusive for victim-survivors than investigations of other crime types. Rape victim-survivors' bodies, memories, and personal data are all avenues of enquiry and put under the microscope. Over the past decades, there have been notable improvements. Victim-survivors no longer need to give evidence at the station counter. There are now private, dedicated interviewing suites. There are Sexual Assault Referral Centres (SARCs) with doctors and nurses specially trained to collect medical forensic evidence sensitively (Champion et al., 2021). These measures are tangible improvements; however, they do not fundamentally alter the intrusive nature of a police investigation. The following quotes from victim-survivors taking part in a lived experience focus group conducted by Smith et al. (2022) for Operation Soteria Bluestone research illustrate the point:

You're put in an intrusive situation when you get raped and then the investigation's just intrusive as well from start to finish. (Victim-survivor, National Panel 3)

(Smith et al., 2022: 122)

I did everything I could and everything I was asked by the police, but dealing with them has been the worst and most traumatic experience. They are inhumane, misogynistic, thoughtless and cruel. . . . I have been violated and scrutinised, my blood was taken, swabs from all parts of my body, people looking at my genitals, touching me, my phone and belongings taken and never returned. My history taken and reviewed and judged for any scraps of information they could use against me. (Victim-survivor, Force A)

(Smith et al., 2022: 124)

There have also been steps backwards. Today, digital forensic evidence, such as victim-survivors' mobile phone contents and other digital devices, frequently enters the focus of the investigation (see Chapter 6). One study estimates that these are requested in one in five cases (Hohl et al., 2023). The UK Victims' Commissioner (2021) estimates that 40–65% of these requests are not proportionate. Data held by the Victims' Commissioner's office also suggests that some victim-survivor cases were dropped because they declined to consent to digital data disclosure, even if there were no reasonable lines of enquiry that would render such a request proportionate or relevant. This, the Victims' Commissioner argued, had a chilling effect on victim-survivors' willingness to report to the police (*ibid.*). Too often, officers do not provide victim-survivors with the information necessary to make an informed decision about handing over their phones and social media accounts for investigative purposes. Some may not know or comprehend what they have consented to and what legal impact this may have; for example, that this may mean that the material may be disclosed to the defendant and shown in court (Smith et al., 2022). Seizure of data relevant to the attack exacerbates victim-survivors' feelings of intrusion and allows the defence counsel additional opportunities to introduce rape myths and misconceptions (Smith and Daly, 2020; Smith et al., 2022; May et al., 2022). As such, the advent of digital forensic technologies has expanded the multitude of ways in which rape investigations are intimate intrusions.

Many scholars have argued that rape myths and stereotypes can colour how officers engage with victim-survivors in ways that are harmful to victim-survivors. This includes making victim-survivors feel that they are to blame if they consumed alcohol prior to being attacked and extends to making victim-survivors feel judged if they continue a relationship with the perpetrator after a rape, especially in contexts of coercive control. Similarly, stereotypes and prejudice surrounding sex work may result in officers not taking rape reports from a sex worker seriously, and male rape victim-survivors may be disbelieved based on the misconception that men, especially heterosexual men, cannot be raped (for reviews, see Brown and Horvath, 2009; Jordan, 2022). At times officers lack empathy and understanding of the psychological consequences of sexual assault, which can result in secondary traumatisation of rape victim-survivors. Experiencing rape can cause PTSD, anxiety, depression, and a wide range of other mental health issues that can be highly distressing and disabling. It may result in victim-survivors being unable to talk about what happened or parts of what happened, forgetting aspects of the events, or appearing calm and unphased because of the numbness and detachment that can

follow traumatic events. Some victim-survivors may appear irritable, angry, unfocused, or jumpy (Mason and Lodrick, 2013). All this can impact how victim-survivors present to the police, including during their police interview. The police interview is a central moment in the investigation process, as this is where police elicit the victim-survivor's detailed account of the events. The victim-survivor's account informs police lines of enquiry and is key evidentiary material officers use to judge the credibility and strength of the case. In the interview, investigators ask victim-survivors to recount in minute detail what has happened to them. Victim-survivors are frequently interrupted and repeatedly asked about minutiae that appear peripheral or irrelevant to them and are unlikely to be recalled by anyone, let alone by someone in a state of trauma (Westera et al., 2011; Hohl and Conway, 2017). When officers are not trauma-responsive in how they approach the interview and other interactions with victim-survivors, this can significantly reduce the quality of the evidence elicited from the interview as well as result in further trauma for the victim-survivor (Risan et al., 2016, 2020; Rich, 2019). Academics and practitioners have called for trauma-informed police responses to rape, but best practice is yet to be consistently applied.

Long delays in the investigation can increase the toll the criminal justice process takes on victim-survivors. It takes an average of 451 days from an adult rape report to result in a CPS charging decision, and on average, a further 369 days from a charge for the case to complete at Crown Court (HM Government, 2023). Often there is a flurry of activity and a sense of progress at the start of an investigation. What follows, however, are long waits for the results of forensic analyses or for the investigating officer to return to the case amidst their large number of other concurrent investigation demands. Weeks, months, or sometimes years go by without victim-survivors hearing from investigators. For much of this time, victim-survivors are likely to feel that the officer is no longer progressing the investigation. This is exacerbated when officers fail to provide regular updates to victim-survivors. Providing reassurance and information about delays matters (Hohl et al., 2023). Officers failing to look at all the evidence, making mistakes, and missing opportunities to capture all the evidence, as well as the long delays during the investigation, can further dent a victim-survivor's confidence in the process and have detrimental impacts on victim-survivor mental health (Brooks-Hay et al., 2019; Hohl et al., 2023). Long delays and errors in the investigation are part of the tapestry of how many victim-survivors feel harmed by the investigation and wider criminal justice process.

In sum, the existing literature provides rich documentation of the factors that shape rape victim-survivor experiences of the investigation

process. Any police investigation that takes evidence from the victim-survivor's body, memory, personal records, or digital devices is intrusive. This is especially so when such intrusions are disproportionate or unnecessary, and more likely to arise from victim credibility-focused investigations (see also Chapter 3). Academics, victim-survivors, and practitioners have advocated for changes in police practice to limit intimate intrusions to their legal boundaries and to put in place mitigating measures such as SARCs, interviewing suites, or independent victim-survivor support through Independent Sexual Violence Advocates (ISVAs). Others have emphasised the need for officers to be trauma-informed to minimise the risk of the police interviews and other officer interactions with victim-survivors resulting in secondary victimisation. This literature provides evidence-based, concrete recommendations for policing on how to improve. Yet the UK government's end-to-end rape review (2021) concluded that the process remains gruelling for victim-survivors and that not enough progress had been made. In the UK, this resulted in the Prime Minister apologising to rape victim-survivors for "the trauma they have been through" (Evening Standard, 2021). To understand why the way officers treat victim-survivors can have such profound impacts, we must also consider the symbolic power of the police as state authorities and representatives of the law.

The symbolic power of the criminal justice journey

How others react to a rape disclosure can profoundly affect how a victim-survivor feels and thinks about what happened to them. Insensitive, doubting, or blaming reactions can make victim-survivors feel that it is psychologically unsafe or pointless to seek help, and have a silencing effect. Such reactions can also increase feelings of self-blame, self-doubt, and shame (Ahrens, 2006; Filipas and Ullman, 2001). For victim-survivors from racialised and minoritised communities, this is compounded by institutionalised discrimination and racism, further functioning to silence victim-survivors (Begum and Gill, 2022). How police officers respond to rape disclosures is no exception. Sensitivity and compassion from officers can have a "therapeutic" effect on victim-survivors, aiding or at least not impeding recovery from sexual violence (Wemmers, 2013; Lorenz, 2017; Greeson et al., 2014). Conversely, officer language, tone of voice, body language, or other officer actions that signal to the victim-survivor that they are not believed or not taken seriously, officers minimising, denying, and reframing the victim-survivor's account of a rape as "regretful sex", a "false allegation", or the result of "mental health issues", can be (re-)traumatising and stall recovery (Rich, 2019).

There is wider signal value to how police respond to a victim-survivor's lived experience, as encapsulated in this quote from a victim-survivor:

If police are not taking it seriously enough and it is a criminal offence, why shouldn't society do the same?
(Victim-survivor, quoted in Smith et al., 2022: 124)

This victim-survivor cuts to the heart of the symbolic power, the signal value, which police actions carry. If the police do not take rape seriously, why should anyone else? If the police do not appear to apply or follow the law on rape, why should anyone else? Police are representatives of the state, the law, society, and community (Loader and Mulcahy, 2003). When people deem the police a legitimate authority, police function as respected representatives of state, society, law, and order. As such, the police can shape the public's behaviour, particularly people's willingness to obey the law and cooperate with the police. Police symbols, such as the uniform and police badge, are potent reminders of the authority of the police. As such, "police serve as arbiters of moral conduct. They define respectable and disrespectable behaviour. They can delineate the normative from the deviant" (Bradford et al., 2021: 645). Police delineate the fault line between "right" and "wrong" and separate the condoned from the condemned through the way they interact with members of the public, including rape victim-survivors.

Procedural Justice Theory

Procedural Justice Theory is a theory that links people's perceptions of the quality of police interactions to their trust in the police and their perceptions of police legitimacy. Put simply, when officers are perceived to be treating people with fairness, dignity, and respect, this fosters positive assessments of police trustworthiness and legitimacy, resulting in a greater willingness to cooperate with police and comply with the law. A large body of research consistently evidences that people's perceptions of police procedural fairness have a far greater impact on public trust in the police than people's perceptions of police effectiveness. That is, when it comes to public trust in the police and public perceptions of police legitimacy, procedural justice matters more than outcome justice (Tyler, 2006; Murphy et al., 2009; Jackson et al., 2012, 2013). Police forces in the UK and elsewhere have begun to recognise the importance of police procedural fairness for public trust. There are now a range of case studies on how Procedural Justice Theory has shaped police policy and practice, for example, in the areas of neighbourhood policing and police

performance measurements, stop and search practices, traffic policing, public order events, and the policing of Covid-19 lockdown legislation (Bradford, 2020). The thinking and language of Procedural Justice Theory have become embedded in policing and hold currency among senior officers, underpinned by a realisation that the legitimacy of the police depends on procedural justice.

The social psychological theory that has given rise to Procedural Justice Theory explains why perceptions of police procedural fairness shape people's judgements of the police. It also explains how the quality of police interaction can influence people's self-identity. In the words of Bradford et al. (2014: 527), the police are an "engine of identity production and influence". Social identity theory posits that we all have a psychological need of belonging to social groups. Feeling like one is a respected group member is essential for self-validation (Festinger, 1954). Even the most tenuous connection to a group can make us feel a sense of group identification. For example, strangers randomly assigned to "blue group" or "red group" stickers within a lab experiment quickly develop in-group and out-group sentiments based on their "blue group" and "red group" stickers. Perceived group membership shapes our feelings, judgements, and behaviour towards others purely based on whether they are members of our in-group or not (Brewer and Kramer, 1986; Kramer and Brewer, 1984; Tajfel and Turner, 1979). Not only do groups shape how we see and treat others, we also derive information about our group status from how valued members and authorities within that group treat us (Tyler et al., 1996; Tajfel and Turner, 1986, but see also labelling theory, Becker, 1963 and Bradford et al., 2014). The underlying assumption is that how in-group authorities treat us is an indicator of how the whole group views us (Smith et al., 1998). As such, the quality of police interactions can have profound impacts on our sense of self and our sense of belonging.

Police are representatives of the state, law, and society. They are important prototypical group representatives of dominant norms and values within that society (Sunshine and Tyler, 2003a; Loader and Mulcahy, 2003). We draw inferences about our group status and self-identity from whether the police, as representatives of the state, society, and law, interact with and act towards us with procedural fairness. Procedural fairness is often defined as consisting of four key components: voice, dignity and respect, neutrality, and trustworthy motives (Bradford et al., 2021; Tyler, 2006). When officers treat us with dignity and fairness, appear unbiased (neutral) in their decision-making, and show a willingness to consider our side of the story, this signals to us that we are valued group members. Conversely, if authorities interact with

us in ways that appear to be biased (not treating us fairly and equally compared to others within the group) or are rude or dismissive, this communicates to us a marginal or insecure group status. This, then, by extension, negatively impacts our sense of self-worth. Crucially, it is the quality of the interaction with the group authority, not whether the outcome of this interaction is favourable for us, that shapes how we judge authority holders within our group and how we judge our own status and self-worth (Bradford et al., 2021; Tyler, 2006; Tyler and Huo, 2002; Sunshine and Tyler, 2003b). How the police treat us impacts us because of their symbolic status within society.

Not everyone is equally concerned with the identity implications of how group authorities treat them. When we feel unsure or insecure about our status within a group, we are particularly attuned to how group authorities like the police treat us, scanning for status-relevant information (Sunshine and Tyler, 2003a; Smith et al., 1998; Tyler and Lind, 1992; Lind and Tyler, 1988). Rape is an act of violation which attempts to deny the victim-survivor their will, worth, and personhood. Victim-survivors report to the police because the police are an official authority. This means rape victim-survivors may be particularly attuned to whether officers treat them in ways that reaffirm their status as valued and worthy members of society. Given the nature of rape and its impact on victim-survivors, rape victim-survivors are thus behaving in entirely rational ways when seeking, in their interactions with officers, recognition that what happened to them was wrong. Based on social identity theory, rape victim-survivors are also responding in entirely expected and proportionate ways if they are being deeply affected by the quality of those interactions in their sense of self-worth, trauma, and recovery. As such, social identity theory challenges the problematic beliefs held by some officers about rape victim-survivors being uniquely “over-sensitive” or “hard work” if they are highly sensitive to police interactions (Hohl et al., 2022). Procedural Justice Theory and the underpinning social identity theory thus appear useful in explaining victim-survivor responses to the quality of police interactions.

Procedural Justice Theory has largely overlooked rape victim-survivors

Procedural Justice Theory has been tested extensively in a variety of contexts, however rarely in relation to police interactions with rape victim-survivors. The main practical applications of Procedural Justice Theory are people’s differential experiences and judgements of the police based on their race or ethnicity (Tyler and Huo, 2002; Jackson et al., 2013) or multiple

national identities (Bradford, 2012). Such studies overwhelmingly take the form of public opinion surveys. These surveys typically ask respondents to answer questions based on hypothetical scenarios of short, police-initiated contacts such as traffic stops. When tested in scenarios of public-initiated contact, the examples typically only probe the respondents' imagined willingness to assist the police, such as willingness to contact the police to report a low-level crime where little is at stake (such as pick-pocketing) or tend to remain abstract, for example, by asking about one's willingness to cooperate with the police after witnessing "a" crime (Hickman and Simpson, 2003; Elliott et al., 2011; Murphy and Barkworth, 2014; Wemmers, 2008, 2013; Elliott et al., 2014; Lorenz, 2017; Tankebe, 2013). With the exception of Murphy and Barkworth (2014), these studies do not distinguish between victim-survivors of different crime types. Additionally, all retain a narrow focus on the outcome variable of a generic willingness to cooperate with police or contact police again (for example, "if the police needed your help, how likely would you help them?" in Elliott et al., 2011). Only a handful of studies have explicitly focused on rape victim-survivors and the impact of police interactions on their sense of self-identity, self-worth, and recovery from rape or sexual assault. These studies generally support the idea that police behaviour towards victim-survivors affects their self-worth and identity, and experience of trauma. Specifically, officer behaviour acknowledging the harm done to the victim-survivor, non-judgemental and compassionate listening, and treating the victim-survivor as a valued person can help validate the victim-survivor's lived experience. This, in turn, can reduce the trauma associated with the crime and promote recovery. Behaviour that denies voice and does not acknowledge harm or is judgemental, uncaring, intimidating, or insensitive has been found to exacerbate trauma, slow down recovery, and act as a form of secondary victimisation (Elliott et al., 2011, 2014; Lorenz, 2017; Wemmers, 2008, 2013; Greeson et al., 2014). These empirical studies have been conducted in the United States, Canada, and Australia. To the best of our knowledge, Hohl et al. (2022), developed in parallel with this chapter, is the first of its kind in a British context. To date, these studies also have limited uptake in the procedural justice literature and the literature on victim-survivors' experiences of the justice process, and are not yet informing how police interact with rape victim-survivors (though this is changing with Operation Soteria Bluestone; see Chapter 7).

Applying a Procedural Justice framework to police interactions with rape victim-survivors

To address this gap in the literature, we begin by mapping the rape victim-survivor experience literature onto Procedural Justice Theory to

assess the face-value validity of the applicability of the theory to this context. Procedural Justice Theory research has identified four components of procedural fairness: voice, dignity and respect, neutrality, and trustworthy motives (Bradford et al., 2021; Tyler, 2006). The following sections explain each component and draw out its relation to the evidence on how victim-survivors experience and are impacted by the police investigation. Given the strength of the evidence base on victim-survivors' experiences of the criminal justice system, failure to pass this basic face-validity test would render any attempt to explore its use in improving police practice premature and instead merit exploration of why the general principles of procedural justice do not appear to apply to rape victim-survivors. In turn, the face-value compatibility of Procedural Justice Theory with the empirical findings on victim-survivor experience would suggest that Procedural Justice Theory may be an effective Trojan horse for importing the latter into policing, using language and concepts UK policing has already adopted elsewhere.

