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**Title: Re-imagining Procedural Justice in Policing Sexual Violence:
Centring Survivors**

INTRODUCTION

Although police responses to sexual violence have been a longstanding matter of concern, in recent years public attention and outcry have pushed this issue to crisis point. High profile cases involving sexual violence, such as the rape and murder of Sarah Everard by a serving police officer, punctuate a backdrop of routinised police failings across England and Wales (Angiolini 2024; Casey 2023). These failings include incompetent and under-resourced investigations leading to lengthy delays, insufficient survivor communication, and invasive investigative practices that violate victims' rights and impede their ability to give their best evidence (e.g. Hohl et al. 2022; Kelly et al. 2005; also Javaid 2020; Walker et al. 2019; Smith 2021 addressing intersecting inequalities). Such failings have been compounded by a series of scandals exposing police cynicism towards sexual violence survivors, organisational cultures where misogyny, racism and homophobia are rife, and police-perpetrated violence against women going unchallenged (e.g. Angiolini 2024; Casey 2023; HMICFRS 2022).

These events sit within a wider context of growing public discontent about the status quo – the violences and harms that policing generates, especially for Black and minoritised communities, and the lack of meaningful accountability (HM Inspectorate of Constabulary and Fire & Rescue Services [HMICFRS] 2022). These circumstances have substantially eroded public confidence in the police and their capacity to respond to rape and other forms of sexual abuse (hereafter sexual violence) amongst victim-survivors and the organisations that support them (hereafter survivors, e.g. Hohl et al. 2023). Police failings in the context of sexual violence have therefore spearheaded recent debates and policing responses to rape have now become the national 'bellwether for police legitimacy' (Crew, *cf* Stanko 2022).

Elsewhere two of us (Hohl et al. 2022) contended that a procedural justice framework informed by feminist scholarship would be a promising tool for improving police practice in

engaging with survivors of sexual violence. Therein, we noted procedural justice theory (PJT) has traditionally been developed in work involving general citizens and/or suspects of crime and save a few exceptions, surprisingly little procedural justice research has addressed survivors of sexual violence. In this paper, we take this work forward to develop a new, feminist conceptualisation of procedural justice, which centres the situated perspectives, rights, interests and experiences of survivors. The need for such a feminist approach is pronounced, given the patriarchal nature of policing, and the many ways in which police action reproduces and reinforces inequalities that underpin sexual violence (e.g. Thiara and Roy 2020).

Moreover, theories of justice must be grounded in a lived understanding of inequality and injustice (MacKinnon 2005). For the first time, we spoke with survivors of sexual violence about the meaning of procedural justice. Utilising an original methodology, we undertook consultations on procedural justice with 42 survivors via five ‘expert-by-experience’ panels in England, designed with increased attention to accessibility and intersectionality. What emerged is a different way of thinking about procedural justice, which builds upon existing feminist and procedural justice scholarship. Accordingly, we present new conceptualisations of the ‘key principles’ conventionally understood as comprising procedural justice.¹ These are: *dignity and respect, equity and fairness, voice, safety, and trustworthiness*. Combined, these principles offer a multi-faceted procedural justice framework which emphasises recognition, equity, and the unconditional humanity of all survivors.

In part one, we discuss existing research addressing procedural justice and sexual violence, set in the context of the challenges facing survivors in criminal justice. Part two outlines our empirical methodology and sample. Part three presents our findings and revised principles of procedural justice, stressing the importance of a feminist, intersectional, and situated approach. We close by reaffirming that a survivor-centred understanding of procedural justice is vital for informing improved policing responses, and to better instil a sense of justice for survivors.

Sexual Violence and the Justice Gap

There has been enduring attention to the ‘justice gap’ for sexual violence survivors and in recent years, attention to the justice gap has reached a critical juncture in England and Wales. Less than one in five rapes are reported to the police (Office for National Statistics 2021) and

¹ Dignity and Respect, Neutrality, Voice and Trustworthiness (e.g. Tyler 2017), see below.

those who do report experience disproportionately poor criminal justice outcomes and are less likely to support prosecution (Hohl and Stanks 2015; Kelly et al. 2005; Smith et al. 2024). Only a small minority (3.6%) of police recorded rapes result in a suspect being charged (Ministry of Justice, 2024), and victim attrition remains high (HM Government 2021). Rape has effectively been ‘decriminalised’ (Centre for Women’s Justice [CWJ] et al. 2020; Victims Commissioner 2020), and ‘rape victims are continually and systematically failed by the criminal justice system’ (Criminal Justice Joint Inspectorates [CJJI] 2022).

Survivors, advocates, and academics have repeatedly drawn attention to unjust practices of police engaging with sexual violence survivors, underpinned by rape myths and stereotypes, and resulting in victim-blaming attitudes and a disproportionate focus on victim credibility. Extensive research also demonstrates the ‘profound and life-changing impact’ (Hohl et al. 2023) that such poor police practice can have on survivors. Often described as ‘secondary traumatisation’ or ‘re-victimisation,’ survivors have compared such experiences to ‘secondary rape’ because of the violation and distress they can invoke (Campbell et al. 2001). Harms include cumulative negative health and social impacts, causing survivors to feel dehumanised, self-blame and shame, and increasing the likelihood of post-traumatic stress, poor mental health, suicide and self-harm. Survivors also describe experiencing a loss of faith in the world, and of trust and confidence in the police and criminal justice system as a result of the ‘aspiration-reality’ gap they experience (Brooks-Hay 2020). These experiences are recognised as pushing survivors to withdraw their support from investigations, with many regretting their involvement and saying they would not report sexual violence to the police again (see e.g. Brooks-Hay et al. 2019; Hohl et al. 2023).

