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# **Relational in/justice journeys: Revising procedural justice theory through an analysis of rape and sexual assault victims' experiences of police investigations**

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## **Abstract**

Procedural justice theory has much to say about police-citizen interactions, but the high-stakes, long-duration and quite specific nature of police investigations involving rape and sexual assault victims compel us to re-examine and re-conceptualise some of its core propositions. We draw on data from the largest national survey of rape and sexual assault victims' experiences of the police in the UK. We find that negative officer behaviour can signal to sexual violence victims that they are not deserving of agency, connectedness, competence and care. For rape and sexual assault victims, police investigations are relational journeys of (mis)recognition and (mis)affirmation with profound impacts on victim's personal well-being and subjective access to police safeguarding and criminal justice.

## Introduction

Procedural justice theory (PJT) offers a powerful explanatory framework for understanding how police-public interactions shape people's perceptions of, trust in, and cooperation with the police. According to PJT, people are especially sensitive to whether officers make fair decisions and treat people with dignity, in part because fair process signals to us that we are *worthy* of respect and consideration by representatives of this powerful state institution (Tyler et al. 1996). This may be particularly important for people from racialised and minoritised communities (Madon et al. 2017). Procedural justice scholars make the normative point that officers *should* treat us fairly as rights-bearing citizens, as human beings who deserve dignity, status and worth, regardless of their backgrounds. Yet the focus of PJT is typically on the benefits that process fairness provides to legal authorities and consensual forms of social order maintenance. Procedurally just policing (fair interpersonal treatment and decision-making) enhances trust, legitimacy and people's willingness to cooperate and self-regulate, which in turn reduces the need for costly, divisive and coercive crime-control strategies.

To date, tests of the theory have tended to select scenarios involving police-initiated contacts (e.g. stop and search) that are short-lived, often using general population survey methods and abstract scenarios with little at stake (e.g. reporting pickpocketing). We know less about long-duration, high-stakes police treatment of victims<sup>1</sup> of crime, especially victims of serious crimes like rape and other forms of sexual violence (for exceptions, see Murphy and Barkworth 2014; Lorenz 2017, 2023). In this paper, we fill that gap. Analysing data from a unique survey of victims' experiences of the police investigation of their rape or sexual assault, we draw on parallel literature on the lived experiences of sexual violence victim-survivors (e.g. McGlynn and Westmarland 2019). Further, building on prior work on the disbenefits or harms of procedural *injustice* (e.g. Geller et al. 2014; McFarland et al. 2019)—and shifting the focus away from what immediately benefits to the police and wider justice system—we shed light on the nature of subjectively experienced police behaviour and the benefits and harms it brings for victims of rape and sexual assault.

Bringing parallel literatures together is a main aim of our study. Feminist scholars have documented how victim-survivors' experiences of the police and justice process are often marked by not feeling believed, of being blamed, and being afforded little dignity and priority (Jordan 2022; Kelly et al. 2005). Conceptualisations of justice for sexual violence victims extend beyond procedurally fair treatment and criminal justice decision-making to include wider justice-based concerns about agency, prevention and connectedness (McGlynn and Westmarland 2019: 179). While the procedural justice literature and scholarly work on survivor experiences of policing have developed largely in parallel, there have been recent efforts to bring them together—conceptually (Hohl and Stanko, 2024), to explore the practical utility of a combined framework for improving police engagement with victims (Hohl et al. 2022), and in exploratory studies (Lorenz 2017; Rudolfsson et al. 2024, Johnson et al., 2024).

In this paper, we empirically test a survivor research-informed procedural justice framework. We draw on convenience sample data from the largest dedicated survey of rape and sexual assault victims' experiences of the police to date (n=4,011). We argue that positively received police behaviour signals not only dignity, respect and group standing as traditionally conceived by PJT, but also elements of what McGlynn and Westmarland (2019) term 'kaleidoscopic justice', and Pemberton et al.'s (2017) 'big two', the restoration of agency and connectedness damaged by sexual violence, and the recognition and deservingness of care and justice. Shedding light on the relational nature of police behaviour—the identity-relevant signals that police behaviour sends to victims during these high-stakes, long-duration interactions—we argue that victims look to the police to provide not just a procedurally fair process but also a restorative process<sup>2</sup>. We find that victims want the police to show care through competence and reaffirm their agency and connection to society, or at the very least not to damage them further.