Voice

Voice, sometimes called "active participation", captures a person's perception of whether officers allowed them to tell their (side of the) story, listened to them and took their rights and interests into account when making decisions about them. Yet police interviewing guidelines encourage officers to ask the same question in different ways to test the reliability and consistency of a victim-survivor's account. Officers also tend to ask victim-survivors to recall events in chronological order as this is most useful from their perspective. Some interrupt victim-survivors when they don't recall events in a chronological order. Such practices do not always allow victim-survivors to tell their story in a way, words and at a pace that make sense to them or reflect their memory of events (Hohl and Conway, 2017). Further, some officers use police jargon, give little or no explanation of the next steps in the police process, and do little to encourage victim-survivors to query anything about the process they may not understand or feel uneasy about (HM Government, 2021). Multiple handovers between officers and police departments mean victim-survivors are often asked to repeat their account several times (Hohl et al., 2022). It is thus unsurprising that many studies converge on finding that many rape victim-survivors feel that they are not heard or understood, interrupted, or rushed by officers (Patterson, 2011; Greeson et al., 2014; Johnson, 2017; Brooks-Hay et al., 2019). As such, the principle of voice requires officers to approach every interaction with an awareness of what this particular victim-survivor may need to be able to tell their story in their own words and to actively participate in the

process. At times, this requires officers to adjust the process to victim-survivor needs rather than rigidly sticking to interview templates and investigation checklists.

Dignity and respect

Officers treating people with dignity and respect in direct interactions is a further component of procedural fairness (Winick, 2007; Jackson and Bradford, 2010; Tankebe, 2013). Dignity and respect also feature prominently in the victim-survivor literature. In early studies of victim-survivor experiences of reporting rape to the police, the focus was very much on the lack of dignity afforded to victim-survivors. Victim-survivors were expected to give intimate accounts of the rape at station counters without privacy and without the right to ask for a female officer to take their account. Insensitive medical forensic examinations and intrusive and unnecessary questioning about victim-survivors' periods and sex life were commonplace (Temkin, 1998; Fisher et al., 2000; Campbell and Raja, 2005). Today, victim-survivors must expect their mobile phone contents and social media accounts to be scoured not only for evidence surrounding the offence but also for their credibility as a witness. This is on top of third-party materials, which include medical, school, and social services records and sometimes even counselling notes. Presently, wide-ranging "fishing expeditions" well beyond the relevancy and proportionality test set out in CPS guidance (CPS, 2023) are the norm (Dodge et al., 2019; Smith and Skinner, 2017). In rape investigations, the principle of dignity and respect includes officers adhering to the legal guidance on requesting only directly relevant and proportionate third-party material and digital forensic evidence from a victim-survivor and explaining clearly why it is needed, thereby enabling victim-survivors to give (or withhold) informed consent.

Hohl et al. (2022) identify officers acting in ways that are respectful of victim-survivor needs as a further facet of dignity and respect. This includes needs arising from all forms of disabilities, learning difficulties, and neurodiversity, as well as from limited English language skills or immigration status. Dignity and respect should be afforded to all victim-survivors regardless of their sex, gender, culture, religion, sexuality, age, or race. One way in which police can respect victim-survivor needs is to make a support referral to an ISVA service that can offer independent support to victim-survivors throughout the criminal justice process. Where victim-survivors come from racialised and minoritised backgrounds, so-called "by and for" services (e.g. run by and for Black women) are particularly effective at providing such support (Love et al., 2017). On a strategic level, police forces, in eye-level partnership with ISVA services

and the wider victim-survivor support sector, lay the groundwork for good officer-ISVA communication in individual cases (Hohl et al., 2022). Respect in the context of rape investigations also means being sensitive to the emotional drain of police questioning and forensic examinations. It includes building rapport with victim-survivors before asking intrusive questions and being mindful of tone of voice, body language, and word choices that may come across as cold, unsupportive, or intimidating (Greeson et al., 2014; Ahrens et al., 2007; Konradi, 2007; Patterson, 2011). For many victim-survivors, being treated with dignity and respect means being seen and treated as a “whole person” and a “human being” (Smith et al., 2022). Dignity and respect within rape investigations are multi-faceted and can be expressed or denied in a multitude of ways.

Neutrality

The principle of neutrality typically refers to officers being unbiased when making decisions that affect the victim-survivor, regardless of their race, sex, gender, class, age, and other characteristics. At first glance, the parallels to victim-survivor literature are straightforward. A key finding of victim-survivor research is the existence of bias in officer decision-making in the form of the influence of rape myths and stereotypes (Temkin and Krahé, 2008; Brown and Horvath, 2009; Horvath and Brown, 2022; Jordan, 2004, 2022; Gavey, 2005). When officers go to great lengths to examine material about the victim-survivor while barely scrutinising the suspect, this violates the neutrality principle (see Chapter 3). Time and again, empirical studies find that many victim-survivors do not experience the criminal justice process as a level playing field: the imbalance of rights and protections afforded to suspects and victim-survivors, and the extent of intrusion into third-party and digital material often results in a strong feeling of an unfair, unbiased, and unbalanced decision-making process (Smith, 2018; Hohl et al., 2023; Molina and Poppleton, 2020). As such, violations of the neutrality principle cut to the heart of how the investigation process appears unjust to victim-survivors.

Elsewhere Hohl et al. (2022) have argued that in some police forces, bias is hardwired into standard processes within rape investigations. The sequencing of the police investigation can inadvertently result in the victim-survivor credibility becoming the first and primary site of the investigation, resulting in perceptions of a process that is biased against the victim-survivor. Avon and Somerset Police had set up a specialist unit for so-called “historic” or “non-recent” rapes and serious sexual offences, defined as reported more than 30 days after the incident occurred. These

cases were considered non-urgent and not requiring immediate CID (Criminal Investigation Department) attention. The window for securing forensic evidence would have closed, and suspects unlikely to be considered a live risk (see also Chapter 2 on the primacy of live cases in policing). While the unit was set up with the best intentions to ensure victim-survivors of such non-recent cases would not have to wait weeks for a CID officer to attend, they resulted in what was de facto a “victim credibility investigation unit”. Officers would interview the victim-survivor and ask for third-party material and digital downloads upfront to speed up the process. The case would only be passed to CID for a full investigation, including a potential arrest and interview of the suspect, if and once the victim-survivor credibility checks had been completed. Such sequencing has a detrimental impact on the neutrality of the process. Avon and Somerset Police have stopped this practice as a result of the research (Hohl et al., 2022).

Operation Soteria Bluestone scholars have also argued that the term “neutrality” is problematic in the context of rape investigations. To victim-survivors, “neutral” can signal “cold and uncaring” (Smith et al., 2022) rather than fair and unbiased. Among officers, some felt neutrality and unbiased decision-making meant to believe no one, including victim-survivors. This view tends to go along with officers portraying themselves as “neutral evidence collectors” with an almost mechanical job of collecting evidence, denying agency or responsibility for criminal justice decision-making (Hohl et al., 2022; see also Chapter 3). Such portrayals betray the empirical reality that 86% of police-recorded rapes are closed by the police without ever reaching the CPS or courts (Wunsch et al., 2021). In the vast majority of rape reports, the police are the only decision-makers involved, and officers carry full responsibility for the case outcome. Other officers affirm that victim-survivors need to feel believed and taken seriously by police in order to be able to participate in a criminal justice process in the first place (Hohl et al., 2022). In sum, while there is clear face-value mapping of victim-survivor research onto the Procedural Justice Theory component of “neutrality” in terms of its content, the term itself carries multiple conflicting interpretations, and some of which are problematic in the context of police interactions with rape victim-survivors.

Trustworthy motives

Trustworthiness pertains to people feeling that officers take decisions with their best interests at heart and act in ways that show concern for those impacted by police decisions (Rosenbaum et al., 2017; Tyler,

2006). Again, there are obvious parallels to several recurring findings in the victim-survivor literature. Victim-survivors who feel that officers act or speak in ways that signal that they are not taking their rape report seriously, belittle, blame, or shame them can make victim-survivors lose confidence in the police. It is also a main barrier to victim-survivors reporting sexual violence to the police in the first place (Lorenz, 2023; Campbell, 2006; Molina and Poppleton, 2020) or result in victim-survivors withdrawing from the investigation (Hohl et al., 2023). The way officers speak to victim-survivors also plays a role in their perceptions of officers' trustworthy motives (Mulvihill et al., 2019). This includes the tone of voice, choice of words, and timing of a police phone call. For example, an officer calling a victim-survivor at 11 pm to deliver a routine update might suit the officer on a nightshift, but might be distressing to a victim-survivor who is not expecting a late-night call. Victim-survivors often mentally prepare for a prearranged call from the police, and if that call does not come, this can be distressing. When officers routinely fail to honour agreed call times, this may signal to the victim-survivor that the officer has lost interest or faith in the case and no longer has the victim-survivor's best interests at heart (Hohl et al., 2022). How officers communicate shapes victim-survivors' judgements of officer trustworthiness.

Further, victim-survivors may feel that the police act against their best interests when the investigation over-focuses on their credibility. This can include an officer requesting what victim-survivors feel is excessive third-party material and digital downloads of their personal devices. Unwarranted requests for personal information may result in victim-survivors questioning whose side the police are on (Smith, 2018; Smith and Daly, 2020). What is more, some victim-survivors feel the police are not doing enough to keep them safe from the perpetrator (Smith et al., 2022; Hohl et al., 2023) and to hold perpetrators to account (Smith, 2018). "Trustworthy motives" takes on another meaning when women no longer feel safe in the presence of police officers. In 2021, the high-profile case of Sarah Everard, a young woman who was abducted, raped, and murdered by a serving Metropolitan Police officer caused shock waves across Britain. The case ignited public outrage and debate about deep-seated misogyny within the Metropolitan Police and policing in the UK more widely, and prompted the Casey report (2023) into the standards and culture within the Met. Another serving Metropolitan Police officer pleaded guilty to 49 rapes and dozens of further domestic abuse-related charges in 2023. The Centre for Women's Justice super-complaint on police-perpetrated domestic abuse further highlighted that not all officers are safe for women (HMICFRS, 2022). Cases like these

are a constant reminder to women that there are rapists, domestic abusers, and murderers among the ranks of those there to protect them. In the UK, whether officers have trustworthy motives towards women has never felt more in doubt than today.

This section mapped victim-survivor experience literature onto the four components of the procedural justice framework: voice, dignity and respect, neutrality, and trustworthy motives. At face value, the victim-survivor literature can be systematised in this way. This supports the idea that procedural justice is compatible with the existing evidence base for officer-victim interactions. Where the two bodies of literature differ is the focus of theoretical explanation. Procedural Justice Theory explains why victim-survivors are deeply affected by how officers treat them: officers are representatives of society and the law, and as such, how they treat us impacts the sense of self, belonging, value, and worth as a rape victim-survivor before the law and within society. The focus of feminist literature, on the other hand, is explaining why rape victim-survivors experiences are consistently poor. This literature suggests that rape myths and stereotypes, and misogynist cultures within policing and wider society are at play. The two bodies of literature also differ in their preferred empirical method. The empirical research on Procedural Justice Theory mainly relies on general population surveys measuring people's perceptions of the police and future willingness to cooperate with the police. The hypothetical scenarios tend to revolve around situations where little is at stake. In contrast, victim-survivor research tends to be based on in-depth interviews and focus groups with rape victim-survivors, producing rich descriptions and analyses of lived experiences. Given the differences in the questions, theoretical approaches, and empirical methods, the core findings of these two bodies of literature are strikingly similar. There is, we suggest, benefit in using a Procedural Justice Theory language to communicate victim-survivor research findings to police forces.

Case study: Avon and Somerset Police Project Bluestone

The language of Procedural Justice Theory is well understood by police forces in the UK. It shapes how senior officers talk about public confidence in the police, and how police forces in England approached the policing Covid-19-related restrictions using the “four Es” of engage, explain, encourage, and enforce. Can it also be used to help police forces understand and improve what matters for rape victim-survivors? Initial findings from Project Bluestone in Avon and Somerset Police are

promising. Hohl et al. (2022) used a procedural justice framework to co-produce with officers empirical research and solutions for improving procedural fairness in how officers engage with rape victim-survivors. Having victim-survivor experiences presented back to them through a procedural justice framework was enlightening for some officers. In particular, the underlying social psychological theory on the signal value of police actions as authority holders resonated with officers. In focus groups, prior to introducing Procedural Justice Theory, none of the officers expressed awareness of the power imbalance between themselves and victim-survivors. In contrast, ISVAs were acutely aware of these positionalities and how victim-survivors would be “hyper-sensitive” to how officers treated them and officers’ tone of voice, body language, and exact choice of words because of their police role. For example, a throwaway, well-intentioned officer comment such as “I have a good feeling about this case” could leave the victim-survivor feeling sure that their case would go to court. Similarly, victim-survivors would interpret an officer no longer returning calls or providing case updates as the officer having lost interest or confidence in their case. When officers were presented with these findings, framed through procedural justice language and with explanations of the symbolic power of the quality of officer interactions with victim-survivors, officers had “light bulb” moments. Officers confirmed that their experience was indeed that their police officer status conferred authority in that way, just that it was not something that they had previously been encouraged to reflect upon. What is more, framing the findings through a procedural justice framework appeared to increase officer buy-in towards the study’s recommendations (Hohl et al., 2022; Smith et al., 2022).

Creating practical guidance aimed at frontline officers and investigators helped translate the theory into practice. Hohl et al. (2022), in collaboration with Avon and Somerset Police officers, developed a range of tools to support officers in improving how they interact with victim-survivors along procedural justice dimensions. This included, for example, the co-development of an information guide for victim-survivors about the investigation process, victims’ rights, and how to access support. Avon and Somerset Police are now sharing this guide with victim-survivors on first contact and are making it available for anyone to view on their website. Information about the process and victims’ rights is hoped to empower victim-survivors to actively participate in the process. Hohl et al.’s (2022) findings and recommendations around a closer partnership working with the local ISVA service were taken on board. ISVAs are now involved earlier in the investigations and receive regular updates about progress in the case, enabling them to better support their clients.

One victim-survivor reported she felt “safe, heard” by officers. An ISVA described that while previously officers had not been responsive to their emails and phone calls, they now hear back from officers quickly. Further, officers are now “talking differently” in a “trauma-informed” manner and delaying victim-survivor interviews to respect victim-survivor wishes and needs (Topping, 2022). Officers also took on board that victim-survivors need to feel believed to be in a position to participate in a criminal investigation. Finally, a victim-survivor communication template was developed, which officers now complete with victim-survivors, noting victim-survivor wishes on how they would like to be contacted by police, including the contact details of the ISVA or intermediary, thus aiding communication that signals trustworthy motives (Hohl et al., 2022). The approach also includes respecting victim-survivor wishes, such as being collected in an unmarked police car by plainclothes officers not to reveal police involvement to cohabitants and neighbours (Topping, 2022). These examples show how a procedural justice framework can be an effective language within police-academic co-production. There is also promising anecdotal evidence suggestive of improvements in the victim-survivor experience, but a rigorous empirical evaluation of the approach’s effectiveness is yet to take place (see also Chapter 7).

Conclusion

Whatever the outcome of a police investigation, how the police treat victim-survivors during the investigation deeply impacts victim-survivors. For many, how the police respond to their case is life changing. Decades of victim-survivor research have carefully documented victim-survivors’ experiences of the police process. Victim-survivor research has contributed to our theoretical understanding of the reasons why some officers may treat victim-survivors the way they do. Specifically, feminist researchers have surfaced the role of rape myths, stereotypes, and misogynistic attitudes in shaping officer demeanour towards victim-survivors. Much of the victim-survivor research is focused on identifying, understanding, and addressing poor police practice. However, there too are research findings that evidence good police experiences and how these can have a profoundly positive impact on victim-survivors’ lives and their ability to move forward after sexual violence. While police engagement with rape victim-survivors has come a long way in the past 30 years, police investigations remain intimate intrusions. Victim-survivors are unlikely to feel that justice has been served if they were not been treated with fairness, dignity, and respect throughout the process. Procedural Justice Theory explains the symbolic power of the quality

of police interactions on rape victim-survivors' sense of their worth, value, and status as victim-survivors of rape within society. The principles of procedural fairness mean that officers should interact with rape victim-survivors in ways that give voice to their story, treat everyone with dignity and respect regardless of who they are, exercise neutrality in their decision-making, and have trustworthy motives. Victim-survivor research and Procedural Justice Theory have largely developed in isolation from one another, asking different questions (why versus how), originating from different theoretical starting points (feminism versus social psychology), and favouring different empirical methods (qualitative versus quantitative methods). Nevertheless, their conclusions on what matters to victim-survivors are remarkably consistent.