In response, there has been a series of government and police-led activity, including root and branch reviews on criminal justice responses to sexual violence. Through these, the UK government has found that survivors’ rights are not consistently upheld, that police do not communicate with survivors appropriately, and ultimately that too ‘many victim-survivors of rape do not get the justice they deserve’ (HM Government 2021:3). However, most statutory indicators to conceptualise and operationalise change have focused on decontextualised statistics – such as an increase in the volume of charges and convictions, and a decrease in victim attrition (e.g., HM Government 2021 ‘scorecards’)². This focus risks reproducing the predominant but narrow conceptualisation of justice as constituting criminal ‘outcome justice’

² This approach is at odds with comprehensive statutory reviews on criminal justice responses to sexual violence in Northern Ireland, Scotland, and Victoria.

(i.e. achieving a guilty verdict), which pioneering feminist research shows is at odds with nuanced survivor perspectives.³ For example, McGlynn and Westmarland (2019), identify the limitations of ‘outcome justice’ and instead articulate the ‘kaleidoscopic’ nature of justice: as multifaceted and fluid, encompassing connectedness, representation, participation and recognition (see also Daly 2017; Gangoli et al. 2019; Herman 2005; Holder 2015; Jülich, 2006). This has generated concern that recent reform attempts risk reproducing the ‘justice gap’ by failing to account for how survivors understand and demand justice (Hester et al. 2023) or why they report to the police (Brooks-Hay 2020). Moreover, these efforts risk failing to address the injustice and harm caused by poor police treatment of survivors and indicate the absence of a theoretical framework through which meaningful, systemised change in this regard might be articulated and realised.

Procedural Justice and Sexual Violence

Procedural justice has been identified as the dominant paradigm across policing studies and practice for improving public trust and confidence in the police and recognised as ‘the most promising framework for discussing changing the goals of policing’ (Tyler 2017: 29). The importance of public trust and confidence, and police legitimacy, are enduring central tenets of policing, with ‘policing by consent’ being the cornerstone of democratic policing models worldwide (Rowe et al. 2023). However, PJT has advanced understanding of these concepts and their interrelationship to police actions. Crucially, studies have consistently found that perceptions of being treated fairly by police is a primary driver of public trust, more important than judgements about police performance or personal risk of victimisation (Sunshine and Tyler 2003; Tyler 2006).

PJT emphasises the symbolic power of the police, noting that individuals draw inferences about their group status, self-identity and value based on how police, as representatives of the state, society and law, act towards them. If citizens feel they have been fairly treated, represented and valued through their interactions with police, this increases their trust and confidence in police and the role of the police becomes legitimised (Sunshine & Tyler 2003; Tyler 2006). Bradford articulates trust in this context as a person willingly placing ‘valued

³ Welcome measures formalise the prioritisation of better victim treatment in, e.g. the Victims’ Code (2023), this involves ‘minimum standards’ of service rather than a systemic framework for change.

outcomes – for example their security or freedom – in the hands of [the police]’ (2020:177-178).

‘Procedural fairness’⁴ is commonly conceptualised in PJT as having the following core constituents: *respect, neutrality, voice, and trustworthiness* (e.g. Goodman-Delahunty 2010). Tyler (2017) argues that while it is possible to view procedural justice as an overall subjective dimension (i.e. a perception of procedural fairness/unfairness), these four constituent principles can be distinguished conceptually, with their significance grounded in how people experience police actions; i.e. whether they feel respected, treated without bias (neutrally), have a voice, and perceive police to be trustworthy. We substantively engage with each of these principles in part three.

Despite its influence in policing, there is limited research examining PJT in victimology, and even less for survivors of sexual violence (see Hohl et al. 2022). This lacuna is surprising, given the crisis in public confidence in policing sexual violence, and the promise of procedural justice for improving policing responses in this area. At face-value, some themes mobilised in existing PJT resonate with research addressing policing sexual violence and survivors’ experiences of engaging with the criminal justice system (Hohl et al. 2022; Lorenz 2017). In particular, the significant power of the police (relative to the public), that public trust and confidence in the police is not a given and must be earned, and, fundamentally, how the police treat people matters and speaks directly to the issue of justice.

Further, feminist research and advocacy has long been calling for the improved fair, humane and respectful treatment of survivors: i.e. *the nascent constituents of procedural justice*. Kelly et al. (2005), for example, emphasised the importance of procedural fairness to survivors in the criminal justice system. More recently, the Victims Commissioner, Rape Crisis and other advocacy groups emphasised the need for a radical cultural transformation across the criminal justice system, to improve the treatment and experience of survivors (CWJ et al. 2020). Additionally, feminist justice scholarship speaks to the key principles of PJT, providing further opportunities for these two bodies of work to interconnect. For example, Holder (2015) found that fair treatment was an important justice concern for survivors; Daly (2017) found that

⁴ Procedural justice is commonly understood as being synonymous to procedural ‘fairness’, to being treated fairly, paralleling libertarian discourses on justice.

participation and voice matter greatly; McGlynn and Westmarland (2019), highlighted the role of dignity and voice; while Hester et al. (2023) note the importance of enabling agency/voice and the fairness of process and outcome. Finally, beyond conceptual synergies, feminist studies have pointed to the instrumental benefits of operationalising procedural justice for survivors, reducing secondary victimisation, and increasing survivors' trust and confidence in policing (see Hohl et al. 2022; also, Lorenz and Jacobsen 2021; Wemmers 2008, 2013).