We also consider how the ways in which officers handle investigations harm victims' trust in and access to policing, as well as their personal well-being. We show that when victims experience negative officer behaviour (that sends signals of disrespect and a lack of care, agency and connectedness) they tend to also have less trust in the police, be less willing to report a similar crime in

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<sup>1</sup> In this article, we use the terms victim, survivor and victim-survivor interchangeably. See Hohl and Stanko (2024) for a discussion of the terminology.

<sup>2</sup> We should note that we do not mean here *restorative justice*, as commonly understood, and we concentrate solely on victims' experiences of the police investigation.

the future and report lower levels of personal well-being. By focusing on the relational signals of (in)justice that police action sends to victims, we conclude with the idea that relational journeys of fair and restorative process (or their absence) are at the heart of conceptions of subjectively experienced (in)justice during police investigations.

### **Re-focusing procedural justice theory**

Central to PJT is the idea that the psychological experience of fair or unfair interpersonal treatment and decision-making in police-citizen interactions shapes people's perceptions of police legitimacy, as well as their willingness to cooperate with police and comply with the law. The behaviours that encapsulate and carry the experience of procedural justice include allowing citizens a sense of voice, treating them with respect and dignity, making fair and objective decisions, and conveying trustworthy motives. This shapes legitimacy, cooperation and compliance for two related reasons. First, fair process in police-citizen interactions fulfils an important normative expectation about how power and authority should be wielded. These legitimating expectations are thought to be relatively stable across national and situational contexts, regardless of whether the encounter involves people reporting a crime, cooperating with an investigation as a victim or witness, being a stopped-and-searched, or something else (Jackson 2018; Jackson et al. 2024). Second, fair process expresses relational norms that carry identity-relevant messages about dignity, group inclusion and respect to those with whom police interact. Procedurally fair treatment signals to people that the police, as important state representatives, deem them to be worthy of a fair and even-handed process. The experience of fair process then motivates a sense of identification with and inclusion in the group(s) such authorities symbolically and materially represent (Tyler and Blader 2003). The police are frequently said to be "proto-typical" representatives of the nation-state and its communities (Sunshine and Tyler 2003). Procedural justice encourages people to identify with superordinate social categories – their sense of belonging and inclusion within "law-abiding mainstream society" and their understanding that they are part of a larger whole that accepts and values them (Chan et al. 2023). Procedural *in*justice, by contrast, excludes, marginalises and alienates (Gau and Brunson 2010), and is likely to be disempowering and inimical to the re-establishment of social ties, identification, trust and connectedness. Studies of racialised and minoritised communities' experiences and perceptions of police procedural fairness evidence such patterns (Tyler and Huo 2002; Madon et al. 2017).

Victims of crime have a specific positionality vis-à-vis the police and merit dedicated consideration in the context of procedural justice. Victims often need to develop ways of overcoming or living with the impacts of the crimes they have experienced (Victims' Commissioner 2019; Wemmers 2008). Reasons for involving the police in this process can range from the transactional (e.g. simply requiring a crime reference number for an insurance claim for a stolen bike) to the existential (e.g. protection from a perpetrator). What victims want from the police may vary widely, but many accounts stress that victims have relational and emotional needs. These may include being believed and taken seriously, have their victims' rights explained and met, and simply being provided with clear information about the police investigation process or with replacement clothes or mobile phones when the police seize their own as potential evidence (Brooks-Hay et al. 2019; Hohl et al. 2023). Some rape and sexual victims who report to the police may seek a sense of reassurance that their status as rights-bearing and worthy citizens has not been fundamentally undermined by the sexualised nature of the crimes committed against them (Hohl and Stanko 2024). The harms and losses victims may have experienced may be symbolically/psychologically restored in how the police interact with victims in these areas rather than only or even primarily by a successful criminal prosecution (Elliott et al. 2011, 2014; Murphy and Barkworth 2014; Wemmers 2008). As such, PJT describes a set of issues that echo the needs and experiences of people who report victimisation to the police, suggesting that procedural justice could be particularly important for victims.