In this chapter, we have argued that there is much to be gained from bringing to bear both bodies of literature when considering how to achieve a new default police approach to victim-survivor engagement. Victim-survivor research has produced a rich understanding of the victim-survivor experience and has contributed to changes in rape law and police and criminal justice practice over the decades. On a practical level, we suggest that using the language of Procedural Justice Theory may aid policing in assimilating victim-survivor research findings more readily. Police forces have some control over the quality of their criminal investigations, but ultimately, they cannot (and should not) control criminal justice outcomes. How officers treat rape victim-survivors is, however, entirely within the control of policing. We will turn to how police forces can enable this in the next chapter (Chapter 6).

Putting victim-survivor research and the principles of procedural justice side by side shows that, ultimately, what rape victim-survivors want from the police is to be treated with procedural fairness. Rape victim-survivors are not irrational if the quality of police interactions deeply impacts them. Procedural fairness is the basis of public trust in the police, police legitimacy, and the proper functioning of the police and the law. Policing has recognised the significance of procedural justice for public trust in the police and public perceptions of police legitimacy in a range of areas. As a result, Procedural Justice Theory now carries currency and impact on policing in Britain and elsewhere. Policing may yet have to realise the significance of treating all rape victim-survivors with procedural fairness, not only for victim-survivors but also for police legitimacy.

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6

TAKING RESPONSIBILITY

Organisational enablers of better rape policing

Introduction

Police forces are responsible for enabling their officers to conduct effective suspect-focused investigations (Chapter 3), prevent repeat offending (Chapter 4), and engage well with victim-survivors (Chapter 5). Officer training has long been the go-to recommendation for improving rape investigations. However, we know that current police training approaches are largely ineffective in improving police responses to rape (Stanko and Hohl, 2018). Others point out that if we want better rape policing, we must tackle the police cultures that tolerate or even encourage misogyny, racism, and homophobia, and introduce practical steps such as stricter vetting and disciplinary processes to root out rogue officers one by one. Police organisations perpetually engage in change programmes and initiatives (Casey, 2023). Despite these efforts to change, rape investigation and prevention still fall outside the default zone of policing (see Chapters 2 and 4). The core working laws and principles of policing have not changed at a deep enough level to meet today's expectations of how policing responds to rape. While some forces have established dedicated units to manage RASSO, we found these to be staffed by inexperienced investigators with unmanageable workloads who do not have specialist knowledge guiding their decision-making (Stanko, 2022). In terms of providing the public with competent rape investigations, the police service appears impenetrable to radical and sustainable improvement. This chapter outlines three organisational enablers of driving systemic improvements in typical police organisational infrastructures. The enablers mirror the three key resources police forces have at their disposal: people (officers and staff); intelligence and data; and technology, specifically, digital forensics. In the policing literature, police powers, including the state-sanctioned use of force that can extend to the lethal use of force, are considered policing's key resource

(Bowling et al., 2019). Critical reflections on police powers sit alongside issues of police governance and accountability, including police accountability for abuses of power and police misconduct borne out of cultures of misogyny, racism, or homophobia. This however is outside the scope of this chapter and book (though see Chapters 7 and 8). Our focus in this chapter is to challenge the police service to change its internal organisational functions to meet the needs of a modern democratic public service. Those outside policing do not see how these functions operate inside police organisational structures. We focus on these here because they are the levers for changing default policing (see Chapter 2). The way these functions are managed inside today's police forces produces a lack of investigative skills, unmanageable workloads, and condones the low priority and status given to rape investigations. This lack of organisational support remains hidden from the wider public, diminishing the ability of the wider policing ecosystem and third sector to support policing in their efforts to improve rape policing.

There exists a sizeable literature on police training, learning, and development as a tool for improving how officers investigate rape specifically, and police professionalism generally. This literature considers questions about the content, delivery mode, and assessment of officer learning and development (Belur et al., 2020b). It suggests that using research evidence (Stanko and Dawson, 2016) and higher education degrees would uplift police professionalism (Hough and Stanko, 2020). Sitting alongside the specific question of learning and development is the police organisational justice literature that considers how police organisations might increase officer responsiveness to new policies and learning (Blader and Tyler, 2003; Bradford et al., 2014; Myhill and Bradford, 2013). We argue that the principles of organisational justice should guide how the police relate to their officers, including how organisations provide continuous learning and development and look after officer mental health. We expand this to also consider the interface between officers and two of their primary resources: intelligence and data about rape and other sexual offences disclosed to them, and technological capabilities for discovering and using supporting evidence. Today, digital devices are a potential source of evidence in 90% of recorded crimes (Wilson-Kovacs, 2021). In rape cases, police requests for access to rape victim-survivors' digital devices are the norm (Rumney and McPhee, 2021). Because of the prevalence of digital evidence and the impacts of "digital strip searches" on rape victim-survivors, we focus on this type of technological enabler. To date, insufficient attention has been paid to how the three resources – people, data, and digital forensics – can work together to enable good day-to-day police work in rape cases.

Attempts at improving the police response to rape have been plentiful, but not successful enough to significantly and sustainably improve case outcomes, victim-survivor experiences, or reduce sexual violence. In England and Wales, the most recent concerted effort is the CPS-police joint national action plan (CPS and NPCC, 2021) and the schedule of actions and commitments made by the government in response to the publication of its end-to-end rape review (HM Government, 2021b), including Operation Soteria (see Chapter 7). The key to success, where previous attempts have had limited effect, is recognising that if police forces want officers to do things differently, they must think differently about how their organisation will enable that change. Neither training, isolated initiatives, nor ordering officers to do things differently are sufficient in isolation (if at all) (Chan, 1997; Stanko and Hohl, 2018; Williams and Cockcroft, 2019). People – both police officers and staff – are policing’s biggest asset and most significant risk. Research provides strong evidence of the link between a fair organisational climate and officers’ willingness to implement change and reform (Brimbal et al., 2020). What is more, officers are unlikely to provide a procedurally just service to their communities and rape victim-survivors if they do not experience such treatment from their organisation (Nix and Wolfe, 2016; Wolfe and Lawson, 2020). Hence, the relationship between police organisations and their staff must be the starting point of any discussion of police organisational levers for change. This must include consideration of the extent to which police organisations take responsibility for providing an organisational climate conducive to officer welfare and learning and development, including officers’ ability to apply evidence-based knowledge and understanding in their day-to-day working environment. Police organisations risk inconsistent and poor service to victim-survivors if they rely on the skills, resilience, and ingenuity of individual officers to compensate for systematic organisational failings in creating a working environment where officers have the knowledge, data, technological capabilities, and competencies to respond to rape disclosures effectively.

In this chapter, we tackle three organisational levers police forces have at their disposal: people (officers and staff), data, and (digital forensic) technology. We show for each why they are a necessary (if on their own, insufficient) enabler of good rape policing, summarise the current state of UK policing in this area, and propose a way forward. We begin with organisational justice theory to centre organisational responsibility for staff well-being and development, and its direct links to the quality of police investigations and engagement with victim-survivors. We then turn to the second enabler: police understanding and use of data. When

disclosing to the police, victim-survivors trust officers with invaluable detail about the perpetrator(s) and their modus operandi. These disclosures come at great expense to victim-survivors, who often find themselves further traumatised and further harmed by the way the criminal justice process treats them (Hohl et al., 2023; see also Chapter 5). We discuss how police services currently handle the intelligence victim-survivors and other witnesses give policing when reporting sexual violence, and outline how policing can improve the way it uses data and intelligence. Finally, we turn to technology, the police forces' third resource for finding and utilising supporting evidence. Given the centrality of digital forensic evidence, we examine the current use of digital forensics in rape investigations, and how this may be improved. The golden thread running through this chapter is the assertion that police forces have for too long left it up to individual officers to “muddle through”, falling back onto the skills and knowledge these officers happen to bring to the job or the officers' attempts to work around inadequate systems and processes, and that this must and can change.

Organisational enabler 1: officer welfare, learning, and development

Organisational, not individual, responsibility for officer welfare

Police organisations that wish for their officers to treat rape victim-survivors well must begin by treating their officers the way they want these officers to treat victim-survivors. Literature on police cultures and cultural change is extensive (Chan, 1997; Loftus, 2009; Cockcroft, 2013; Mastrofski, 2004; Savage, 2003). However, absent in this literature has long been consideration of the relationship between police organisations and their officers (Bradford et al., 2014). A series of empirical studies have now shown that officers' perceptions of police organisational justice predict officers' attitudes towards the public, as well as officer compliance with new policies and principles (Donner et al., 2015; Bradford and Quinton, 2014; Trinkner et al., 2016; Wolfe and Lawson, 2020). They have also highlighted the importance of a procedurally fair organisational climate to officers' general openness to change (Brimbal et al., 2020). The components of organisational fairness are the same as those of Procedural Justice Theory (see Chapter 5). This includes officers feeling they have a voice and that senior management take their concerns into account when making decisions that affect them, and good organisational communication involves fairness and respect. In organisational

settings, fairness also includes officers feeling they receive recognition and reward for good work. Opportunities for continuous learning and development and career progression matter, too. The quality of the interactions officers have with their direct supervisors is essential, particularly in relation to feeling supported and empowered to try new ideas (Roberts and Herrington, 2013; Bradford et al., 2014; Blader and Tyler, 2003; Nix and Wolfe, 2016). In their application of organisational justice theory to why officers voluntarily resign from policing, Charman and Tyson (2023) found that in such situations, a perceived lack of voice, recognition of officer skills and experience, as well as barriers to development and progression are significant factors in officers leaving the job. As such, the organisational justice literature provides a wealth of evidence on how police forces can create an organisational climate where officers are more likely to conduct competent rape investigations and engage with rape victim-survivors in procedurally fair ways.

Recognition of the need to change begins by acknowledging the impact of rape investigations on officers. Police officers are routinely exposed to traumatic material and frequently interact with traumatised victim-survivors. This can cause secondary and vicarious trauma in officers, as well as burnout and compassion fatigue (Foley et al., 2022). This, in turn, can lower officers' empathy towards victim-survivors and lessen officers' ability to engage with victim-survivors in compassionate ways (Turgoose et al., 2017). It is thus unsurprising that stress and mental health conditions are highly prevalent among officers (Syed et al., 2020; Burke, 2017). Chronic work-related stress, burnout, and emotional exhaustion can affect officer decision-making and result in the depersonalisation of victim-survivors (Maslach and Leiter, 2016, 1997). Organisational justice research has shown that officers' perceptions of organisational support and organisational fairness can reduce officer stress and emotional exhaustion (Smith et al., 2022; Brunetto et al., 2023), lessen cynicism towards the job (Bradford and Quinton, 2014; Donner et al., 2015), and contribute to their overall well-being (Kyprianiades et al., 2022; Trinkner et al., 2016). These research findings underscore police organisational responsibility for mitigating the impacts of police work on officer mental health. Focusing on officer well-being is vital in reducing the risk of officers being unable to carry out their work effectively, including their ability to empathise with victim-survivors. The principles of procedural fairness can guide police organisations here. This requires forces to not only adopt a proactive approach to supporting officers once burnout and emotional exhaustion have already occurred, but also take preventative steps by addressing the underlying issues contributing to chronic stress and burnout among officers.

Operation Soteria Bluestone scholars found that officers tasked with rape investigations typically face high workloads and poor work-life balance combined with a sense that their work carries low status within the wider organisation (Sondhi et al., 2023). Victim liaison officer roles, sometimes called Sexual Offences Investigative Trained (SOIT) or Sexual Offence Liaison Officers (SOLOs), lack career progression or development pathways, leading to these roles being viewed as “dead-end” jobs (Hohl, 2016). There is also the hidden work of committed officers who spend considerable time building rapport with victim-survivors, safeguarding, making support referrals, and engaging in multi-agency work, or helping victim-survivors access practical support and assistance. This work is rarely acknowledged or organisationally rewarded (Rumney and McPhee, 2023). As part of Operation Soteria Bluestone, Sondhi et al. (2023) found that rape and serious sexual offence investigators display higher levels of burnout, emotional exhaustion, and depersonalisation than frontline medics did during the Covid-19 pandemic. This may also contribute to the high attrition of rape complaints because investigators are simply too exhausted and overloaded to fully investigate every case. Several studies have shown that burnout is associated with tendencies to depersonalise victim-survivors, loss of ability to feel concern for others, cynicism and disengagement. Emotional exhaustion and burnout also result in greater acceptance of rape myths, including the belief that many complaints of rape are false. Chronically stressed officers are more likely to rely on such rape myths as mental shortcuts (heuristics) during decision-making in rape cases. Depersonalisation, disengagement, cynicism, and rape myths-based heuristics are all subconscious attempts by the body to shut out tasks with which the mentally exhausted or burnt-out mind can no longer cope (Lathan et al., 2022; Stinchcomb, 2004; Burke, 2017). Excessive workloads and burnout may also play a part in the prevalence of errors and omissions in rape investigations, such as failures to submit forensic evidence for testing or skipping suspect background checks (see Chapter 3). In sum, chronic stress among RASSO investigators is common, with impacts on investigators’ (dis)engagement with victim-survivors and the likelihood of rape myths bias seeping into the investigation.

The traumatic nature of rape investigations is not the only source of work-related chronic stress and burnout in officers; some argue it is not even the primary source. Police organisations place the onus on officers to look after their own mental well-being (Bullock and Garland, 2020; Randall and Buys, 2013). Occupational health policies and procedures in place to ensure officers get help de facto disincentivise the disclosure of mental health concerns. It is well documented that officers routinely

lie in mental health assessments because they fear that disclosing the truth would lead to being removed from their duties. Instead, officers resort to cynicism, dark humour, and self-medication (Chan, 2007; Waters and Ussery, 2007; Fox et al., 2012). A majority of RASSO officers continue their full-time duties or even work overtime despite feeling too unwell to go to work as a result of work-related stress (Maguire and Sondhi, 2022). Within such organisational climates, chronic stress becomes normalised, and an attitude of carrying on regardless is considered an occupational status symbol, with an unspoken collective denial of the personal impact of repeated exposure to deeply traumatic case-work and organisational stressors (Stinchomb, 2004). Officer well-being research and organisational justice research converge on the conclusion that police forces must take organisational responsibility for officers' work-related well-being and cease relying on individual officers' resilience and coping strategies (Williams et al., 2022). Consistent with organisational justice theory, many studies have now evidenced the significance of organisational stressors and how they can be reduced. This includes police forces taking action to ensure officers feel consulted in decisions that affect them, good communication from supervisors and senior management, and the feeling among officers that the organisation cares about them, that their work is valued, and that they will receive recognition and reward for good work (Bradford and Quinton, 2014; Blader and Tyler, 2003; Stinchomb, 2004; Bullock and Garland, 2020). Increasingly, there is recognition that effective continuous learning and development is an aspect of organisational justice and can contribute to officer well-being (Sondhi et al., 2023). Symbolically, it signals that the organisation is investing in its officers, and practically, continued learning can provide officers with a sense of progression and professional development.

Training: a solution to the learning and development problem?

Additional and better training is a go-to solution recommended in government reports and academic articles on the topic of rape investigations. Training is expected to have the capacity to change officers' thinking, attitudes, and actions. Prominent recent examples include the police-CPS joint national action plan (CPS and NPCC, 2021), Casey review (2023), end-to-end rape review (HM Government, 2021b), Angiolini review (2015), and Stern review (2010). At the same time, the research on police training suggests that training is often inadequate and that it has thus far failed to improve rape investigations. Police training

programmes are typically run in-house, with each police force drawing up their own content or alternatively paying a private provider to do so.¹ However, there needs to be more transparency in the training content and its delivery. Training remains hermeneutically sealed from outside scrutiny and largely insulated from academic input. It is up to each individual force and dependent on what connections, if any, forces may have to individual academics, whether and what academic evidence, if any, might make it into the training materials. Those designing and delivering in-house training are typically not subject matter experts. The learning model across England and Wales is that police trainers are supposed to be experts in training, capable of designing and delivering learning packages on any subject. As a result, the quality of training materials is variable, often outdated, or wholly inadequate. Some trainers also lack teaching qualifications. Police training holds a low status within the organisation, and trainer roles are sometimes given to those who need to be removed from public-facing duties (Stanko and Hohl, 2018). Williams et al. (2022) paint a similar picture, having reviewed the rape investigations in five police forces in England and Wales as part of Operation Soteria Bluestone. Rape investigators are supposed to qualify for their role by completing the Specialist Sexual Assault Investigation Development Programme (SSAIDP). In practice, Williams and colleagues found that few RASSO officers had completed this compulsory training and were simply deployed without it. Planned officer training days were routinely cancelled due to operational demands. While training may be a go-to recommendation for improving rape investigations, the research shows that in practice, it is marred with problems.