However, only a few innovative studies have addressed procedural justice and sexual violence. So far, this emerging field has tested the relationship between procedural justice principles (dignity and respect, neutrality, voice and trustworthiness) and specific outcomes – such as changing police practice (Hohl et al. 2022; Lorenz and Maskaly 2018), therapeutic effects for survivors (Lorenz 2017, Wemmers 2008), or increasing someone's likelihood of reporting to the police (Henry 2020; Lorenz and Jacobsen 2021; Murphy and Barkworth 2014; Stanek et al. 2023). These studies typically used pre-existing procedural justice survey scales which measure perceptions of the police and officer behaviour during particular encounters, sometimes making adaptive revisions (see Hohl et al. 2022 and Lorenz 2017 for alternative methods). For example, Lorenz and Maskaly (2018) added questions to address empathy, victim-blaming and disbelief to their procedural justice scale, mapped onto existing procedural justice principles. Illiadis (2020) took a different approach, considering whether specific legislation and measures might provide 'procedural justice' for survivors, conceptualised as involving 'information', 'validation', 'voice' and 'control', drawing on Clark's (2010) survivor 'criminal justice needs'. Moreover, few of these studies engaged with sexual violence survivors (see Hohl et al. 2023; Lorenz 2017), instead speaking with criminal justice and advocacy personnel (e.g. Hohl et al. 2022; Illiadis 2020; Lorenz and Maskaly 2018; Wemmers 2008) or broader participant populations (Henry 2020; Stanek et al. 2023).

Combined, the existing evidence demonstrates the value of sexual violence research adopting a procedural justice lens and provides an applied understanding of procedural justice as it translates into police action. However, no work has yet sought to develop a theory of procedural justice per se - engaging conceptually with its constituent principles, with and for sexual violence survivors. This work is urgently required, given the scale of police maltreatment of survivors, and that existing work argues that translation of procedural justice principles to the context of sexual violence requires further consideration (Lorenz 2017; Hohl et al. 2022). In this paper, we therefore answer the research question: How do sexual violence survivors view the core principles of procedural justice?

METHODOLOGY

This research forms part of Operation Soteria, funded by the Home Office to improve police responses to sexual violence in England and Wales (see Stanko 2022). It supports a broader empirical assessment of police engagement with survivors through a multi-level research model (see Smith et al. 2024). The specific study follows a feminist tradition of addressing the ‘malestream’ omission of survivors’ perspectives on justice through centring them in methodological design (e.g. Herman, 2005). It builds on McGlynn and Westmarland’s (2019) Educational Empowerment Research design, which empowers victim-survivors by presenting them with existing research on the topic and positioning them as active stakeholders in the generation of new knowledge. However, we expand their design through increased attention to accessibility and intersectionality, and the incorporation of expert-by-experience groups and digital participation tools. Ethical approval was provided by the host university (Ref: 82610) and particular care was given to identifying and addressing ethical concerns, as outlined below.

In total, there were 42 participants across five pre-existing expert-by-experience groups affiliated with different support organisations in England. The majority (28) had reported at least one experience of sexual violence to the police. To ensure the presence of groups absent in much sexual violence research, we collaborated with one group working with male (including trans and non-binary) survivors, one with Black and racially minoritised women, and one with women with learning disabilities and/or autism. Working with pre-existing groups already organised around shared identity and experience allowed us to better meet member access requirements and create an equality of time and attention. Mitigating some of the difficulties in discussing violence and injustice with strangers, group members were already known to, and comfortable with, each other. Moreover, they were aided by existing support structures – which included a facilitator – that kept members safe, and ensured the research design was flexible to the groups’ own aims. We worked closely with facilitators – typically the organisations’ lead and support/community workers – to ensure participants understood the project and terms of participation. Participants could end participation at any point (up until data analysis), were recompensed for their time and given the option of pseudonyms in outputs. The first part of the three-stage research design involved a 10-minute video presentation, which contextualised the project, provided access to existing research, and explained the principles of

procedural justice in existing literature. Independently and in their own time, participants accessed this introductory presentation as a video and/or transcript.

The second stage involved hosting online consultations of approximately two hours, exploring procedural justice and its 'core' constituents: voice, neutrality, respect and trustworthiness. Focusing on these concepts enabled participants to articulate and evaluate their perspectives and/or experiences of the police process, and thus meet the 'empowerment' agenda of the design. Participants were asked to reflect on the significance of each concept, examples of its presence or absence in police practice, and how their own identity and life situation might shape the concept's meaning and prospect. We also asked broader questions around procedural justice and alternative justice paradigms, and they were encouraged to reflect on whether they had reported to the police or other agencies and why/why not. We prioritised embedding reflections on positionality into each of the discussions and, in data analysis, the positionality of participants (e.g., ethnicity and gender) and case contexts (e.g., domestic abuse) were coded for and analysed. Incorporating biographical methods might aid future research adopting an intersectional approach by eliciting in-depth and community-specific languages for in/justice. Participants could talk or type their responses when they wished to respond. They could leave the discussion at any point and a break was scheduled into each discussion. Finally, recognising that people process information differently or might want to add points private from the group and gatekeeper, we offered a follow-up questionnaire to ensure participants could share freely and add to discussions covered online. While participating online can inhibit group interaction, this potential was greatly mediated by group members' familiarity with each other. Furthermore, access to organisational premises and technology supported digital participation for some group members.

All five consultations were recorded, transcribed, and coded using NVivo14. Data analysis was a three-stage process. First, open coding was undertaken by two researchers, including the second author. Following Braun and Clarke (2019), reflexive thematic analysis was then undertaken by the first two authors, to review open codes and any interconnections to existing conceptualisations of procedural justice. This second analytic stage ensured its responsiveness to participants' contributions and allowed us to accommodate content not already captured in existing procedural justice frameworks. Data analysis was iterative, with the two lead authors reviewing each other's results and further coding for rigor and consistency. A third analytic stage was then conducted by the authors, who reviewed and refined codes further while writing up the results.

Sample

It is relatively rare for studies on sexual violence to incorporate diverse pre-existing expert-by-experience groups. Groups were purposively sampled by identifying a list of ‘by and for’ support and advocacy services, further refined to those in possession of a victim-survivor, expert, and/or advisory group. Support services are typically siloed and single (identity) axis so services serving the following were approached: black and racially minoritised women, men, LGBTQIA+ survivors, and disabled survivors. The resulting purposive sample means that the findings here are not representative. Moreover, the relationships between expert groups and their organisations may have restricted what individual participants felt able to share.