#### *The importance and elusiveness of 'good policing' for sexual violence victims*

Sexual violence is an intimate intrusion (Stanko 1985). It is an attack on the victim's bodily integrity, agency and personhood, often producing feelings of shame, guilt, self-blame and self-doubt, and it can cause deep and lasting trauma. In England and Wales, rape victims' interactions with the police take place against a contemporary backdrop of scandals of police-perpetrated sexual violence and domestic abuse, and mediatised reports of systemic police misogyny, racism and homophobia that put into

question whether victims are safe in the hands of police officers (Casey 2023; Hohl and Stanko 2024). In 2023, only 6% of adult rape cases recorded by the police resulted in a suspect being charged (Ministry of Justice, 2024). Victims also face a protracted criminal justice process. The average time police take to investigate an adult rape case before referring it to the Crown Prosecution Service (CPS) for a charge is 309 days, with the CPS taking (on average) another 142 days to return a decision. If a suspect is charged, the case then spends (on average) a further 369 days awaiting trial. Victims remain in contact with the police over their case for months or years (ibid.). Within a context where policing responses to sexual violence are beset by these multiple systemic issues, the perspectives and experiences of rape victims concerning procedural and other forms of justice are of central importance. The victim is the key (and often the only) witness, and rape investigations and prosecutions are virtually impossible without their cooperation (Hohl and Stanko 2015). As such, victim cooperation with the police is essential for holding perpetrators to account.

Yet, a large majority of sexual violence victims do not wish to involve the police. In public opinion surveys, 92% of people say that they would report a rape to the police if it happened to them personally (MOPAC 2023), in practice, it is estimated that fewer than one in five rape victims do so (ONS, 2020). Reporting sexual violence to the police is a courageous act. Trauma, shame, embarrassment, self-blame and self-doubt are powerful barriers to victims coming forward, especially when the perpetrator is a partner or family member (Kelly et al. 2005; Johnson 2017). Victims from racialised and marginalised communities face additional barriers to reporting (Gill 2022), Perceptions of the police also play a role. Victims worry that the police will not believe them, take their complaint seriously or treat them well. Some do not report because they have lost faith in the police and the wider criminal justice system, citing low rape conviction rates, long delays, and police-perpetrated sexual violence and domestic abuse (Jordan 2004; Molina and Poppleton 2020; Hohl et al. 2023). Black and minoritised ethnic survivors report consistently poorer police experiences using traditional procedural fairness measures (Hohl et al. 2023), and police interactions take place against a backdrop of a long history of police racism and experiences of racial discrimination within wider society (Gill 2022; Thiara and Roy 2020). Many experience the process as secondary victimisation, that is, (re-)traumatising and harmful to their recovery (Campbell and Raja 1999).

Among the few whose case comes to police attention, a majority (61%) withdraw from the investigation (Ministry of Justice 2024). The quality of police interactions with victims during the investigation shapes victims' experiences and evaluations of the process and is linked to their ability to stay engaged in the investigation. Research consistently finds that investigations routinely involve an undue overfocus on the credibility of the victim (Jordan 2004; Hohl and Stanko 2024). The process is intrusive of the victim's body, mind, current and past personal life. This includes intimate forensic medical examinations (Champion et al. 2021) and extends to routine requests for the victim's medical, school, and social services records, counselling notes, and the contents of their mobile phones and other digital devices (Victims' Commissioner, 2019). The evidence suggests that officers often collect and review such material well outside the legal boundaries of what are permissible, directly relevant and proportionate lines of enquiry (Temkin and Krahe 2008; Home Office, 2024). As such, for the proportionally few rape and sexual assault victims who report to the police, the police investigation process is often a further intimate intrusion.