Given the ineffectiveness of traditional police training, a move to nationally standardised, evidence-informed officer learning and development is a logical step. In England and Wales, this step was taken by introducing the Police Education Qualifications Framework (PEQF) in 2016. The idea was that making a policing degree from a Higher Education institution mandatory for police officers would raise the standards of police service and increase police professionalism (Hunter and May, 2020). While the Home Secretary reversed the mandatory degree requirement a few short years later in 2022 (Hamilton, 2022), the PEQF remains relevant and, in England and Wales, has become a lightning rod for the discussion of the questions of what a police national curriculum ought to look like in terms of its learning outcomes, contents, teaching-learning modes, and assessment (Belur et al., 2020a; Hough and Stanko, 2020). It has also brought to the surface what Williams and Cockcroft (2019) term “the knowledge wars”: the tension between academic knowledge and experiential knowledge or craft in policing

(see also Fleming and Rhodes, 2018; Stanko and Hohl, 2018). Degree-holding recruits or officers obtaining degrees while in service often find their academic qualifications met with indifference, tokenistic recognition, or hostility from peers and supervisors. Moreover, some report defensiveness and rejection from peers and supervisors when they try to apply what they have learnt. Any gains in knowledge, skills, and attitudes stemming from officer training are undermined and possibly lost when officers (re-)enter their day job (Williams et al., 2019; Hallenberg and Cockcroft, 2017). Organisational justice theory would suggest that unsupportive and undermining reactions from supervisors and middle management may be particularly damaging because they signal that the organisation is not recognising or valuing officers' commitment to learning, knowledge, and professionalism. Such messages are disempowering and stifle officers' attempts to apply new knowledge and skills. Supervisors and management must set the tone and create a supportive environment where officers feel empowered to apply and share new knowledge. Otherwise, any investment in officer learning and development remains a wasted opportunity.

Ultimately, learning and development programmes aim to equip officers for their role. In Stanko and Hohl (2018), we set out that improving rape investigations requires equipping officers with knowledge, understanding, and skills that are grounded in the academic evidence base and the craft of policing, as well as a data-based understanding of the local patterns and profiles of sexual offending. In Chapter 3, we argued that officers need evidence-based (specialist) knowledge of sexual offending. In Australia, Darwinkel et al. (2013) evaluated a four-week training package based on Tidmarsh's "Whole Story" approach, a type of suspect-focused investigation (see Chapter 3). The main aim of the training was to give officers the required knowledge, skills, and attitudes to identify elements of grooming in sexual offending relationships and to elicit these elements from victim-survivors and suspects in interview. According to this study, the training effectively reduced victim-blaming and increased officer confidence that their investigations would result in a charge. This was a several weeks-long classroom-based programme, something police forces in the UK have largely replaced by e-learning or blended learning (combining online self-study and short in-person elements) to reduce costs and officer abstractions. Some studies have found that shorter blended learning programmes can be effective in reducing rape myths acceptance and in improving officer attitudes towards victim-survivors (McKee et al., 2020). Such training programmes focus on erasing problematic attitudes and beliefs about rape that are thought to sit behind the attrition of rape cases. However,

they do not necessarily include a significant suspect-focused element to replace the rape myths with an evidence-based understanding of perpetrator sexual offending behaviour. Moreover, like most of these studies, Darwinkel et al. (2013) tested officer beliefs immediately before and after the training. Measuring training effectiveness immediately after the course will not pick up the potentially training-negating effect of peer and supervisor indifference once officers go back on duty, or the peer and supervisor pushback towards officers applying their new knowledge. There is also an emerging evidence based on “attitudinal rebounding” in officer attitudes and beliefs about rape. Attitudinal rebounding refers to the finding of a significant short-term reduction in rape myths beliefs immediately after the training, followed by a quick return to their baseline prior beliefs about a month post-training (Lathan et al., 2022). As such, while there is now increasing recognition of the need for evidence-based training that dispels rape myths and misconceptions and builds officer knowledge of sexual offending behaviour, it is currently unclear whether these initial positive effects can successfully convert into sustained change.

One approach is to open police training to academic expertise, lived experience, and victim support from outside of policing. Various studies have now highlighted the importance of the co-production of training materials between police practitioners, academics, and third-sector experts such as the ISVA services. There are examples of officers effectively co-leading training with an ISVA from local rape crisis centres or co-leading training between a senior officer and an academic expert. In both cases, the role of the officers is to increase buy-in from attendees and create the space for the civilian subject matter expert to present information that challenges officers’ current practices and deeply held beliefs. The presence of a respected senior officer means learners are more likely to engage, rather than dismiss, such content. A joint delivery approach can help overcome the knowledge – practice binary and address this in the classroom (Lathan et al., 2022; Tidmarsh, 2021). Based on the authors’ own experience of co-designing a specialist sexual offences investigative training in England in 2015/16, we believe that such co-production between craft and science is essential (Stanko and Hohl, 2018). It may be speculated that such an approach may deepen learning, make it more resilient to potential attitudinal rebounding, and increase post-training supervisory support.

Organisational justice theory provides a unifying framework and principles for how police organisations think about their responsibilities towards and communications with their officers and staff. From it flow concrete steps that police forces can take to create a climate within

which officers feel valued and enabled by the organisation to carry out their work effectively. In the context of rape investigations, this means addressing officer well-being and investing in effective learning and development programmes. It also means an organisational climate that does not undo officer learning and development by ignoring, dismissing, or sabotaging officers' attempts to introduce academic knowledge into their team's daily investigation, prevention and victim-survivor engagement work. Fundamentally, it means that police services should not rely on the skills and attitudes individual officers happen to bring to their role. Furthermore, it should not fall to individual officers' resilience to compensate for the lack of organisational will to prioritise rape investigations and resource them adequately (see also Williams et al., 2022). Police officers and staff are human beings and policing's most critical resource. Police forces must take responsibility for officer and staff working environments, work-related attitudes, knowledge, and skills. This also includes police forces taking responsibility for enabling their officers and staff to effectively use the two other critical organisational assets: data and technology.

Organisational enabler 2: data

Intelligence and data are the lifeblood of policing. Without them, officers cannot detect crime, cannot build a case, and have no material upon which to base intelligence-led disruption and prevention work. In rape cases, victim-survivor witness statements tend to be the key data source. Victim-survivors supply this data and information often at significant cost to themselves, a fact sometimes forgotten once their story takes the form of a line of data in a police system. It takes great courage to report a rape to the police, and many victim-survivors experience the investigation process as harrowing, re-traumatising, and intrusive. Victim-survivors may have told others that "something" happened. In the police interview, they must entrust the police with every intimate detail of what exactly occurred during the rape because the criminal justice process requires this level of minutiae from victim-survivors (Hohl and Conway, 2017). Whatever officers have recorded in the system about the case, including any information victim-survivors shared, stays on police databases available for future investigation and prevention work. Police administrative data can be used to identify patterns of sexual offences reported in local police force areas. Police-recorded crime data also enables transparency and public accountability. For all these reasons, police data should be treated as precious, and one must never forget that behind each line of data is the story of a

victim-survivor and their valuable intelligence about perpetrators. Yet, in police practice, data entry and analysis are considered an administrative nuisance that takes time away from actual police work. Incomplete and incorrectly entered data are the norm (HMIC, 2014; Lovett et al., 2022). This dramatically reduces the accuracy and usefulness of police administrative data, seemingly confirming that data entry and analysis are unimportant, and so a downward spiral ensues. A century ago, Fosdick (1920: 339) observed that police forces suffered from an “amazing lack of ordinary business system in the prosecution of the work”, and 50 years ago Greenwood and colleagues stated that “police agencies do not routinely collect and summarise data that can be used to determine the effectiveness of investigation activities” (Greenwood et al., 1977: 249). In 2023, Ashby (2023) found that it is still uncommon for police forces to use data for strategic forecasting, despite the obvious benefits of doing so in times of overstretched resources. In this section, we outline the problem of poor data accuracy and integrity, discuss whether this really matters for victim-survivors and effective police work, and why police services appear to struggle to take responsibility for ensuring that police data are an enabler, rather than a drain, on effective police responses to rape.

In 2014, police administrative data lost the National Statistics designation in a damning indictment of its accuracy and integrity. The police inspection body for England and Wales, His Majesty’s Inspectorate of Constabulary (HMIC), concluded that across the country, there was lax compliance with the national standard for crime recording and severe under-recording of crime, particularly of sexual offences (HMIC, 2014).² Sexual offences, domestic abuse-related crimes, and victim-survivors with protected characteristics such as race, sex, gender reassignment, and disabilities were particularly affected by poor recording.³ HMIC (2014) identified a lack of understanding of the recording requirements, deficits and inadequacies in the recording process, and insufficient supervision as responsible for the problem. The inspectorate further found unacceptable delays in creating crime records, which meant some victim-survivors were not receiving timely referrals to ISVA services. This is because in some forces, ISVA support referrals are only triggered by a victim-survivor’s report being officially recorded on the police system. The inspection body’s report also drew links between poor data integrity and victim-survivors’ confidence to report similar crimes to the police in the future. Further, the report found that the wider policing ecosystem, including the Home Office and policing oversight bodies, had repeatedly missed opportunities to address the issue (HMIC, 2014; HM Government, 2014).

Following the 2014 report, HMIC has reintroduced an ongoing police data integrity inspection scheme. It also introduced measures to stop the under-recording of rape, making it difficult for police forces to “no crime” a rape, i.e. to remove a rape disclosure from the crime statistics. These have largely (but not completely) stopped the under-recording of rape. However, it has created new problems, such as some officers railroading victim-survivors who never meant to make a formal complaint of rape into criminal investigations (Lovett et al., 2023). To reduce “no-criming” police forces are no longer allowed to close a case if there are any outstanding investigative actions to complete, for example witnesses not yet interviewed or CCTV footage not yet analysed. This invertedly creates zombie cases languishing in police systems. Zombie cases are cases officers have no intention of investigating further but do not formally close because that would require completing all outstanding investigative actions (Stanko, 2022). The introduction of measures to improve data quality has remedied some issues but created others in the process.

Rape crime records may no longer be missing at scale. Instead, critical data about police-recorded rapes are missing or incorrectly entered. As part of Operation Soteria Bluestone, Lovett et al. (2022) analysed data from five police force areas. They found that victim-survivor ethnicity was not recorded in 16% to 68% of cases despite such information being available. The victim-suspect relationship was missing in 17% to 62% of cases, again, despite this information being available. Suspect age was missing in up to 41% of cases, and suspect ethnicity was missing in up to 58% of cases, including cases where a suspect had been identified. The finding mirrors the broader issue of poor police recording of protected characteristics for all crimes, with police forces failing to record victim-survivor ethnicity in two-thirds of cases (compared to victim-survivor age missing in only one in four cases) (HMICFRS, 2023). When protected characteristics are not recorded or recorded incorrectly, it becomes impossible to accurately assess whether all victim-survivors and suspects are being treated fairly, regardless of their race, disability status, or sex. As part of Operation Soteria Bluestone, Lovett and colleagues conducted focus groups and interviews to understand the practical barriers to improving data quality. They found that police data systems are often outdated, clunky, freeze, or crash mid-data-entry, making data entry cumbersome and excessively time-consuming. Crime analysts, in turn, found their ability to analyse the data for operational and strategic purposes difficult, with data systems not designed with analytic purposes in mind. As a result, in some forces, analysts have resorted to creating their own parallel datasets and

conducting time-consuming dip samples, severely limiting their ability to contribute up-to-date ongoing analyses to support rape investigation and prevention (Lovett et al., 2022). Uplifting police data quality and analytic capability to a level where data becomes an enabler, rather than a nuisance, appears to be an insurmountable problem within policing.

Scholars and victim-survivor advocates have long argued that the undercounting of rape and other forms of male violence against women and girls is symptomatic of a police service in which the words of rape victim-survivors do not count (Jordan, 2004, 2022; Kelly et al., 2005). Hall (2022) observes that police inspectorates have seized upon the public narrative of making the criminal justice system more victim-friendly. Hall is critical of a direct causal connection being drawn between data quality and the quality of police service to victim-survivors. He suggests that “victims are once again being used as the ultimate justification for a punitive approach” and that the true aim of data quality improvement regimes is the expansion of “a culture of control” and over-policing (Hall, 2022: 29). Indeed, the National Crime Recording Standards now have “the twin aims of being victim-focused and maintaining consistency in recording across forces” (Home Office, 2018: 1). They set out how officers must apply legal crime definitions to what the victim-survivor (or third-party) reports, with “the intention that victims are believed and benefit from statutory entitlements under the Code of Practice for Victims of Crime” (College of Policing, 2023: 9). Similarly, HMIC states that not recording or incorrectly recording what victim-survivors report means forces are letting victim-survivors down, and that this directly affects the quality of police service to victim-survivors as well as victim-survivor confidence in the police (HMIC, 2014). However, HMIC (2014) has pointed out that police managerialism and performance management are partly to blame because they incentivise police forces to under- and mis-record crimes that have low detection rates, such as rape. HMIC further speculates that such senior management decisions are likely to affect officers’ attitudes towards data recording and ultimately erode data integrity. Some Police and Crime Commissioners dropped police performance targets in response to this finding (HM Government, 2014). The UK government has reintroduced performance targets in their Beating Crime plan (HM Government, 2021a) and in response to the end-to-end rape review (HM Government, 2021b). Accurate and comprehensive recording of rapes and data associated with rape reports are essential for police investigations, the identification of repeat perpetrators, and ensuring that every victim-survivor report is counted.

Using police crime data to improve policing is the subject of large bodies of literature in problem-oriented policing, intelligence-led

policing, and crime science. All include at their core an element of analysis of police data to identify patterns in known offending. The basic idea of intelligence-led policing is that police gather data about crimes and suspects, analyse this data, and then tactically use the insights to effectively deploy their resources where they are most effective: in locations identified as crime hotspots and on suspects identified as repeat offenders. Intelligence-led policing arose out of a recognition of the problems of reactive policing. There was an emerging understanding that a few prolific offenders are responsible for a large majority of the harm. Smarter, more intelligent solutions were needed, and the idea was to capitalise on the technological advances in IT systems during the 1980s (Tilley, 2008; Weisburd and Braga, 2019). The discipline of crime science similarly relies on data and its analysis as part of its science-based approach to crime prevention and detection (Laycock, 2005; Sidebottom et al., 2020). Problem-oriented policing, first proposed by Goldstein (1979), involves systematically analysing police data to understand and solve crime and disorder-related problems, though their solution may not narrowly focus only on police tactics but could involve community and partnership working. These bodies of literature sit apart from the feminist literature on sexual violence, with little cross-fertilisation to inform police approaches to repeat sexual perpetrator identification and disruption. There are notable exceptions, such as the recent Thames Valley Police initiative “Project Vigilant”, aimed at detecting sexually predatory behaviour and proactively intervening to prevent it. Non-uniformed officers attend bars and clubs in Oxford’s night-time economy, looking for vulnerable people and sexually predatory behaviour. When they spot something risky or suspicious, they alert uniformed officers who would then intervene and proactively disrupt the unfolding potential sexual assault. Thames Valley Police attribute a 50% reduction in rape and a 30% reduction in sexual assaults to Project Vigilant (Magill and Squires, 2023). Half of the individuals stopped as part of Project Vigilant were previously known to police, with 12% previously known for sexual offences. The approach also uses police data to identify sexual violence hotspots to disrupt perpetrators who repeatedly prey on women in these areas. In the project’s 2021 evaluation, Magill et al. (2023) recommended that police employ an analyst to produce a suspect-focused dataset. As such, a large body of literature exists on how police forces can take responsibility for using their data to improve investigation, prevention, and practical resource allocation, which could be brought to bear in rape prevention (see also Chapter 4).

Police-recorded crime data, including in rape cases, are a by-product of live administrative IT systems not designed with data analysis in

mind. Data do not appear to be valued by police services despite the personal cost to the victim-survivors who supply much of it through their account of what happened to them, and despite its potential for improving the effectiveness and efficiency of investigation and prevention efforts. When forces use data, it is often for performance management. The way some senior officers implement performance management lowers officer morale (Cockcroft and Beattie, 2009), reduces officers' sense of organisational justice and may thus be counterproductive. Ultimately, police services must take responsibility for creating the conditions in which the entering and use of police data is not an uphill battle. Data entry and analysis should not be seen as abstracting officers from "real" police work but as an integral part of it. This requires investment in user-friendly data systems. It requires an organisational climate in which officers are willing to adopt new policies (see above section on organisational justice) and where officers can see that data entry and analysis is valued and leads to improvements. It requires forces to invest in crime analysts who routinely analyse police administrative data to support operational and tactical policing. Police forces must have mechanisms through which data-based problem profiles on rape and sexual inform strategic decision-making and resource planning. All these proposals require police organisations to take responsibility for putting their officers and staff into a position in which correct data entry and routine use of data are no longer down to the personal choices of individual officers, but supported and enabled by user-friendly systems, learning and development, and processes that function.