In obtaining individual participant demographic information, trust-building was prioritised; participants could choose what information to share and in their own languages. Of 42 participants, 40 responded to our request for demographic information although they did not all answer every question. We present their responses in Table 1.⁵

(Table 1 here)

FINDINGS AND DISCUSSION

Survivors drew on their previous experiences of sexual violence and/or policing when discussing what the core principles of procedural justice should look like in sexual violence investigations. They were keenly aware of the commonplace poor treatment of survivors by police, and many spoke of the injustice and significant harm felt in their own case. All believed that how survivors were treated by police mattered greatly, irrespective of whether they personally had reported. Moreover, it proves unhelpful to essentialise a distinction between reporting and not reporting to the police (see also Brooks-Hay 2020) as this fails to encompass the wider contexts and factors affecting the relationship between the police and public (see also Harkin, 2015). Indeed, survivors' conceptualisations of procedural justice brought together wider imaginations and their own histories with the police – for some, specific to their experiences of sexual violence – and those of their family, friends and communities.

When speaking about what they needed from police responses, some survivors highlighted aspects of justice already linked to PJT including the importance of officers' interpersonal skills and awareness of how these might also communicate to groups their social value. However, survivors also provided accounts that extend far beyond pre-existing conceptualisations. Some noted concerns related to different forms of oppression and marginalisation, and we highlight these below, but there were also commonalities across all survivor accounts. We address these in the following adapted principles: *respect and dignity, equity and fairness, voice, safety, and trustworthiness*.

Respect and Dignity: *'I'm a person, I have rights, just the simple fact of being alive, address me as such'* (Rhia)

The principles of 'respect and dignity' are consistently cited across existing procedural justice literature, typically conceived through police interactions with individuals. Voigt et al. (2017), for example, considers it to mean when officers are polite and friendly (see also Holder 2015 'demonstrations of respect'; Wemmers 2013; Murphy and Barkworth 2014). Others have acknowledged a deeper role for respecting citizens' rights (e.g. Elliot et al. 2014, Mazerolle et al. 2013).

In the context of victims and sexual violence, we conceptualise respect and dignity as a foundational *justice obligation*. This moves the just treatment of survivors beyond a

paternalistic discourse of individual victim 'care' that concentrates on speaking to survivors sensitively ('pink and fluffy policing', Smith et al. 2024:8). Instead, we draw upon feminist works to stress the centrality of survivors' *rights and interests* (see Holder 2015, Daly 2017). Indeed, survivors rarely spoke here about officer affect, instead focusing on the protection of rights, respect for the seriousness of sexual violence, and recognition of their universal humanity.

The context of sexual violence heightens the significance of rights, as violation of survivors' privacy rights are a particular issue for rape complainants (CWJ et al. 2020). This resonates with participant experiences; for example, in one expert-by-experience group, Callum recounted an officer publicly sharing his private information, while others said that officers disproportionately accessed their phones (e.g. Ed) or counselling records (Ashley). Others spoke of pressure to waive their privacy rights, fearing negative consequences if they did not: *'You give your phone over without question... if I say I don't wanna give them my phone, are they going to say it didn't happen?'* (Keagan). This reinforces the importance of protecting survivor rights in grounded contexts (Bumiller 2008) - including the unequal power dynamics between police and survivors (see Thiara and Roy 2020, addressing compounding inequalities).

Survivors also spoke about the importance of police recognising and understanding the seriousness of sexual violence and its harmful effects (also Lorenz and Jacobson 2021; McGlynn and Westmarland 2019). Several described the injustice of their experience not being taken seriously, for example:

*I was, 'Well, you're clearly not fu**ing interested'...The amount of courage it took to make that call to just to get told, 'Okay, just fill this form in and we'll get to it. (Lee 1⁵)*

I was accused of being a rent boy... [by] the people who are supposed to try and help me... You want to be treated like a normal person who's had something bad happen to you. (David)

⁵ To distinguish between two survivors who chose 'Lee' for outputs.

Here, David references the compounded injustice he felt because of officers' stereotypes towards male survivors, which drew on homophobic attitudes (see Turchik and Edwards 2012). This echoes other survivors who felt of 'lesser importance' when speaking from minoritised or marginalised positions, including those with neurodiversity, disability and/or mental ill-health (also case contexts, as below).

Combined, these perspectives demonstrate that police failure to acknowledge the significance of experiencing sexual violence engenders hermeneutic injustice (Fricker 2007), emphasising *recognition* as a core facet of respect and dignity. Recognition entails acknowledgement of the survivor as a person of worth, entitled to consideration (McGlynn and Westmarland 2019, also Daly 2017; Herman 2005; Holder 2015). Moreover, it entails recognition of the humanity and value of survivors *beyond* their status as a victim; being seen as *someone* and not *something* (McGlynn and Westmarland 2019:13). Existing PJT commonly invokes respect of individuals' value as citizens or members of particular social groups (Radburn and Stott 2019). However, we emphasise recognising survivors as 'whole people' of value, with universal dignity. Many survivors spoke of feeling 'dehumanised' by the police response (echoing Brooks-Hay et al. 2019), treated merely as a 'source of evidence': *'There's my trauma, spilling out all over the floor, but that's a good thing, apparently.'* (Becky).