Intrusive, biased and failed rape investigations can be life changing for victims. Three in four rape and sexual assault victims say their mental health deteriorated as a direct result of what officers did or failed to do in their case: some report suicide attempts, ill-health or negative impacts on their ability to care for their family or go to work (Hohl et al. 2023). Victims whose perpetrator has been found guilty often still regret having reported the rape to the police because of the way they have been treated during and affected by the justice process (Brooks-Hay et al. 2019). Conversely, some victims report that they were able to move forward after sexual violence because of the way officers supported them and treated their case (Hohl et al. 2023). Victims tend to have more positive experiences of the police and are more likely to say they would report to the police again when they feel believed and supported by police perceive officers as acting with their best interests at heart and doing all they can to secure evidence, explain the investigation process and keep them informed about their case (Greeson et al. 2014; Hohl et al. 2023).

These findings resonate with key elements of procedural justice such as voice, unbiased decision-making and trustworthy motives (Hohl et al. 2022; Hohl and Stanko 2024; Wemmers 2008). This is supported by exploratory studies (Lorenz 2017; Lorenz et al. 2021; Ballucci and Drakes, 2021; Rudolfsson et al. 2024, Johnson et al. 2024). Procedural justice has also been linked to sexual violence victims' willingness to report crime to the police in the future (Murphy and Barkworth 2014). At face value, there are clear parallels between the core tenants of procedural justice and the research on what shapes victims' experiences of the police and willingness to cooperate with the police in the future.

Yet, studies beyond the procedural justice literature, principally feminist survivor research, reveal a broader, more fluid set of factors that matter to and impact victims' experience of the justice process and their ability or willingness to access justice and stay with the process. McGlynn and Westmarland (2019) propose the concept of kaleidoscopic justice to capture some of this complexity. For sexual violence survivors, justice can mean recognition in the sense of having what happened to them acknowledged as true and criminal. Justice may also mean connectedness in the sense of restoration of 'whole self' personhood after the sexual violence and connectedness to and support from justice agents and support workers during a formal justice process. To some victims, at some points in the process, justice can mean voice (speaking out and being heard about what happened, but also having active participation and agency in the process), dignity, consequences for the perpetrator, prevention and safety (Johnson et al. 2024). Procedural justice also carries other information that might be particularly important for victims. This includes officers making decisions in an unbiased fashion, listening to their side of the story, and, perhaps above all else, dealing appropriately with their case (Laxminarayan 2012; Koster et al. 2020). Such subjectively experienced behaviour may help victims manage the uncertainty most almost inevitably feel when embarking on a criminal investigation process. It may also help generate a feeling that they have some level of control over what is happening to them. These experiences can offer reassurance that the right process is being followed and the right outcome has been or will be reached (Thibaut and Walker 1978).

Yet, feeling a level of control or agency within the process also matters because it offers a form of retribution for and repair of the damage to the victim's agency inflicted by the perpetrator, who by definition showed little regard for their personhood, bodily integrity and/or property (Pemberton et al. 2017). Pemberton et al. (ibid.) also suggest that relational signals about the victim's 'communion' form the second of the 'big two' components of victims' needs from the justice process ('agency' being the first). Communion refers to the victims' sense of connectedness and belonging to society and community, which has often been damaged by the perpetrator. Active participation in, and restoration of a sense of connectedness through, the justice process (via procedural justice strengthening group bonds and solidarity) are active ways of surviving and recovering from crime. In practice, justice authorities often treat victims in ways that deny them the agency and re-connection they seek (Pemberton 2020). Pemberton et al. (2017: 530) draw on Locke (2015/18) to describe the threats that victimisation creates to agency ('e.g. feeling incompetent, inferior and powerless'), which "tends to increase agentic motives (to feel competent, accomplished and empowered)" and to connectedness ('e.g. feeling isolated, misunderstood and rejected'), which tends 'to activate communal motives (to be connected, understood and accepted)." These relational signals comport with aspects of kaleidoscopic justice, in particular the recognition of agency, and individual needs for safety and reassurance, and connectedness, showing that society cares about victims of sexual violence, believes them, and values them. And while the justice process may have the potential to aid victims in their recovery from crime, it also has the potential to inflict further harm and trauma through actions that undermine rather than restore victims' sense of agency and connectedness. This is particularly salient when considering sexual violence victims' experiences.