Organisational enabler 3: digital forensics

Digital forensic evidence is a staple of crime investigations; over 90% of recorded crime has a digital element. This is unsurprising given that for most people, digital devices have become an extension of their self, holding intimate information about their lives and relationships (Wilson-Kovacs, 2021). While medical forensic evidence may be able to prove that sexual intercourse between the parties in question took place, digital forensic evidence also has the potential to speak the typically more difficult question of the victim-survivor's consent and the suspect's reasonable belief of consent. Digital forensic capabilities and competence have become critical enablers of effective rape investigations. Officers routinely engage with victim-survivors over the disclosure of their personal digital data, shaping victim-survivor experiences of the justice process. The current state of police digital forensics in English and Welsh

police forces is summarised in this quote from an HMICFRS inspection report (2022: 1–2):

It has become increasingly clear that the police service hasn't kept pace with the scale of the challenges they face. In some cases, we found that the police simply didn't understand what digital forensics meant. We found a national backlog of over 25,000 devices waiting to be examined. This didn't include all the devices likely to be in the system. We found delays in some areas so egregious that victims were being failed. In some areas, the system of digital forensic examination is slow, ineffective and less professionally managed than the other police forensic disciplines. We also had little confidence that the police service had a coherent plan for improving the current situation. We found that the needs of victims were rarely taken into consideration when the police seized digital devices for examination to secure evidence of crime. In an age where so many live on and through these devices, there appears to be little recognition of the effect this can have on an already traumatised victim.

This excerpt from the HMICFRS inspection report is a damning indictment of inadequate digital forensic capabilities in police services and its direct impact on victim-survivors. Elsewhere in the report (*ibid.*), the inspection documents the effects of long delays and failures to analyse digital forensic evidence on case progression, with dangerous suspects being able to continue offending. Others have pointed out the legal and ethical issues associated with police gathering data from victim-survivors' digital devices. This includes officers downloading victim-survivors' entire digital device content, often without meaningful informed consent, and with the possibility that the material could be disclosed to the defence counsel and, thus, the accused. In some instances, victim-survivors have been told that their case would be dropped if they did not agree to the police downloading their phone contents, even though the request was disproportionate and there was no reason to believe their phone would contain material directly relevant to the investigation (May et al., 2022; Kearns and Muir, 2019; Rummey and McPhee, 2021; see also Chapter 3). In the remainder of this section, we outline the reasons for the current shortcomings, place them into the context of broader issues of rape investigations and victim-survivor engagement, and sketch out a way forward.

Under-resourcing and under-investment in technology and officer training emerge as key organisational barriers to the effective and ethical use of digital forensics. Current systems are often incompatible with

newer digital devices. More user-friendly processes and data management systems are also required to ensure downloads adhere to the agreed investigative parameters and follow secure storage, access control and deletion protocols. Some officers download far more from victim-survivors' phones than has been agreed (e.g. "golden copies" of the entire device content) because they lack the technical capability or competence to restrict the download to the directly relevant parameters (e.g. time frames, keywords). Furthermore, messy recording systems do not allow tracking the use and effectiveness of digital forensics (Wilson-Kovacs, 2021; Horsman, 2023; May et al., 2022). Digital forensic analyses are typically carried out by Digital Forensic Units (DFUs) which have no expert training on sexual offending. Conversely, rape investigators tend not to have expert training in digital forensics. The results are digital extractions with search terms that are "basic and sexual" such as "nob, dick, boobs, fisting, drugs, porn, fuck, finger, tits" (May et al., 2022: 186). Interestingly, rarely do officers search for words such as "sorry", or have a digital forensic strategy capable of uncovering typical perpetrator tactics such as grooming, manipulation, gaslighting, coercion, or attempts to blackmail their victim before and/or after the rape (*ibid.*). In interviews and focus groups, officers tell of far too few digital experts trained to use the technology vis-à-vis an increasing number of police-recorded rapes and the bulging volume of potentially relevant digital material. Some officers feel the lack of training and adequate resourcing is in part due to senior leadership teams not understanding the technology or the complexity and pressing nature of the issue, and as a result, having little appetite for significant investments in digital forensics (Wilson-Kovacs, 2021; May et al., 2022). At a strategic level, police forces and the wider policing ecosystem are yet to agree a national standard for digital forensics, officer learning and development, processes and protocols in line with victims' rights, data protection, and privacy rights (Muir and Walcott, 2021; HMICFRS, 2022). The emerging picture is one of inadequate resources and protocols, and a lack of national coordination to get a grip on the issues.

There are also clear parallels to officer learning and development (organisational enabler 1) and the use of data (organisational enabler 2). Individual officers are muddling through, aware of and speaking candidly about how the lack of adequate training, resources, and data systems undermines effective investigations and fails victim-survivors, in full view of the police organisation. Officers are looking to police senior leadership teams to take organisational responsibility for equipping them with the tools and learning to improve on what they recognise as inadequate practices. The problems that mar investigations, prevention, and

victim-survivor engagement also thread through digital forensic practices. Examples include officers undertaking “fishing expeditions” on victim-survivors’ digital devices well outside the legal boundaries of directly relevant and proportionate lines of enquiry, and well outside data privacy and protection laws (see Chapter 5). This is an extension of investigative practices that over-focus on victim-survivor credibility. A lack of specialist knowledge and understanding of perpetrator behaviour means officers use unsophisticated search terms incapable of revealing evidence of grooming, manipulation, and coercion to tell the whole story of the abuse (see Chapter 3). A lack of digital forensic data and process management systems reduces the quality of data available for identifying patterns of repeat perpetrators, further hampering already under-developed rape prevention efforts (see Chapter 4). There, too, are strong parallels between digital forensic evidence and other types of forensic evidence. There is extensive literature documenting the vast amount of untested sexual assault kits (sometimes also called “early evidence kits” or simply “rape kits”), collected from victim-survivors through invasive forensic medical examinations, but never analysed despite their investigative potential (Lovell and Lanhinrichsen-Rohling, 2022). Campbell and Feeney (2022) vividly describe these kits as “on the shelves, covered in dust”, and Casey (2023) provides the memorable imagery of medical forensic evidence stuffed into overflowing, broken fridges. As such, digital forensic evidence is an extension of general approaches to collecting evidence from victim-survivors and then failing to deploy it within the investigation, or merely using it to investigate the victim-survivor’s credibility outside of legal limits. In Chapter 5, we examined why and how the principles of procedural fairness should guide officer engagement with victim-survivors. When it comes to engaging with victim-survivors over police requests for access to their digital devices, officers routinely fail to provide victim-survivors with the information required to make an informed decision about handing their digital devices to investigators (Rumney and McPhee, 2021). Intrusive digital strip searches that are not warranted by directly relevant and proportionate lines of enquiry can undermine victim-survivors’ sense of dignity and dent the neutrality (in the sense of being free from bias) of the investigation. As such, questions of procedural fairness arise whenever officers engage with victim-survivors over requests for extracting digital forensic material from their electronic devices. May et al. (2022), who pioneered digital forensics within Operation Soteria Bluestone, make similar observations of parallels with the findings of the five other pillars of the programme (see Figure 1.1 in Chapter 1). These parallels suggest that the problem of digital forensics at its core is not a problem of technology or resource, but a microcosm of police approaches to rape in general.

As such, whether policing finds a way forward in improving its digital forensics is both a test case for, and intrinsically linked to, its ability to improve policing of rape as a whole. Effective use of digital forensic evidence requires specialist knowledge of sexual offending and a specialist understanding of digital forensics. Some recommend upskilling both rape investigators and DFU specialists and ensuring they seamlessly work together to combine both areas of expertise into an effective digital investigative strategy (May et al., 2022; Wilson-Kovacs, 2021). Others have argued that digital evidence is so mainstream that digital forensics cannot remain a specialism contained within DFUs. Instead, they argue, it must be part of every investigator's skillset, and that all officers tasked with crime investigations must receive digital forensic training (Muir and Walcott, 2021). Victim-survivors' rights and decisions must be centred in the development of consent forms and protocols to ensure digital intrusion only occurs when it is justified and strictly within the bounds of directly relevant, proportionate lines of enquiry. Free, informed consent must replace the current status quo where some victim-survivors feel blackmailed into handing over their devices or risk forfeiting access to criminal justice (Rumney and McPhee, 2021). Academic and policing commentators agree on the need for investment in technology, training and ongoing learning and development for officers, a digital case management system, and national standards for digital forensic protocols (May et al., 2022; Muir and Walcott, 2021; Horsman, 2023). The issue of digital forensics is systemic, and police organisations must ensure that officers have the skills and resources required to competently engage with the digital world that has become so central to people's lives and therefore to crime investigations.

Conclusion

When rape investigations fail routinely, responsibility for these failures lies with the police force's organisational centre. The price is paid by victim-survivors and by society, with perpetrators free to continue their offending. The price is also paid by the officers who sacrifice their mental health by attempting to compensate for organisational deficits through working overtime and who experience the moral injury that comes from letting down victim-survivors and failing to stop known perpetrators. Police leaders do not seem to tire of blaming a "few bad apples" for police-perpetrated sexual violence and emphasise how seriously they take their responsibility for "cutting out the cancer of rogue officers" from the police service (France, 2023). Removing police perpetrators is a bare minimum. Moving forward requires police forces as organisational

entities to take decisive positive steps so they are adequately equipped to respond to rape and other sexual violence. In this chapter, we focused on the organisational levers available to police forces for enabling a shift to suspect-focused investigations (Chapter 3), disruption of known perpetrators (Chapter 4), and procedurally fair engagement with victim-survivors (Chapter 5) as the new default in policing. The three levers are people, data, and (digital forensic) technology. Within each of these areas, police services must consider how they can shape the organisational climate, processes, and systems so organisational responsibilities do not slip onto the shoulders of individual officers and create the risk – and reality – of inconsistent and inadequate service delivery.

Officers need evidence-based knowledge and understanding of sexual offending behaviour. This needs to be taught by police-academic and police-sector partnerships to ensure the quality of the learning content and to increase the likelihood of officers being receptive to academic and lived experience knowledge. Police forces must create working environments where officers feel empowered to apply new knowledge and test new skills. Senior leaders and supervisors must recognise and reward officers who strive to build their knowledge and improve their investigative and victim-survivor engagement skills. Chronic stress and burnout increase rape myths acceptance and lower empathy towards victim-survivors. Police forces can use learning and development, resourcing, and the principles of organisational (procedural) justice in their communications with officers to reduce organisational stressors. As such, officer well-being, learning, and development is the first organisational enabler. Moving to the second organisational enabler, police-recorded crime data is the lifeblood of crime investigation and prevention. Police forces should treat every rape disclosure as the precious source of intelligence that it is. Investing in data integrity and data analysis are not secondary side functions of police organisations, but core to police services understanding the patterns of sexual violence in their force area and using this information to improve their operational and strategic efforts. Similarly, digital forensic material can be vital evidence in a suspect-focused investigation. However, if poorly used, it will increase undue victim-credibility focus and replicate the errors and missed opportunities that are so well-documented in the wider rape investigation literature. As such, digital forensics is the third organisational enabler. Digital forensic investigative strategies and victim-survivor communication about potential digital evidence on their devices need to be seen as an extension of the principles outlined in Chapters 3 and 5. The way forward includes investment in officer competence through continuous learning and development on digital forensics and data management

processes and systems. There are no silver bullets in the quest for a new default police approach that centres rape victims' rights and focuses the investigation on sexual offending behaviour. The six-pillar framework, comprised of the principles set out in Chapters 3 to 5 and supported by the three critical organisational enablers put forward in this chapter, is a starting point. In the next chapter, we document the journey of attempting to implement these ideas within Project Bluestone and Operation Soteria Bluestone.

Notes

- 1 Based on learning outcomes set by the College of Policing for all police forces in England and Wales.
- 2 Her Majesty's Inspectorate of Constabulary (HMIC) was given responsibility for carrying out inspections of Fire and Rescue Services in July 2017, from which point it became Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
- 3 In 2023, protected characteristics in the UK included age, gender reassignment, being married/in a civil partnership, being pregnant or on maternity leave, disability, race (including colour, nationality, ethnic or national origin), religion or belief, sex, and sexual orientation. Available at: www.gov.uk/discrimination-your-rights.

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7

PUTTING THE FRAMEWORK INTO PRACTICE

Operation Soteria Bluestone

Introduction

In 2019, there was a shared sense of urgency across the victim support sector, the public, and the police service to improve the investigation and prosecution of rape. The government found it impossible to claim that the justice system got it right for victim-survivors of rape in the face of overwhelming evidence to the contrary, resulting in the announcement of their review into the investigation and prosecution of rape (Home Office, 2019). The unleashing of the sense of urgency picked up pace during the pandemic and was brought to a fever pitch. In March 2021, a young woman was abducted, raped, and killed by a serving police officer (Dodd and Siddique, 2021). Now not only was there outrage about how the police treated rape victim-survivors but police officers themselves were exposed as perpetrators.¹ As academics, we were determined to offer an approach to the problem through an evidence-informed lens. As women, we were determined that the insights from the decades of academic research and victim-survivors' lived experiences were translated in a way that would empower police officers themselves to design the institutional change they needed. As women academics, we saw a burning platform of crumbling public trust in the police. Policing appeared incapable of permitting outside scrutiny or review to profoundly alter police practice. Patriarchal rhetoric that ultimately blames the raped for their plight seemed to be alive and well. But as we have argued in the previous chapters, victim-blaming, rape myths, and stereotypes are only part of the story. The challenge for us was using this "hot climate" (Murray and Harkin, 2017) as the grease of change.

This chapter documents the beginning of something new. It takes the reader through an experiment in twinning academic insight, methodology, and evidence to policing practice as we sought to implement the ideas of this book in police forces across England and Wales within

the pilot Project Bluestone with Avon and Somerset Police (2021) and Operation Soteria Bluestone (2021–2023). We do not claim that this is “the answer”, nor do we suggest that this approach works everywhere. We do claim that the approach disrupts policing’s business as usual and provides a steer to assist officers themselves to change their business model in the investigation of rape and other sexual offences in England and Wales. Some forces have already changed their practices and investigations during the project. The chapter will describe how we worked in close collaboration with police services to introduce a theory-led, evidence-based approach that puts insight into practice and is a spark for change. Using our six-pillar framework and working with police colleagues, we lit a slow burn of transformation in contemporary British policing. The framework, brought to life by this close working collaboration of policing personnel, academics, project support, and third-sector influence, gave rise to the National Model for the Investigation of Rape and Serious Sexual Offences in England and Wales: the NOM (College of Policing, 2023).

This chapter starts with a discussion about researching the eco-structure of the police and its policing cultures. Policing’s cultural context is both the starting and landing point for change. The chapter summarises the social science methods used to interrogate policing practices and investigators’ lived experiences through the lens of our framework. We discuss how we harnessed the insight to broker solutions through police officer-academic collaboration, third-sector consultation, and government support. This discussion is critical to evidence-informed policing as a mechanism to professionalise policing practice. The last part of the chapter outlines how we used research to devise the NOM as the first national model for the investigation of rape and serious sexual offences.

Working inside: researching the police

We set up this project to work within and beside policing as a co-produced knowledge-into-practice exchange. Its mission was to do what no inspection or inquiry has done to date: improve the investigation of rape through intense knowledge brokerage. Not only did we need to leverage an appreciation of the institutional support for change, but we also needed to acquire and mobilise an acute appreciation of the environment inside policing as a cultural institution and of the lived experience of investigators. We began this project with eyes wide open to policing cultures. Stanko (2007: 215) observed that to truly negotiate integrating new knowledge into practice, one needs “a keen understanding of the deep inners of police organisations [. . .] with its ‘snakes and ladders’ of

change”. We also drew on the early research studies of policing outlined in Chapter 2. We took inspiration from “being a police officer” (van Maanen, 1974) and reflected on how officers exercise discretion on the street and in law (Banton, 1964; Skolnick, 1966; Muir, 1977); the aspects of police culture that fostered distrust of outsiders, especially academic researchers, and policing’s democratic mandate and institutional legacies informed by its colonial roots (Bowling et al., 2019). Chan (1997) muses openly about the near impossibility of changing policing culture as it is intertwined with its wider social contexts (*habitus*).

Researching police and policing is tricky without an appreciation of the internal working cultures of policing. Research processes are only successful with open access to police forces and awareness of maintaining honest engagement during the research process. During this project, we were continuously alert to the internal politics of policing cultures and their impact on the lived experiences of investigators (Punch, 1985; Smith and Gray, 1985; Reiner, 2010). How police officers manage rank, dodge illegality and unethical practices of colleagues, treat the public disrespectfully and with suspicion, and endure bullying from colleagues affects the atmosphere within which the wide variety of research activities occurred.² During the project, a highly critical report on the London Metropolitan Police laid bare the impact of these kinds of behaviours within the largest police force in the country (Casey, 2023). We were conscious that our research would likely expose police officer actions and activity that might not be viewed as in line with force policy, the law, or indeed, compatible with the ideals of democratic public safety.³ Academic commentators recognise that research might uncover police practices that could be ethically and/or legally problematic and spook trust (Worden and McLean, 2022). Academics are not always welcome and are often viewed with suspicion, especially as the evolution of academic inquiry documented during the turbulent late 20th century (race riots, policing protests such as the Vietnam War and the miner’s strikes, racial and other discrimination, for example) placed policing as a strong arm of the state’s hold on political and other forms of societal power (Crawford, 2017). Successful police-researcher partnerships have been described as ones where researchers value police culture and practitioners commit to the research mission (Rojek et al., 2015). Tompson et al. (2017) remind us that police-researcher partnerships are essential mechanisms to enable policing to consider applying the evidence generated through the research and for the researcher to appreciate the work involved in applying academic knowledge to practice.