Accordingly, survivors wanted recognition as a *'human being, not a survivor or a victim'* (Magdalena) (also Elliot et al. 2014). For some, this felt unachievable:

I don't think you can... talk about respect [and] the police...Do [they] actually see people who walk in a police station as human beings?... If you don't see people as human beings, then all the other stuff we've spoken about today is not going to come.
(Rhia)

Others highlighted the role of empathy or spoke of the importance of recognising survivors' personhood holistically: 'I don't think they take the person as a whole person' (Sarah). Indeed, survivors advocated for recognition of their sociocultural interests – e.g. their relationships, employment and politics - drawing on the particular contexts of their lives (underscoring Vera-Gray's 2020 conceptualisation of the 'whole place self'). As Billie-Jean, who comes from a Gypsy Romany Traveller community, explains: *'It's all got a knock-on effect...If [police] come in plain clothes... that's more respectful... to you as a person who still has to live in that... community.'* This focus on addressing the humanity and diverse interests of *all* survivors

(regardless of e.g. citizenship status or identity) resonates with human rights conceptions of universal dignity and inalienable rights as being foundational to justice (Cruft et al. 2015).

From Neutrality to Equity and Fairness: *'Rather than neutrality, what the police need to do is to have fairness...[otherwise] there's no point in them being'*

(Alison)

'Neutrality' is a core principle of procedural justice (Tyler 1989: 831), which has previously been conceived as 'objectivity' (Lorenz and Maskaly 2018) or unbiased, consistent, and transparent decision-making (Murphy and Barkworth 2014). In sexual violence, Lorenz (2017) highlights 'neutrality' as being about assessing a case on 'facts,' not rape myths or stereotypes. This echoes survivor perspectives about the need for '*no judgment, and [to be] open-minded'* (Billie Jean).

Feminist research has long highlighted how rape myths engender cynicism and blame towards survivors (e.g. Horvath and Brown 2022), necessitating that procedurally just investigations tackle rape myths to prevent bias and unwarranted judgement. However, Smith and Skinner (2017) argue that rape myths are scaffolded by legal logics which present masculinised knowledge as a (neutralised) norm. Ensuring that sexual violence investigations are unbiased therefore involves rejecting the concept of 'neutrality'. As Amanda describes: '*I don't think it's realistic to say the police will be completely neutral... It's better to start from the viewpoint that everybody is biased and [not] always aware of it.'*

Procedural justice research often operationalises neutrality via questions about 'fairness' (e.g. whether police 'treat people fairly' Gau 2014; or 'make fair decisions' Jackson et al. 2012). However, given feminist critiques about the concept of neutrality (e.g. Russell 2016), 'equity and fairness' better capture the anti-biased investigations required for procedural justice.

As rape myths are scaffolded by stereotypes about which voices are credible (Smith 2021), sexual violence investigations must take a situated approach that foregrounds the case context and recognises the different starting points of survivors (see Lovett 2022; Thiara and Roy 2020). For example, Kanyeredzi (2018) noted that justice for Black rape survivors necessarily situates their abuse in a wider continuum of discriminatory experiences. This fits with anti-racist developments in PJT, for example, Jackson et al. (2023) argued the need to acknowledge systemic racism and ask specific questions about marginalised groups when theorising about

police legitimacy. Survivors referenced institutional racism in the police and spoke generally about feeling ‘*on the back foot*’ (Alison) in investigations because of their personal characteristics: ‘*Just cos I dress differently, I wear a scarf, I get treated different [by police]*’ (Saika).

Some participants believed marginalised survivors should be treated differently to facilitate equity of access and empower them to give their best evidence: ‘*It would be really good if there was a learning disability, and an autism or neurodivergent pathway... with specific and well-trained [officers]*’ (Heather). However, others feared differential treatment could lead to stereotyping, exclusion, and might disadvantage those with unidentified access needs - mirroring debates about equitable versus equal treatment and recognising difference without artificially reinforcing it (e.g. Cramer et al. 2018). Existing procedural justice literature emphasises consistency (Murphy and Barkworth 2014) and survivors spoke of injustice when consistency was missing because of a perceived ‘postcode lottery’ (Amanda) or ‘lucky dip’ (Saika). Procedural equity and fairness therefore require good practice to be embedded in systems and structures rather than relying on individual officers (Radburn and Stott 2019). However, a focus on equity would encourage adaptable responses that re-contextualise the survivor as a whole person situated within wider power dynamics (Smith 2021). A context-led, fair and equitable response should therefore result in less difference between survivor experiences rather than more (Lovett 2022).

Finally, when asked about the PJT concept of ‘neutrality’, it was rejected for being “off-hand”, “cold”, “distant”, and failing to recognise the significance of sexual violence (see above on recognition). Police are required to maintain boundaries with the survivor to protect the suspect’s rights (Rights of Women 2018). This led to comments about the criminal legal process being unfair because suspects are afforded ‘advantages’ as part of their right to a fair trial, while survivors were kept at arm’s length and not given the same access to investigations.⁶ However, Duncan argued that fairness is more complicated and must safeguard suspects’ rights to retain legitimacy (‘*I don’t want a kangaroo court*’), especially given that survivors may also criminally offend. This reflects Hester et al.’s (2023) argument that fairness in gendered violence refers not just to the individual survivor, but also wider communities.

Some survivors suggested the issue was about poor treatment of rape survivors compared with victims of other crimes (rather than compared with suspects), and the disbelief they

⁶ E.g., the suspect is a ‘party’ in proceedings, and survivor a ‘witness’.

uniquely face: *'There's no other crime where a victim walks into a police station and becomes under investigation'* (Rhia). Once more, this highlights the importance of recognising the myths and stereotypes surrounding sexual violence when theorising procedural equity and fairness.

Voice: *'Give us the choice back'* (Lee 2)

'Voice' is another key principle in PJT, commonly used to describe participation and choice in investigations (e.g. Tyler 2006). Our data support these ideas, but extend them by foregrounding influence, equity, and recognition as key survivor-centred facets of voice. Previous research stresses the significance of voice for rape survivors (Iliadis 2020), and it can be empowering *'even if the desired outcome is not achieved'* (Lorenz 2017:211). Our survivors echoed this, stressing the importance of being able to communicate with and question officers.

However, many survivors emphasised that 'voice' must constitute active listening *and* taking action where possible. For David, having a voice only achieves justice if *'the other person has to listen'*, while Chris argued that *'they [should] follow your wishes, or give you a really good reason why they can't.'* Indeed, not being listened to by police was viewed as an *'extension of the abuse'* (Saika) and/or potentially jeopardising the case: *'It's automatically decided by police that we [people with learning disabilities and/or autism] won't cope in court... court is hard but with the right support we can'* (Claire).

Survivors therefore challenged traditional procedural justice conceptualisations of voice as gestures that 'allow' victims to speak (e.g. Murphy and Barkworth 2014), instead demonstrating 'an urgent need for a victim-survivor-centred theory of listening' (Ailwood et al. 2023:217). Moreover, survivors emphasised instrumentality in a way that parallels feminist understandings of justice as *influential* voice (Holder 2015) and *meaningful* participation (Daly 2017). This necessitates a critical shift from conceiving of voice only as people's perceptions of fair process *regardless* of influence (e.g., Tyler et al. 1996), to developing a collective police obligation to *'genuinely consider the input from citizens before reaching their decision'* (Mazerolle et al. 2012:346). 'Genuine' remains vague in procedural justice literature.

Survivor influence was not just related to their own case, but many also understood voice as a form of *recognition*; as 'being seen' or 'counting': *'Ultimately [I reported] because I wanted to be counted...I at least wanted to be a statistic... and to give a real idea of what the scale of the problem was'* (Amanda). Wanting to 'be counted' builds on our conceptualisation

of dignity and respect as taking survivors seriously, and it demonstrates how survivors transform individual experiences into a collective political agenda. This conceptualisation moves voice away from being simply ‘therapeutic’ or ‘validatory’ and towards a socio-political understanding of justice: ‘Having a voice, and being heard, is both a means of securing recognition of harm and of bringing about social and cultural change’ (McGlynn and Westmarland 2019:192; also, Brooks-Hay 2020 on reporting as a political act).

Given the abovementioned challenges to equity and recognition that survivors encounter during sexual violence investigations, the unique barriers to voice must be recognised and addressed. Indeed, Kat asked ‘*If white middle-class women do not feel believed, trusted or safe, how is everyone else supposed to feel?*’. Moreover, and specific to sexual violence victimisation, survivors emphasised the *loss* of voice through sexual violence and therefore the symbolic importance of giving voice ‘back’: ‘*Our choice over our body, our personal choice was taken away from us... To feel fully heard and...understood...to feel justice... it’s give us the choice back*’ (Lee 2).

Giving voice back necessitates the *removal of barriers* to meaningful survivor participation. It requires the system-wide allocation of resource to sexual violence to meet survivor access requirements and provide intermediaries, or victim advocates. Such partnership working must be undertaken with attention to the rights and interests of *all* survivors (see Day and Gill, 2020). Additionally, some survivors found police actions confusing, unwanted, and conflicting with the recognition they required; for example, being asked to recount their experiences multiple times for unclear reasons. Heather describes an alternative approach: ‘*I think we should also have a clear understanding of the process ... because we may be too overwhelmed and not understand how the system works... we need to have that explained.*’

Survivors noted that a lack of information left them ill-equipped and thus limited their voice (also Daly 2017; Iliadis 2020). Accordingly, survivors wanted information to be tailored, transparent, and comprehensible; requiring both information about and notification of key events, rights, and processes (see Holder and Mayo 2003). Neurodivergent and disabled survivors especially emphasised the importance of individualised and tailored support. Here information was closely related to choice. Moreover, survivors stressed that meaningful choice is embedded, relational, and processual rather than gestural:

When you go in for a police examination, you sign a consent form...but you're never asked are you ready? ... You're just told it's happening now ... it would be fair if you had

the choice to say, could we slow down, and can I give you consent every time you go near me? (Keagan)

Paralleling dignity and respect, survivors therefore understood voice and agency not in terms of ‘customer service’ satisfaction, but as their *right* to participation and recognition in an investigation. This includes recognition that the harms of sexual violence turn many ‘choices’ into a matter of safety, not preference. For example, when addressing ‘choice’ about officer gender, Alison highlighted the importance of a situated approach (also Bumiller 2008):

I couldn't even get on [public transport] because I would be pressed against a man's body, so you're expecting me to go into a police station and divulge my personal circumstances to a man? It's not going to happen.

Our conceptualisation of voice therefore ensures survivors ‘count’ as both victims and as whole persons. It enshrines meaningful and equitable participation in police processes, recognising barriers to voice, including the impact of sexual violence and the access requirements of survivors.

Safety: ‘They should do a lot more to, to make the victim feel safe’ (Evie)

Next, we introduce ‘safety’ as a new principle of procedural justice. This marks a significant shift from existing procedural justice literature, where safety is posited as an *outcome* of procedural justice (e.g. Bradford et al. 2014) but the *principle* of safety is absent. Safety is critical in sexual violence and is a key motivation for many survivors reporting to police (Brooks-Hay 2020); however criminal justice responses to sexual violence have long been critiqued as unsafe for survivors, especially those unwillingly entangled in investigations (Lovett 2022). When done well, police action can repair lost feelings of safety that survivors might experience (Elliot et al. 2014), offering empowerment (Greeson and Campbell 2011). Accordingly, safety emerges as a principle underpinning best practice in multiple sexual violence strategies (e.g. HMICFRS 2022; National Police Chiefs’ Council [NPCC] 2023).

In feminist sexual violence literature, safety is often conceptualised separately from justice (e.g. Daly 2017). However, survivors emphasised safety as a core dimension of procedural justice, including ‘material’ safety and the phenomenological sense of ‘feeling safe’. For

example, survivors spoke about safety in reference to injustice and feeling intensely unsafe because of the risk posed to them: *'I'm really scared; I may get killed, I know that'* (Sana).