Sklansky (2014) suggests an appeal to ideals of professionalism – high standards and internalised norms – as a mechanism to use occupational

pride as a lever to uplift practice. We have worked with skilled, committed officers. We drew on learning from previous academic discussions of collaborations with policing. Worden and McLean (2022), for instance, explore a range of functional collaborations of police-academic partnerships to accomplish improvements in strategic problem-solving, evaluation research, and organisational development (such as in establishing and retaining a Compstat structure that makes a difference to police performance), or public policy development. They argue that studying the police should not be considered by the police (nor by the academics) as some kind of “evidence-based muckraking” (ibid.: 2). We continually paid attention to creating the conditions which allowed police officer research participants to feel safe when speaking about their work environment and in front of other colleagues. To research such a high-profile, sensitive topic as rape inside a police service, we drew on our keen sensitivity to the world of the investigator to allow us to document the barriers to better investigations. As researchers of policing over decades, we accepted that there was likely suspicion on both sides of the academic-police collaboration. This is often a hidden feature of policing projects. Working within and with the police for over four decades, Stanko’s awareness of the hypersensitivity of police officers about being exposed during research and of the nervousness of police leaders to political criticism, newspaper headlines, and political policy makers’ politics is acute. For this project, she drew on this insider knowledge on her lived experience in policing to guide any nervousness into constructive debate (Stanko, 2007). Hohl had 15 years of experience in researching policing using hard-to-access police internal data on sexual offences and domestic abuse, interviewing rape investigators, and developing police sexual offences specialist training materials, and had established working relationships with several police forces. Understanding how policing works as a closed, organisational entity enabled us to face many of these sensitivities head-on. These sensitivities were acknowledged and built into our support for the academic teams and our discussions with police officers. The teams required continuous attention, sparking active discussion with senior officers and the academic teams who were uncovering problematic decision-making and damaging practices that needed to be challenged, oftentimes immediately. This kind of support happened throughout the research processes.

Our six-pillar framework grounded us in the policing cultures we worked in as much as in the research questions we explored. We couched the project in a procedurally just narrative as fundamental to police practice and linked to core features of police practice in the investigation of rape and other sexual offences, including how investigators

are treated by the police forces they work for (see Chapters 5 and 6). The discourses of voice, respect, and fair treatment echo throughout the language we used to broker our insight. This ethos was built into the academic-police officer team's ways of working, and this built trust in the work's mission. Commitment to public service, pride in the job, teamwork, and good leadership are aspects of policing culture that welcome change (see also Bradford et al., 2014). We relied on committed police officers to steer us through the choppy waters of elements of toxic police culture that inevitably raised its head throughout the research. It was apparent to us that many officers themselves suffered from a deficit of organisational support – an indication of a deficit of organisational justice (see also Chapter 6). Embedding the evolution of the research and the solutions at the very heart of the programme enabled ownership throughout the ranks and the police leadership.

The Soteria approach

Transformational change will not happen without senior officer buy-in and leadership. When the then Deputy Chief Constable (DCC) of Avon and Somerset Police, Sarah Crew,⁴ addressed an academic seminar devoted to research on rape and other sexual offences in early July 2020, she spoke sincerely about wanting to change the way police investigate rape. She did not, she admitted, have a plan to do this. She did have the reigns on what is known in British policing as the national lead for a National Police Chiefs' Council (NPCC) portfolio – adult rape and sexual offences – and consequently, offered her force as a testbed for the approach.^{5, 6} Crew brought much more to the reach of the police-academic collaboration. As an inspirational senior leader, she wanted to shift the landscape of policing in the investigation of rape in a sustainable way across the country. She was involved in the ongoing cross-government review and development of a new police - CPS Joint National Action Plan (CPS and NPCC, 2021). The project was poised to influence the ways of working in one police service, and shift the ways of working for investigations across the country. Our project had just achieved one of the hardest parts of doing research in policing: full research access and a commitment to full collaboration to inform co-produced solutions that had national reach. Much of Crew's commitment was founded on trust and an appreciation of Stanko's long association with British policing practice and research and Hohl's highly regarded methodological rigour and academic contributions to understanding male violence against women.

The research design was iterative and included a range of empirical methods to document and analyse how investigations were conducted, scrutinise the force's learning and development, and review and consider the contribution of analytic functions to supporting better investigations.

Work began on the "proof of concept" in January 2021 under the banner of "Project Bluestone" within Avon and Somerset Police,⁷ and the initial framework emerged as five strands of work packages called the "five-pillars framework" (Hohl and Stanko, 2022). Each pillar had an academic lead and a police lead within Avon and Somerset Police. Recruiting academic leads for the five pillars brought together forensic psychologists, criminologists, sociologists, and women's studies and data analysis experts. Amid the Covid pandemic, the UK was continually in and out of lockdowns with restricted in-person contact. Undaunted, the academic teams organised focus groups and interviews via MS Teams, conducted data analysis and case file reviews, and studied countless documents on officer training and well-being.⁸ The mixed method approach enabled researchers to search through their accumulating data corpus for common themes. These themes braided together and helped us understand the contribution of the (then) five-pillar approach as a way forward. Throughout the project, academic and police pillar leads and teams would meet weekly or bi-weekly to discuss emerging research findings and co-create ideas for practical solutions to the issues uncovered by the research. This way of gathering research evidence proved efficient when the project expanded to further police forces as part of Operation Soteria Bluestone (more on this later). Expanding the police-academic collaborative research and development of solutions to a total of five so-called "deep dive" or "pathfinder" forces and then later to an additional 14 so-called "expansion forces" enabled us to test the emerging findings and consider solutions in different local police force contexts. Over the 30 months of the collaboration, the academic-police relationship took on a central role at the heart of the project.

The design of the research explicitly sought the insight of local ISVA services, such as SafeLink, on how policing practice was affecting victim-survivors. When we began our research in Avon and Somerset Police, the relationship between the police and the local ISVA service had atrophied. Two years on, at the ISVA service now works closely with investigators to support victim-survivors. Integral to our learning was finding mechanisms to include local victim-survivors' voices in our developing insight using the lens of procedural justice (see Chapter 5). Practically, to succeed, our work had to repair this relationship, weaving the improvements needed in policing practice to align with engaging with victim-survivors. When we tested this approach with an additional 14 forces

in late 2022, we included third-sector participants as critical friends in reviewing force capability and capacity to investigate rape and other sexual offences.

The starting point of the project were the ideas in this book, initially summarised in a five-pillars framework first published in Hohl and Stanko (2022). Upon suggestion from policing and with government support, we added a sixth pillar to explore investigators' collection and use of digital evidence (see Chapter 6). This strand was not part of our initial five-pillars framework (Hohl and Stanko, 2022) or the early manuscript of this book, and we credit the Pillar Six lead Tiggey May with opening our eyes to the importance of rape investigations keeping step with the transformation of daily life into a digital world.

Following the Project Bluestone Pilot in Avon and Somerset in early 2021, we received funding for Operation Soteria Bluestone to repeat the same research design in four further police forces: the Metropolitan Police, Durham Constabulary, West Midlands Police, and South Wales Police. Each of these deep dives comprised an intensive three-month research phase. The extensive data collected during the deep dives were analysed, and emerging findings were discussed with the police forces before they were shared with key stakeholders and considered for their challenge to official policy and practice. The empirical research provided a solid ground from which to argue for change. Below is a summary of the kinds of data gathered and analysed from five police forces (see Stanko, 2022, for a comprehensive overview):

- Data on 81,705 RASSO cases reported between January 2018 and November 2021.
- 233 case file reviews on recent rape investigations (police internal peer review based on academic coding frame and training).
- Review of 741 case files of closed investigations with outcomes 14, 15, and 15 (Home Office crime closure codes that indicate a decision not to charge a suspect).
- Observations of rape investigators and victim liaison officers on shift, review of Achieving Best Evidence (ABE) interviews with victim-survivors, and review of body-worn video footage first responder interactions with victim-survivors.
- Reviews of training courses.
- Officer survey on well-being, learning, and development.
- Interviews and focus groups with officers of all ranks and roles, ISVAs, CPS lawyers, and victim-survivor lived-experience panels.
- Review of all force internal RASSO-related policy documents.

Individual pillar teams analysed their data as it emerged, force by force. The high-level learning gained strength, with the research teams

continually crossing over each other to challenge or support other pillars' observations and conclusions. Neither the researcher nor the operational police officer was a bystander in this work. The iterative feedback shared with each force required a trusting collaboration so that we could discuss how to consider mechanisms that would lead to building an organisational environment in each local force that was responsive to the research findings. Researchers and operational police officers had to trust each other in the research process so that the analysis, insight, and solutions were not separated, side-lined, or couched in a language of blame. As academics we needed to retain our academic integrity and independence at all times, and this required sharing findings in their fullness with clarity and candour, and to make them public (see, for example, Stanko, 2022 and the academic articles listed in Appendix 13 of Stanko, 2022). The initial knowledge exchange and the ideas for change took place out of the gaze of an inquisitive press. This did not feel like other research projects we have conducted. It was not an academic project generating reports that few officers or civil servants knew how to put into practice. We wanted to change policing practice, and so did the officers. We could only do this together given a policing environment where there is resistance and misaligned organisational structures.

Not surprisingly, in the five police forces we worked with, we found variations in police cultures and organisational structures. We worked with investigators who desperately wanted our insight to advocate for change inside their police force. By the time senior officers were brought into the debate, the findings were already discussed with the appropriate force pillar leads. Force pillar leads heard the findings as they emerged so that they could consider how to advocate for change and the plans that would set out the change needed. This approach gave police pillar leads an opportunity to discuss and challenge each other on a peer-to-peer basis. They felt a sense of ownership of the findings and a stake in the solution, drawing out an understanding in officers that this research is not imposing solutions, but leading to their solutions. Throughout the 30 months, researcher-police teams debated the findings, mused about the generated insight, drafted and refined guidance, and considered practical solutions benefitting both police officers and victim-survivors using the insight from the collaboration. We met officers who appeared annoyed or defensive or felt disempowered to change organisational structures. We worked with many receptive officers who were actively engaged with our findings, began changing practice, and sought out organisational support. There were emotional costs of doing this work, not only because of the subject matter but because we were negotiating within the closed-off space that policing enjoyed (and suffered from). We knew that any research within the police service on its handling of rape cases had the potential to stir up

anxiety in participating officers, who may be concerned that what they did or said would be individually criticised or add to the already abundant highly critical news headlines. Some officers are themselves victim-survivors of sexual violence. The police and the academic team had to manage the expectations of the public and the political climate within which this collaboration worked. The research documented the distress of police officers trying to do a good job and the harmful decisions made by other police officers. It felt like we were walking through a minefield, a delicate balancing act to understand the barriers to good investigations, never losing sight of the rights and needs of victim-survivors. We offered clinical supervision to the researchers and support to the individual police officers. We had to find mechanisms to leverage insight into agreed definitions of the problem, consider the insight to enable a different way of working, and co-produce solutions in-house. Every deep dive force accepted the findings as an accurate (though painful to hear) picture of the state of play. An overview of the empirical findings of the research from each of the pillars is published in Stanko (2022). The following examples illustrate some key issues identified by the six research teams.

Investigation of rape and sexual offending in the context of domestic abuse. The analysis of the over 80,000 recorded RASSO crimes revealed domestic abuse as the context to over one-third of police-recorded rapes and serious sexual offences (Lovett et al., 2022). While this is widely known in the academic literature and the day-to-day investigator workloads, the project's research demonstrated how investigators managed these investigations, often leading to poor justice outcomes and poor experiences for victim-survivors. Moreover, many police forces had separate investigation units for domestic abuse. Still, these units seldom liaised with rape and sexual offences investigators to bring together the individual but related crime incidents many victim-survivors report to the police. This led to fragmented investigation efforts, a neglect of the criminal offence of coercive and controlling behaviour to demonstrate evidence of the offender's crime, and a duplication of effort by different investigators. It also led to further unsafety and little recourse to public protection for victim-survivors if investigators focused on the rape sexual offence divorced from the context of (sometimes still ongoing) coercive control. Different forces explored different solutions to this issue, some by bringing the investigation teams together or identifying the need for additional specialist learning and development.⁹

Crime closure codes and "telling, not reporting". Case reviews uncovered a related issue that the Pillar Five research team termed the recording of "telling not reporting" cases (Lovett et al., 2023a, 2023b).

The Pillar Five team analysed 741 rape case files to explore officer use of the official Home Office crime closing codes. The findings suggested that up to 40% of the cases closed under “outcome 16” – a crime closure code indicating that the investigation had to be closed because the victim had withdrawn support for a prosecution – included cases in which the victim-survivor never wanted an investigation in the first place. Sometimes the rape had been disclosed to the police by a third party without the knowledge or agreement of the victim-survivor. Other times, the victim-survivor had told an officer about what had happened without intending to make a formal complaint of rape or realising what they had disclosed would result in an official police record. This included, for example, cases where the sexual violence came to light as part of a police interaction during a domestic abuse incident. At times, the case file notes revealed that when investigators contacted victim-survivors to follow up on a third-party or inadvertent disclosure, victim-survivors were distressed to learn that these were being investigated as formal complaints of rape. In police data, giving these cases an outcome closure code that carries an interpretation of “victim withdrawal” had the effect of responsabilising victim-survivors for not cooperating with criminal investigations they never wanted, leading to de facto blaming of victim-survivors for failed rape investigations (Lovett et al., 2022). Work is underway nationally to address how to fix this and devise appropriate outcome closure codes that better capture the circumstances without blaming victim-survivors. There is a whole picture of victim-survivors’ attempts to access police protection and law to alleviate the abuse they have experienced at the hands of grooming and coercively controlling perpetrators that is found in police records of repeat victimisation dominated by domestic abuse.

Limited specialist learning and development on sexual offences. Pillar Four research documented a severe deficit in specialist learning and development and the impact of this on investigators’ capability and confidence. Many investigators were young in service; a worrying few had completed accredited investigator courses, and even fewer had completed the specialist course on sexual offences investigation. This fostered attitudes that blamed victim-survivors and excused offenders, wasted time and effort, and led to staff burnout, with direct impacts on case outcomes (Williams et al., 2022). The research documented the damaging effects that current ways of approaching learning have on officers and how it has led to poorer investigative outcomes. To address this, the Pillar Four team developed masterclasses: a new course featuring insight into offending behaviour and investigative curiosity, and offering specialist knowledge about better engagement with victim-survivors using appropriate language and

trauma-informed perspectives. Collaboration between academics and their police counterparts led to advocating for the greater use of critical reflection and case reviews to accumulate force-based solutions to improve the continuous development of RASSO investigators (Norman et al., 2022). The Pillar Four team's work on learning and development sparked a collaboration with the College of Policing, leading to a wholesale overhaul of the national approach to RASSO-related learning informed by academic best practices and understanding how learning must be built on a scaffold of continuously refreshed knowledge.

Failure to investigate suspects' criminal histories. Pillars One and Two found evidence supporting the arguments outlined in Chapters 3 and 4, that is, a lack of suspect focus led to a failure to investigate suspects' previous offending histories and serial offending (against the same or multiple victim-survivors). The pillar teams documented the widespread neglect of investigators' use of intelligence on suspects' previous criminal histories, as well as frequent delays and missed opportunities in investigations. The findings led to officers understanding the benefits of linking offender management intelligence and developing new ways of working within RASSO investigations. Learning about disrupting offending, harnessing the insight of other units within the police force, and working with victim-survivor support partnerships all enable better victim-survivor care and challenge suspect behaviour (Horvath et al., 2022; Davies et al., 2022).

The collective body of empirical findings from Operation Soteria Bluestone has sparked different conversations and actions in different forces. Some forces had more favourable environments to hear the critique of practice arising from the findings than others. In some forces, officers were open and bold, encouraged by senior officers leading by example. In others, we found officers much more nervous about being honest and worried about how their superiors would react to the more uncomfortable findings, and the knowledge that their own police officers helped produce them. We discovered that brokering the knowledge and insight generated by the researchers into practice, then carved into practice by the officers, required individual, organisational, and system support. Our work as lead academics required that we continuously steered the development of the work across all these arenas.

Specialism versus specialist units

We are well aware of attempts to professionalise rape and other sexual offence investigations through the creation of specialist rape investigation units. In England and Wales, specialist units supporting the

investigation of rape appeared in some police forces in the 2000s. Van Staden and Lawrence (2010) showed that such units can have benefits for officers working in them and for their relationship with independent victim-survivor support services. However, they did not find evidence of improved outcomes in criminal charges. Their key recommendation – specialist training – was a persistent recommendation of official reviews and inspections in the decades before and following their report. Rumney et al. (2020) demonstrate that a specialist unit outperformed the non-specialist investigative approach in many, but not all, performance measures. The authors suggest that specialist teams formed a stronger working and support unit and created a shared sense of purpose. Much of the benefit of specialist units was crushed in the past decade by the cuts to policing budgets (Sparrow and Hohl, 2023). No sustainable solution to rape investigation was offered post-austerity. Moreover, Operation Soteria Bluestone advocated the necessity of specialist knowledge, but not necessarily of specialist units, to improve investigators' practice. Dalton et al. (2022) show that expert knowledge – rather than specialist units per se – is associated with improved policing outcomes. What we found through our Soteria Bluestone research was the persistent failure of the police service to treat the professionalisation of rape and sexual offence investigators as a core aspect of policing. Despite the various reconfigurations of police forces' approaches to deploying investigators, no past initiatives have delivered sustained improvement in criminal charges. Discussions of staffing levels largely drove internal debates about establishing such units, the difficulty of recruiting officers into RASSO roles, and diminishing police budgets to sustain a dedicated RASSO unit. Absent was a discussion about whether investigators – whether they worked in a specialist unit or not – were prepared and supported by their forces for this specialised kind of investigation. By and large, police forces depended on the omni-competence of investigators to investigate any crime. Where police forces had specialist investigators, their expertise was further fragmented by the often-siloed way of deploying staff across overlapping crime types or forms of abuse, such as domestic abuse or child abuse units. Being able to say a force had specialist rape investigation units gave the public the impression that investigators had the right expertise and learning support. The Soteria Bluestone research documented the instability of specialist investigation units and variability in the extent to which officers had the competence, confidence and resources to carry out specialist rape investigations (Horvath et al., 2022; Williams et al., 2022). The poor levels of appropriate knowledge about sexual offending, trauma, and sexual victimisation – exacerbated by ever-changing chains of command and the churn of

serving investigators – left investigators without the right skills. There was an almost universal failure to ensure these skills were fostered and retained (Stanko, 2022).

A different way of working

The research and insight-led collaboration sparked a different way of working. The continuous feedback of findings and insight into each force's pillar leads and leadership created an active, ongoing conversation. Some forces appointed a programme manager who worked with in-force pillar leads to identify actions flowing from the research. Some forces chose to weave these actions into ongoing change and improvement plans. Others created a bespoke improvement plan. The Operation Soteria oversight programme board overseen by the government required monthly updates from forces to reinforce the message that change was expected. Inevitably, some forces stalled in their planning, and momentum slowed because of the churn of investigators and senior responsible officers. The first force involved in the work – Avon and Somerset Police – transformed its relationship with the CPS and the ISVA services. CPS and ISVA service reflections on how Operation Soteria Bluestone has changed ways of working within this police force area are as follows:

We are speaking in a whole new language; one of looking at the perpetrator's behaviour first, hearing the victim throughout and challenging myths and stereotypes that have, for so many years, been the norms. We've switched from focusing on how to overcome the challenges in cases to a more holistic view which focuses on strengths, and we are building cases today that we would not have done two years ago. We consider ourselves truly fortunate to be involved in what feels and looks like true progress – without being one bit complacent as to what still needs to be done together.

(Chief Crown Prosecutor; quoted in Stanko, 2022: 46)

I have been blown away by the patience, support and care that you have shown my client throughout this process. The time that you have spent to make her feel as comfortable as possible has not gone unnoticed. You have involved me in each step of the process, which in turn helped her to feel even more supported and for the whole process to run as smoothly as it can. I haven't before seen such a fantastic example of joint working and I just wanted to say how grateful I am for your work.

(ISVA; quoted in Stanko, 2022: 46)

Our overall approach harnessed the accumulation of insight and research evidence to build a robust case for a rapid uplift in policing's specialist knowledge and continuous development in rape and other sexual offences. Improvements can be measured through administrative data and surveys of staff, victim-survivor support agencies, and victim-survivors themselves. The timing of this work, described as the stars aligning, was critical to the way the findings were heard and action taken as a result by police, government, and researchers alike. The insight was translated into practical solutions to remove the barriers to bringing about the change advocated for decades (Stanko and Crew, 2022). Durrant et al. (2023: 3) present three critical features of knowledge-led insight mobilisation into changing practice: "It is relational; it involves the integration of different forms of knowledge [craft and theory-generated]; and it is tailored to local contexts, culture and capacity for evidence use at individual, organisational and system levels." We took the findings flowing from 30 months of research and reflection and used them to create the framework for the National Operating Model (NOM) for RASSO investigations.

The national operating model for the investigation of rape and serious sexual offences

In this section, we explain how we translated the research and insights from the active engagement with policing, the third sector, the government, and the lead academic team into a national operating model. The NOM sets out mechanisms that, taken together, would improve rape investigations and has been adopted by all 43 police forces in England and Wales. We extracted learnings from the experience of the five research deep dives and combined them with insights from an additional 14 forces who used the approach to test their organisational capability to support the model. Throughout the months of engaging with forces, it was clear that there needed to be a way of framing the NOM in a way that encourages the police to think more widely than the mantra of "investigators need more training" (see Chapter 6). We wanted to set out a clear vision for what organisational support for a good investigation looks like and how to monitor how well the force was doing to improve the eco-structure for transformation. It had to be flexible so that each force recognised the benefits of using the model as a framework for improvement. We offered three aims of the NOM:

- *To provide outcome justice for all victim-survivors of rape and other sexual offences.* This translates into an investigation process guided

by the European Convention on Human Rights, so that all parties are treated fairly under the law.

- *To provide procedural justice for all victim-survivors and all suspects.* This translates into whether victim-survivors' wishes and needs are central to the investigation, regardless of whether a suspect is charged. We proposed this be measured through victim-survivor voices via an independent survey, such as Hohl et al. (2023).
- *To contribute to the reduction and prevention of rape and other sexual offences.* This requires that offending, especially when repeated, is successfully stopped, including through civil or criminal legal avenues.

The Operation Soteria Bluestone academic team used the ideas outlined in this book and the empirical research insights to guide the “how” of the aims through three principles for investigations of rape and other sexual offences. The investigations should be:

- *Suspect-focused.* This is accomplished first by embedding the specialist knowledge of sexual offending behaviour and its impact on victim-survivors into how investigators learn and develop their investigation skills (see Chapter 3). An understanding of repeat offending is relevant here (see Chapter 4).
- *Victim-centred.* This is realised by placing victims' rights and needs at the heart of officer decision-making and applying the principles of procedural fairness. Practically, this can be addressed by appropriately providing victim-survivors with information, empowering them to make informed decisions, treating them with dignity and respect, and adhering to requirements already embodied in law, such as the Victims' Code of Practice (Ministry of Justice, 2020), and the European Convention on Human Rights, the Human Rights Act 1998, and the Data Protection Act 2018 (see also Chapter 5).
- *Context-led.* Most sexual offending occurs within some form of relationship; rarely is there no prior relationship in sexual offending. Investigations need to extract how suspects exploit the nuances of power relationships and relationship contexts as a mechanism for committing the offences. Understanding victim-survivors and their broader social and cultural contexts must inform investigations and victim-survivor engagement. Considerations of trauma, danger, and risk, as well as community condemnation, surround victim-survivors and must inform police investigations.

We created a layered approach to a holistic model that recognises that a good investigation and good investigators must be supported by a flexible organisational structure that promotes improvement across all six pillars. The visual representation in Figure 7.1 shows the different layers. These layers work together to improve and monitor improvement in investigation and the skills of investigators. The five layers support a strategic understanding of how the work of the six pillars can be brought together to overcome the barriers to change and to monitor where improvement stalls. The Vision Layer contains the aims and principles set out above. The Flight Deck provides a performance framework that encourages the public, the police, and Police and Crime Commissioners (PCCs) to monitor each police service's progress of improvement in England and Wales.¹⁰ The Strategic Layer sets out strategic guidance based on the six pillars. The Operational Layer contains advice, guidance, and a roadmap for the investigators' journey through a rape investigation.¹¹ The fifth layer, the Foundational Enablers, provides new learning and development programmes and guidance on improving the analytics required to monitor outcomes, victim-survivor experience, and investigator well-being properly. As part of this, the Pillar Four team worked with the College of Policing to design new specialist training courses to support investigators. At the same time, the College is refreshing its professionally accredited course on sexual offence investigation.

Using these layers, the NOM organises the over 90 practical products developed by the academic team and officers. To give examples, the products include guidance and templates for letters to victim-survivors, guidance on using disruption tactics for offending, learning and development programmes, well-being support, and many more (College of

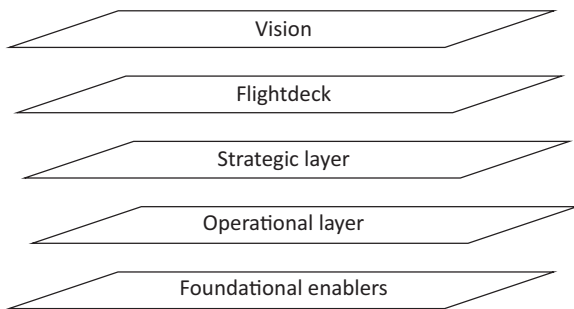


FIGURE 7.1 The NOM for the investigation of rape and serious sexual offences layers

Policing, 2023). Scaling up – transforming policing practice – depends on adopting the NOM one force at a time. As police force operational independence is set in law, we needed to offer an accessible mechanism to guide strategic thinking, modify internal ways of working to support transformative and sustainable change, and provide tools for the public and PCCs to hold police forces to account. This project started with an open mind about how solutions tailored by committed officers might address the in-force barriers we documented through our pillar methodology. It is up to each force to find its way of using the NOM in its own force's local context. At the time of writing, the NOM has been adopted by the NPCC as its Authorised Professional Practice in England and Wales for the investigation of rape and serious sexual offences, and all 43 police forces in England and Wales have made a commitment to the Home Secretary on adopting the NOM. The NOM marks the beginning of the improvement journey for police forces.

*Case study*¹²

We conducted the “Project Bluestone” pilot research with Avon and Somerset Police in January 2021. A specialist RASSO team – known as “Bluestone” – had been in place from 2009 until 2015. When we conducted the research in 2021, the force had decided to reinvigorate its earlier approach to rape investigation with a small team devoted to investigating “historic”, non-recent rapes and serious sexual offences. This “Bluestone team” was located within a broader Criminal Investigation Department (CID) team and led by a Detective Superintendent. It comprises 145 posts and up to two Detective Chief Inspectors (DCIs), with the majority of officers (107) recruited fairly recently and thus young in service. Avon and Somerset Police have been gathering RASSO-related data since December 2021 to monitor the impact of Project Bluestone. Early indicative data are promising. For example, the adult rape charge rate more than doubled over the last 12 months compared to the previous 12 months (from 4% to 8%), and adult rape charges have also doubled in volume over the same time frame (from 69 to 141) (Mizon, 2023). Following the launch of the NOM in July 2023, the force focused on implementing the numerous NOM products as it transitions from Project Bluestone to business as usual. Business as usual will not have the benefit of a project manager, and the hope is that continuous monitoring will help to identify any arising barriers. A key priority will be to continue the accredited specialist learning and development of officers newly recruited into the RASSO team. Key themes summarising the effort to orchestrate change as part of Operation Soteria Bluestone

were identified through interviews with strategic leads, RASSO investigators, first response officers, and the project manager. The themes relate to leadership and governance, partnerships and teamwork, vision, “the Bluestone feel”, openness, consultation and communication, and lessons learnt.

Leadership and governance

A clear governance structure comprises a Senior Responsible Officer, a project manager, and the six pillar leads. The Senior Responsible Officer is responsible for Project Bluestone and implementing its recommendations, while the force RASSO lead manages the operational team. The Senior Responsible Officer, project manager, and officer pillar leads have formed a tactical group that has met every month throughout the project. Each pillar lead also heads their own working group. The force’s Constabulary Management Board provides strategic oversight. Strong leadership cascades from the top. The force benefitted from its engagement with the academics throughout the 30 months of the project. Chief Constable Sarah Crew leads the NPCC’s portfolio for adult sexual offences and believes in empowering her staff. The Senior Responsible Officer can make key decisions and recommend these as force policy. Pillar leads can also influence the direction of the force’s operating model and are selected for being open-minded thinkers and problem-solvers who can handle uncertainty, are not averse to taking risks, and can exercise autonomy. They are typically at the rank of Detective Chief Inspector, Detective Inspector, or police staff equivalent.

Partnerships and team-working

The force works closely with local victim-survivor support agencies (ISVAs and SARCs) and the local CPS. The Senior Responsible Officer describes this as a partnership of equals where the force, CPS, and victim-survivor agencies all work together for better victim-survivor outcomes with mutual respect, transparency, and supportive challenge. Much time and effort has been invested in maintaining these partnerships throughout the project. Victim-survivor support agencies are seen as “critical friends” with an important role in amplifying the voice of victim-survivors. This has manifested in some SARC-led training for the force’s emergency response team (e.g. 999 emergency calls) and other public contact teams to develop and use a shared language around victim-survivors. Developing the relationship with local CPS was an early focus for the Senior Responsible Officer. Local CPS is now embedded into

the governance structure, with involvement in NFA scrutiny panels and working groups. The Senior Responsible Officer, RASSO investigators, and first responders all agree that the relationship with the CPS is much more positive and far less “us and them”: *“In the last year, [CPS have] realised, actually, we are quite good at our jobs, and we are all on the same side”* (RASSO investigators, focus group). The increases in Early Advice referrals to the CPS for RASSO cases illustrate this improved partnership. The comments of the ISVAs and other victim-survivor support groups tell a similar story about this collaboration and its impact on victim-survivors and their supporters alike: *“I felt sick at the thought of going anywhere near the police, but the experience was so different! You (the ISVA) and the officer have made me feel so safe, supported, and truly listened to. Both your kindness has made a huge difference to my life, whatever happens next”* (Victim-survivor).

Vision

Officers of all ranks and roles had a clear, shared sense of vision and purpose. This comprised the “what” of the NOM principles of suspect-focused, victim-centred, and context-led investigations, and the “whys” of improving justice outcomes and victim-survivors’ experiences, and regaining victim-survivors’ trust in the police service. The investigators were the first to benefit from Tidmarsh’s (2021) “Whole Story” approach to learning about sexual offending, which has been described as “pivotal” in reinforcing the messages of the NOM (see also Chapter 3). Most of the force’s RASSO investigators have participated in specialist knowledge seminars. Continuous professional development sessions are considered essential and have been enthusiastically received by officers within the RASSO team. Applying the NOM has led to a shift in thinking and doing, and investigators systematically use reflective practice. RASSO investigators say, for example, that they are *“talking through [cases] as colleagues . . . why they’ve done it [the investigation] that way . . . using the suspect-focused approach and stuff like that, that we haven’t used in the past”* (RASSO investigators, focus group). High-level messaging in the form of blogs authored by the force’s Chief Constable articulates this vision forcefully.

The “Bluestone feel”

The past 30 months of collaboration with the academic teams and access to specialist learning have improved the morale of officers who feel they

are now a force priority. RASSO team members are described as passionate, enthusiastic, and committed individuals. There has been a clear drive to recruit volunteers into the team who share these qualities so that no one is “*being pushed onto Bluestone who [doesn’t] necessarily want to be there . . . I don’t think it’s something you can just step into and not really care about*” (RASSO investigators, focus group). Passionate volunteers are seen as having the potential to create a dominant culture within RASSO teams, which will socialise less enthusiastic individuals. Sometimes, the drive to do better for victim-survivors can be detrimental to officers’ well-being (see also Chapter 6). There is still work to be done to support investigators’ well-being: “*We don’t get the opportunity to speak to a sergeant and say, how are you feeling? That sounded pretty horrific. Do you need to talk to anybody? And sadly, I think a lot of the time it comes down to you managing that yourself*” (RASSO investigators, focus group).

Openness, consultation, and communication

As the original pathfinder force, Avon and Somerset Police have been a testbed. This has been enabled by a Senior Responsible Officer who has been open-minded, progressive, and receptive to new initiatives and to change itself. Key to this openness is an honest and humble recognition of the force’s past mistakes and poor practices concerning rape investigation (publicly by the Chief Constable), along with a desire to do better for victim-survivors. Newsletters keep staff informed about the implementation of change. For example, “Blueprint” is a Bluestone newsletter distributed to RASSO team members. There is also a more comprehensive CID newsletter, “In the Know”, along with the force-wide communication in “Good to Know”. All these largely electronic forms of communication have been used to spread the learning from the collaboration. There are still frustrations, such as the clunky access to online resources from the College of Policing’s Knowledge Hub, the national repository for NOM products. The Bluestone team welcomes ongoing consultation and communication about the project to the force and the wider community.

Lessons learnt/what could be done differently?