Others recounted how police actions directly increased their risk of harm; e.g. police shared Becky's personal information with the suspect, despite assuring her this would not happen. Survivors also said officers had little consideration as to how safety concerns vary by context. Heather, for example, described how police safeguarding failures put her in *'further and higher danger'* from her abusive ex-partner. Similarly, Chris, was inadvertently 'outed' as gay, placing him at increased risk of homophobic abuse (also Thiara and Roy 2020 on minoritised communities and/or honour-based abuse).

Moreover, survivors said officers 'didn't want to know', and dismissed or trivialised safety concerns in ways that were often gendered and linked to stereotypical ideas about women's 'irrationality': *'I was made to feel like I was being overly anxious. [They said] 'oh well, he'd be very silly to...he'd be in a lot of trouble.' Well, that hasn't stopped him before'* (Becky). Echoing Becky, others recounted being made to feel *'irrational'* or an *'inconvenience'* if they sought police safeguarding: *'[The police thought] "she's being annoying, she's pestering", but they don't understand it's my life at risk'* (Saika).

Altogether, safety means that concerns are identified, taken seriously and acted upon, and survivors are not exposed to further risk or harm through police action. However, a further component of procedural justice for survivors is 'feeling safe' phenomenologically with the police - where survivors can 'be' their authentic selves without being shamed, intimidated or harmed, and feel supported and empowered by officers.⁷ Survivors were conscious of the police being widely viewed as a hostile, and therefore unsafe, institution to engage with around sexual violence: *'There is so much fear... People are scared they won't be believed...of the police and their reaction and [reporting] being more damaging in the long run'* (Chris). Some emphasised safety as a reason for *not* reporting whilst others described feeling intimidated, including this neurodivergent participant's reflection: *'They made me feel scared... they rushed me and... didn't allow me enough time'* (Sarah).

Resultantly, survivors described feeling existentially 'vulnerable,' 'on edge', and 'anxious' in their interactions with officers, engendering *'heightened vigilance'* (Ashley). Combined, the relevance of the gendered and intersectional ways that women's fear is pathologised, othered,

⁷ While recognising the constraints of adversarial justice (see Rights of Women 2018).

and trivialised are clear, creating a constraining context for survivors (Vera-Gray 2018). It is critical then to explicitly name safety within a feminist re-imagining of procedural justice. Certainly, survivors spoke about the silencing and limiting impact of feeling unsafe (echoing Greeson and Campbell 2011): *'If you feel like you're being shut down...you're gonna hold back... If that fear is taken away, somebody's gonna open up more... give a lot more information'* (Ashley). Ashley's quote demonstrates the issue with positioning safety solely as an outcome of procedure (see also Schaap and Saarikkomäki, 2022), with feeling safe here both a precursor for and an enabler of survivor voice, participation, and trust in police. Accordingly, participants called for police to make survivors feel more 'understood,' 'comfortable,' 'protected' and 'safe.' This parallels Jülich's (2006:129) observation that survivors' desire to 'tell their story in a safe forum'.

Trustworthiness: *'[Police] aren't trustworthy, because they don't have... survivors' needs foremost in their minds. And... they come with a whole host of prejudices.'*

(Amanda)

Trust in police is often presented as an outcome of procedural justice, achieved when police are perceived as 'trustworthy' (Bradford et al. 2014). 'Trustworthiness' is conceptualised as police showing good intentions, such as trying to protect the community (Mazerolle et al. 2013). These definitions typically do not critique the homogenised idea of 'community' and focus on individualised encounters (e.g. Wells 2007), overlooking barriers to trust in broader police-public interactions. An individualised focus of trust in PJT falls short particularly for minoritised survivors (Gangoli et al. 2019; Kanyeredzi 2018). Survivors who experienced police racism and prejudice, for example, said this context affected their trust in sexual violence investigations: *'You don't trust the police... Police just come in mob-handed... So, there's a, there's a distrust there already'* (Billie-Jean). We, therefore, conceptualise trustworthiness as emphasising connectedness and community by drawing on understandings from feminist rape justice literature.

Awareness of systemic police failings in sexual violence, like nationally low prosecution rates, also impeded trust. Even when experiences were positive, police motivation was viewed cynically as about improving statistics, *'looking good'*, and *'trophy cases'* (Magdalena). Several survivors recounted trust being hindered because of incompetent case management and communication: *'If somebody's consistent, it builds trust. If somebody's inconsistent, the trust*

goes' (Ashley). For example, police lost intimate photographs of Keagan's injuries: *'Somewhere floating about...is my naked body. That made us lose trust a bit'* and Amanda reflected: *'They didn't treat me badly in terms of personal interactions...but they were completely hopeless in terms of actually conducting a competent investigation'*. Other barriers to reciprocated trust included the high turnover of officers, who each had to build relationships with survivors, as well as police suspicion of survivors.

Another challenge to traditional views of trustworthiness as 'good motives' in PJT is that it ignores the adversarial justice context in England and Wales (see Rights of Women 2018). Wemmers (2013) conceived trustworthiness as akin to feeling survivors and police are 'in it together', but the police role in adversarial systems precludes this. Police trustworthiness therefore requires acknowledgement of the barriers to trust for survivors, and actions to address these where possible. It also recognises the limits to which police motivations align with survivor and suspect interests, making police accountability important.

Indeed, trust in police responses to sexual violence was challenged by a perceived lack of accountability for some police injustices. For example, several survivors raised news coverage about officers who are themselves abusers and critiques of corresponding police responses: *'I'm not sure how, as women, we can trust the police after the Sarah Everard case and then after their behaviour at the vigil'* (Alison). Survivors also argued that police should be more open to critique: *'The police need to take accountability and some responsibility... They're not just failing sexual survivors... they're failing the [whole] public'* (Callum).

Some survivors felt dismissed when raising concerns to police, until they spoke to a journalist (Ed) and MP (Ashley) or made a formal complaint (Sana). This demonstrates that accountability is not simply about trust, but also provides a sense of voice when there are independent checks on police standards. Survivors felt sexual violence requires heightened accountability because of recent trends in police undermining survivors' rights (as discussed under dignity and respect). Rather than understanding trust within isolated police-public interactions, then, trustworthiness in sexual violence investigations involves recognition of wider police failures and power dynamics, political decision-making and access to independent routes to redress.

CONCLUSION

Through consultation with survivors of sexual violence, we have proposed a new conceptualisation of procedural justice based on five key principles: *respect and dignity, equity and fairness, voice, safety, and trustworthiness*. These principles can be summarised as follows: *Respect and Dignity* - survivors are recognised as a ‘whole person’ beyond their status as a victim. Their experiences of sexual violence, rights and interests are taken seriously; *Equity and Fairness* – survivors are given unbiased, consistent and equitable treatment that takes account of the context of their lives; *Voice* – barriers to meaningful survivor participation are removed and their choices, queries and concerns are heard and responded to; *Safety* – survivors’ safety concerns are identified, taken seriously, and acted upon. They are not exposed to further harm through police action, and they feel safe in police interactions; *Trustworthiness* – barriers (both individual and those related to wider societal factors) to trusting the police are addressed and survivors receive competent responses. Police actions are transparent and accountable.

This framework draws together procedural and feminist justice literature to develop a new conceptual underpinning that better instils a sense of justice for survivors of sexual violence in the context of policing. Collectively, the five redefined principles embed ideas of recognition, equity, and the humanity, rights and interests of all survivors of sexual violence. The principles are interconnected, fluid, and of varying significance to individual survivors across time and space. They stress the contextual, relational and collective dimensions of procedural justice, which has often been sidelined in PJT literature

Survivors emphasised the unconditionality of the justice principles; meaning that for responses to ‘count’ towards procedural justice, just treatment must become the focus of police. Procedural justice is typically posited as a ‘means to an end’ for establishing public confidence in policing or increasing compliance with police authority. However, we argue that if procedural justice is mobilised as a police tactic to enhance survivor ‘cooperation’ (e.g., reducing attrition or increasing reporting), the substance of justice is fundamentally diminished. While procedural justice may well bring improvements to criminal justice outcomes, efforts must lead with respect for the autonomy of survivors and recognition that their fair treatment is foundational to a just society.

Another keystone of our new conceptualisation involves foregrounding the local, lived and situated nature of procedural justice, addressing the significant ways that gender and intersectional experiences shape sexual violence and policing responses. As such, we resist flattening individuals’ and collectives’ experiences of criminal justice into ‘one-off’ or

‘isolated’ police encounters. Instead, our development of procedural justice recognises the reproduction of survivor standpoints through power and inequality over time (Collins 1997). This allows PJT to encompass broader, entangled contexts of structural violence, social justice, police authority and accountability. For survivors, this includes recognising the political and social dimensions of sexual violence, and police complicity in perpetuating and compounding its harms. Rather than reading current procedural justice theory across from general or suspect populations to all groups, our research invites a more contextualised approach to the future study of procedural justice.

This paper develops an articulation of procedural justice through which survivors and their supporters can make justice claims. It provides victim-centred principles that police should adopt, and a systemic framework whereby we can assert why their actions fall short. These new conceptualisations are already being realised through practice guidance for police forces (Stanko 2022) and our inclusion of procedural justice as a key principle in the new National Operating Model for the policing of Rape and Serious Sexual Offences (RASSO).

Therefore, while conscious of the ‘cruel optimism’ of continuing to work and think within criminal justice spaces (Horvath and Brown 2022), we see value in proceeding with a degree of ‘worldly hope’ (Back 2021), resolute in our resistance to the injustices that survivors face and recognising that some survivors will continue to seek police action and legal redress. With survivors, we have sought to ‘unsettle the spacing of the present’ (Beck 2021:8) and collaboratively create alternative directions and possibilities through which the status quo of policing sexual violence might be addressed.

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Table 1: Demographic Information⁸

| | | | | | |
|------------------------------------|---|------------------|---|---|------------------------|
| Reported to the police | <i>Yes: 28</i> | | <i>No: 12</i> | | <i>No response: 2</i> |
| Age | <i>25-34: 13</i> | <i>35-44: 13</i> | <i>45-54: 8</i> | <i>55-64: 5</i> | <i>No response: 3</i> |
| Gender | <i>Woman: 30</i> | | <i>Man: 10</i> | | <i>No response: 2</i> |
| Further selected terms | <i>Cisgender: 14</i> | | <i>Prefer to self-describe: 2</i> | | <i>No response: 24</i> |
| | <i>Not sure/prefer not to say: 2</i> | | <i>'Born a woman' (1)</i> <i>'Female' (1)</i> | | |
| Sexual orientation | <i>Gay: 3</i> | <i>Queer: 1</i> | <i>Bisexual: 1</i> | <i>Pansexual: 1</i> | <i>No response: 2</i> |
| | <i>Heterosexual: 31</i> | | <i>Not sure or prefer not to say: 3</i> | | |
| Racial and/or ethnic groups | <i>Black, African and/or Caribbean: 6</i> | <i>Asian: 4</i> | <i>Middle Eastern, North African and/or Arab: 3</i> | <i>White: 26</i> | <i>No response: 3</i> |
| Disability/ disabilities | <i>Yes: 12</i> | <i>No: 24</i> | <i>Not sure: 1</i> | <i>Other: 3</i> <i>'A learning disability' (1)</i> <i>'I am Autistic' (1)</i> <i>'Fatigue and CPTSD' (1)</i> | <i>No response: 2</i> |

⁸ For ease of reading, we have merged some sub-categories or omitted them altogether where no participants selected them. Participants also printed specific racial identities and/or ethnicities which we are unable to share owing to space.