One key lesson learnt is the need for greater continuity at the force pillar lead level since several leads were changed due to operational demand, sickness, and promotion. It is worth noting that high turnover of staff is

typical within policing. In addition, it was also felt that creating a deputy position for the Senior Responsible Officer would be beneficial in sharing the workload and considering how to create a knowledgeable legacy in the force. Investigators continue to be frustrated by the slowness of change and officers' lack of ability to change the wider criminal justice system, in particular what happens in the courtroom, meaning that good investigative work could be undone: *"because it's been hideously traumatic for the victim, blatantly unfair in court, and I think we could . . . I actually thought, well, what are we doing all this for?"* (RASSO investigators, focus group).

Conclusion

The core ingredients that gave rise to the creation of the NOM were strong leadership through Chief Constable Sarah Crew, the strong commitment of the researchers who had devoted their careers to researching sexual violence and policing, and brave, dedicated operational officers keen to become and to be seen as professional investigators. The NOM embraces the scholarly evidence on procedural justice (see Chapter 5) and applies it in practice to victim-survivor experiences and police actions. It harnesses the academic understanding of the importance of organisational justice for those employed within the police service (see Chapter 6). Fundamental is a keen understanding of policing practice in situ. This research project was no simple application of academic findings. We are acutely aware of the most significant risk: post-innovation failure. It remains to be seen whether the national roll-out of the NOM can succeed in retaining the integrity and fidelity of the vision of the NOM. It will require resilience, creativity, and flexibility. We acknowledge that many scholars have struggled to influence sustained change in policing practices over decades. Much innovation in policing inspired by academic insight is pushed aside – even if the innovation demonstrates improvement in outcomes – when the next Chief Constable, senior leader, or political priority appears. We hope that does not happen here. A former senior police officer, in a recent discussion with Stanko, reminded her that her first report on the investigation of rape in the London Metropolitan Police Service in 2005 was explicitly required to exclude information that “would attract negative headlines”.¹³ The 2005 report was a litany of data that would have hit the front pages of every newspaper. There was no attempt then to glean lessons about how to improve investigations; the force simply denied the problem. At the time of writing, the NPCC, Home Office, and College of Policing had set up a joint Soteria Unit to support the nationwide implementation of the NOM as the authorised professional practice for the investigation of RASSO in

England and Wales. Times have changed since 2005. It remains to be seen whether the NOM's vision is sustainable. We will all learn the legacy of this work together over time.

Notes

- 1 Sarah Everard was abducted, raped, and killed by Wayne Couzens in March 2021, and yet another inquiry into how police violence against women was taking place throughout the summer of 2021. There was a lot going on in the public debate, and this project and its researchers were in the middle of the storm.
- 2 Being a police officer demands that one actively negotiates a working environment that is often stressful, unsettling, and upsetting. Using autobiographies of police officers offers a glimpse of the meaning of belonging inside the police service, and what the experiences of officers who speak about being “included” and “excluded” feel about the job (see as examples, Malton and Mulholland, 2023; McDonald, 2023; Sutherland, 2018; Logan, 2020; Paddick, 2008). All officers must duck and dive their way through policing, whether they are a target of discrimination or not.
- 3 At the time of writing, there is key attention on the police mechanisms for dismissing officers who committed offences, especially of sexual violence and domestic abuse. See also Casey (2023).
- 4 Sarah Crew was appointed Chief Constable of Avon and Somerset Police in 2021.
- 5 Curious about what new research on rape might be brewing in the academic community (Stanko having stepped back from day-to-day academic life), Stanko joined the online seminar, to listen quietly in the background.
- 6 DCC Crew had designed an investigation team a decade earlier, which operated as a problem-solving investigation team, combining disruption methods as well as a ‘an offender centric’ mindset in their investigations. “Sadly” she mused “this experiment came to an end as [fiscal] austerity bit.” The way of organising investigations fell to its default position.
- 7 The Home Office Police Science, Technology, Analysis and Research programme funded the pilot for three months, January–March 2021.
- 8 Moreover, the logistics of the 18 months of active research were complex. Seven universities; over 20 Data Protection Impact Assessments and data sharing agreements with four different forces, each of which had entirely different systems, priorities, and decision-making mechanisms for enabling any of the researchers to ask questions or explore crime data; security vetting for all researchers, multiple times, as some forces did not recognise the vetting from other forces; force project managers; pillar leads in each force; logistics of arranging innumerable interviews, focus groups, observation sessions, viewing of body-worn video or video recorded interviews with victim-survivors; and more. It is not an exaggeration to say that these processes had to be managed

- too. Too often considered background noise of research, these are the research necessities that frequently derail collaborations.
- 9 Follow-up research into the overlap between RASSO and domestic abuse was conducted by Cassandra Wiener, Andy Myhill, and Merili Pullerits. A number of journal articles are in preparation.
 - 10 The performance framework can be found here: www.college.police.uk/national-operating-model-rasso/measuring-success-transparency-and-data.
 - 11 The investigators' journey can be found here: www.college.police.uk/national-operating-model-rasso/investigators-journey.
 - 12 This case study was developed by Clare Rawdin, Linda Maguire, and Bernhard Burnes as part of the Pillar Four "Theory of Change" work stream based on a series of interviews and focus groups conducted within Avon and Somerset Police by Katrin Hohl in April 2023. The themes were developed by Katrin Hohl, Becca Potton and Darren Assante from the Mayors' Office for Policing and Crime, London, provided research assistance. The case study is a product within the NOM.
 - 13 Personal interview 2019. See the London rape review by Wunsch et al. (2021).

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8

CONCLUSION

The policing of rape must and can change. Better investigations, rape prevention, and police engagement with victim-survivors matter to those directly harmed by sexual violence and to society at large, for sexual violence affects all. It also matters for police legitimacy. How police forces respond to male violence against women and girls, in particular sexual violence, is no longer marginal to public perceptions of and trust in the police. There are no silver bullets, no shortcuts, and no simple answers. We offered a six-pillar framework for better day-to-day police responses to rape disclosures and set out three organisational enablers of that day-to-day work. The framework seeks to reset policing's default ways. The reset button is buried deep within the policing mission, shored up through entrenched institutional resistance to deep reform. In building a case for a victim-centred and suspect-focused approach, we challenge policing to recognise its responsibility for the safety and protection of victim-survivors of sexual violence as part of its duty to the public. This requires more than rhetoric, localised initiatives, and sticking plasters. It requires an allocation of resources to match the task, investment in the organisational enablers of good rape policing, and a willingness to adapt investigations and prevention strategies to the nature of sexual offending. These organisational responsibilities cannot be met by shifting responsibility and blame onto individual officers' attitudes, behaviours, and beliefs, a fallacy that also underpins the "few bad apples" narrative.

Rape and other forms of male violence against women and girls are an afterthought of contemporary policing. Modern police forces bear the legacy of being an arm of the law established by and with ruling men in mind. For police forces, investigating every criminal act is impossible and undesirable. As a result, the British default policing model incentivises officers to prioritise order maintenance over law enforcement and to focus on "live danger" situations in public spaces, one incident at a time. This approach is resulting in the disproportionate under-enforcement of

male violence against women and girls, in particular for victim-survivors from racialised and marginalised backgrounds. When the lens of default policing is applied to police practices with rape victim-survivors, it sheds light on the unseen ways in which the nature of policing influences rape investigations. We argued that the rape justice gap cannot be solved by improving investigation in isolation from changing the police as a cultural, democratic institution. Specifically, it cannot be resolved by bolting rape policing onto existing policing priorities and principles without rethinking their core: who benefits, who suffers, or who is invisibilised. We conclude that to fix the police response to rape and other forms of sexual violence, policing must overcome its resistance to reform and reset default policing by, with, and for victim-survivors.

Rape and other forms of sexual offending differ from other crime types in that victim-survivor credibility is often the primary focus of the investigation while the suspect remains a blind spot. We argued that the over-investigation of victim-survivors is driven directly and indirectly not only by rape myths and misconceptions, but also by a lack of knowledge about sexual offending behaviour, and the general default ways of policing. We showed that suspects receive comparatively little attention, shielded from scrutiny by missed and delayed opportunities in the investigation. What is more, police infrastructure, including learning and development programmes, digital forensic capabilities, and data systems do little to enable officers to spot patterns of repeat perpetration. Suspect-focused investigations require the police to understand the academic and lived experience evidence on sexual offender tactics in targeting their victims, and in using relationship contexts to render their targets vulnerable to sexual coercion and exploitation. We proposed using Tidmarsh's (2021) approach to "Whole Story" investigations of perpetrators' sexual offending behaviour. We argued that shifting the police default from a victim-focused to a suspect-focused investigation is a necessary step in any transformation of policing practice around sexual violence.

The most common reason victim-survivors report to the police is to stop the perpetrator from sexually offending again (Hohl et al., 2023). As such, sexual violence prevention is central to what victim-survivors and the public expect from the police. It remains peripheral to default policing. Victim-survivors bring intelligence about sexual abusers to the police on a daily basis. These victim-survivor accounts lay bare the perpetrator's tactics. This intelligence somehow largely disappears in police databases. Not all victim-survivors want to participate in the criminal justice process; however, they often gift the police with their account to enable the police to do something to stop the perpetrator(s). At

present, police forces afford minimal resourcing and strategising to preventing known perpetrators from continuing their offending. The law provides police services with wide-ranging powers and tools, including civil orders that can be applied even when a suspect has been acquitted or not yet been charged with a sexual offence. In practice, the use of civil orders, their effectiveness and impacts are barely tested. We propose that there is a way forward within existing police powers and legal frameworks, and it is up to the police to use these. We acknowledge that there are practical barriers and resource constraints. Many of these – IT systems, data quality, incident focus, poor workforce planning, resource constraints – are not specific to rape policing. However, the safety of the public from the harm of sexual predators is no longer an “add-on” but integral to contemporary public expectations of the police service. Sexual violence prevention must be considered essential to policing and resourced accordingly.

A further way in which the police must improve their practice is through placing the principles of procedural fairness centre stage in their interactions with victim-survivors. Police forces cannot and should not control convictions (this is a matter for the courts). How officers treat victim-survivors during their interactions is entirely within policing’s control. The quality of police interactions with victim-survivors matters deeply. Procedural Justice Theory suggests that whether officers enable a person to actively participate in the process and treat them with fairness, dignity, and respect can affect their sense of identity and belonging within society. Perceptions of procedural fairness also shape people’s trust in the police, which influences a person’s willingness to report a crime to the police and support an investigation. We combined feminist-informed victim-survivor research with Procedural Justice Theory to show its usefulness in improving police engagement with victim-survivors. Procedural Justice Theory is a dominant paradigm in scholarly thinking and police policy on the relationship between the police and the public; however, it is rarely applied to police encounters with rape victim-survivors. It is central to Operation Soteria Bluestone and the NOM.

If we want officers to do things differently in their day-to-day investigations, prevention activities, and victim-survivor interactions, police services must take responsibility for furnishing their workforce with the necessary skills, tools, and organisational climate. Organisational Justice Theory provides a framework for understanding the relationship between police services and their officers. Police organisations taking care of their officers is essential not only for officer well-being but also because how police organisations treat their officers directly affects how officers treat rape victim-survivors. Officers who suffer from high workloads, chronic stress, and burnout are more likely to lose empathy for

victim-survivors, more likely to be biased by rape myths in their decision-making, and more likely to drop rape cases. Police forces' care for their officers should include effective, career-long learning and development, ensuring that officers can create and use good quality police data and analytics, and equipping officers with digital forensic investigation skills and capabilities. All three of these pillars must be uplifted across police forces in England and Wales. At present, police forces are doing and investing too little to live up to policing's promise that police forces take sexual violence seriously and will investigate every rape (NPCC, 2023a).

At the time of writing, the ideas outlined in this book were being implemented in England and Wales as part of Operation Soteria Bluestone. Operation Soteria Bluestone is a government-funded, police-academic collaboration aimed at transformational change in police responses to rape and sexual offences. Its objectives include increasing outcome justice in rape and other sexual offence cases, as well as improving victim-survivor experiences of the justice process. This collaboration between academics and officers of all ranks and roles gave rise to the NOM. The emerging evidence suggests it is effective in improving justice outcomes and procedural justice for rape victim-survivors in some of the pathfinder police force areas. The project was a learning opportunity for us as academics and for the police service. We repeatedly came up against aspects of default policing, officers resistant to change or comfortable with "how we do things here". At the same time, we could not afford to disregard the concerns of the officers who carried moral injury, chronic stress, and vicarious trauma due to policing's current ways of working and organisational climates. We needed to navigate the institutionalised resistance and institutional self-harm it caused to police officers in order to improve matters for victim-survivors. We demonstrated through Operation Soteria Bluestone that some police forces are willing to take on board evidence-informed ideas from outside of policing. Changing police practice came from the inside. It is too early to tell whether any of the improvements attributed to Operation Soteria Bluestone are sustainable. It is up to the police service, the government, and public leadership to insist that policing's default is reset.

The success of the six-pillar framework, Operation Soteria Bluestone, and the NOM will be measured in charges and convictions, victim-survivor experience, and public trust in the police response to sexual violence. In policing, only what is counted counts, and police forces are unlikely to prioritise rape policing unless they are held accountable for the quality of their investigations, prevention, and victim-survivor engagement. The policing ecosystem and the public must be able monitor the NOM

implementation and its progress. Careful attention must be paid not only to police forces meeting performance targets but also to how these are met. Policing and the wider justice system have a track record of hitting the numbers without achieving the aims behind them, or even making matters worse in the process (Hohl, 2021). We have included in the NOM a holistic set of key performance indicators for all six pillar areas to help guard against spurious improvements in specific performance measures at the expense of victim-survivors, officers, or long-term sustainability (College of Policing, 2023). We showed that, at present, police data quality and analytic capability are so poor that police forces cannot reliably account for the sexual offending that is on their books or the impacts of police actions on the recorded incidents. It also means that we do not have an accurate picture of whether police forces provide an equal service to all victim-survivors, regardless of their race, sex, disability status, or any other protected characteristic.¹ As such, careful thought and investment needs to be put into measuring holistically the quality of police responses to rape.

Measuring police performance must not be an end in itself. Within police forces, senior leaders should use the data to assess their organisation's performance, diagnose problems, and act upon the diagnosis to correct course. Transparency about police performance in the six pillar areas is also essential for police accountability and governance within a democracy. The topics of police governance, oversight, and accountability are outside the scope of this book. Still, they are significant factors that will influence the success of Operation Soteria Bluestone. Similarly, the focus of this book is on the police and excludes the other stages of the criminal justice process. The police are the gatekeepers of the criminal justice system, and for most victim-survivors, the police will remain the only criminal agency that they have contact with. How the police interact with a victim-survivor and how well they conduct the investigation play a pivotal role in a rape case's fate if it journeys beyond the investigation stage. The CPS also contributes to the rape justice gap through its decision-making, excessive requests for third-party and digital material, and the quality of their victim-survivor engagement (George and Ferguson, 2021). The court experience, too, is often deeply traumatic for victim-survivors, marred by a victim-credibility focus and the continued influence of rape myths (Smith, 2018). Operation Soteria includes a CPS workstream (CPS, 2023; King et al., 2023), but the applicability and effects of the principles of the six-pillar framework on CPS charging decisions, prosecutions, and courts are yet to be evaluated. Operation Soteria Bluestone pathfinder forces have seen a doubling and tripling of the number of rape reports the police refer to the CPS for a charging decision (NPCC, 2023b). This increases the pressure on the CPS, courts, and prisons at a time when the criminal justice system is already stretched

beyond breaking point. In 2023, the British justice system ran out of courtrooms, judges, and barristers resulting in a backlog of over 62,000 crown court cases and year(s)-long waits for trial dates. The system is also fast running out of prison spaces for convicted offenders (Dalton, 2023). Unless the wider criminal justice system can keep step with Operation Soteria Blue-stone, any improvements at the police stage will dissipate.

Police forces are modern society's invention and relatively young in humankind's history. Organisational change is difficult and police forces may resist deep reform, but this does not mean that the status quo – the current default approach – is set in stone. The way forward is neither easy nor straightforward, and we have outlined some of these challenges. Policing is in permacrisis, and nothing short of radical change will do if police services wish to remain relevant and legitimate in today's democratic societies. We have put forward our six-pillar framework and the Operation Soteria Bluestone approach to police-academic co-production of part of the solution to the problem of rape policing. As the NOM is being rolled out to all 43 police forces nationally, the challenges ahead are its scalability and sustainability. Sexual violence intersects with other forms of male violence against women and girls. We have highlighted the prevalence of sexual violence in the context of domestic abuse, and future work should seek to integrate rape policing with the police response to these intersecting relationship-based, gendered crimes. Change confined to police forces, without reform of the policing ecosystem and wider criminal justice system, will necessarily be limited in its effectiveness. A new perspective on the policing of rape – a reset of default policing – is a first step on a long road to making policing an ally in the quest for ending male violence against women and girls.

Note

- 1 In 2023, protected characteristics in the UK were: age, gender reassignment, marriage/civil partnership, pregnancy and maternity leave, disability, race (including colour, nationality, ethnic or national origin), religion or belief, sex, and sexual orientation. Available at: www.gov.uk/discrimination-your-rights.

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