Alongside agency and connectedness, we also consider victims' experiences of police competence, care and diligence during their interactions with officers. Did they feel that officers were doing things to protect them or the suspect(s)? Did officers refer them to support services and tell them their victims' rights? Did they look at all the evidence? Did they do everything they could to try to secure a conviction? PJT tends to think about police effectiveness in terms of instrumental outcomes, but in the context of investigating rape and sexual assault police effectiveness and outcomes may send important relational messages of care and recognition for victims through the pursuit of accountability and consequences for the perpetrator. By contrast, poor policing may signal to sexual violence victims

that they are not deemed worthy of greater care, competence and recognition by policing and the society policing represents.

### **The current study**

Research on sexual violence victims' lived experience of accessing the police and justice system and their understandings of justice compel us to extend PJT. We take a large-scale quantitative approach to examine the various relational signals victims experience through officer behaviour and actions during the investigatory process. Figure 1 depicts the roadmap for our analysis. On the left-hand side are four relational constructs: procedural justice; care through competence; agency restoration; and connectedness restoration. Together these four constructs capture what might be termed a fair and restorative process. The first step in our analysis is an empirical exploration of the relationships between these four constructs derived from traditional PJT and feminist scholarship. If the best-fitting statistical model has four dimensions, then we conclude that that survey participants experienced these as four distinct (but correlated) evaluations of and reactions to police behaviour. If the first two load onto one factor and the second two load onto a second factor, then we infer that the experience and relational content of procedural justice and care through competence cannot be disentangled. If procedural justice, agency restoration and connectedness restoration load onto one factor and care through competence load onto a second distinct factor, then we infer that we cannot disentangle police behaviours that carry not just procedural justice messages but also the restoration of agency and connectedness. If all items load on just one factor, then we infer that deservingness of care signals are all bundled up in these relational messages, reflecting one single process that we could call 'fair and restorative'.

### **FIGURE 1 HERE**

On the right-hand side of Figure 1 are victims' subjective access to justice (measured by asking research participants their willingness to report rape or other crimes to the police in the future) and personal well-being. We assess the extent to which both are predicted by the four 'fair and restorative process' related constructs on the left-hand side. Further, a full assessment of the impacts of police-citizen encounters on all parties involved necessitates measuring and testing the effects of police-public encounters on victims' personal well-being. In line with studies of the effects of police-initiated contact on mental health (see Kyprianides and Bradford *forthcoming* for a review) and the sexual violence victim-survivor research, we assume that traumatising, degrading and alienating effects of unjust police behaviour can, in the experience of victims, damage their mental and physical health. Finally, we posit that general police trustworthiness mediates some of the statistical associations between the constructs on the left side (fair and restorative process) and those on the right (subjective access to justice and personal well-being).

### **Method**

#### *Sampling and data*

We draw on data from an online survey of rape and sexual assault victims whose case is known to a police force in England and Wales, led by one of the authors as part of Operation Soteria Bluestone. The survey was advertised by 32 out of the 43 police forces in England and Wales and at least 73 victim support organisations, including Sexual Assault Referral Centres (SARCs), Independent Victim Support Advocate (ISVA) services and the Victims Commissioners' Office for England and Wales, and was widely reshared via social media. No attempt was made to contact victims directly via text, email, or phone because doing so may have put some at risk of harm. Sustained efforts were made to reach victims from minoritised groups. Only respondents aged 18 and over were eligible to take part in the survey.

The survey questionnaire and methodology were developed over the course of 18 months. The questionnaire was tested and reviewed by over one hundred survivors through focus groups, cognitive testing, and a pilot study in one police force area. In addition, the survey received feedback from a large number of victim support advocates, academic experts, police officers, victim support charities and advocates. The focus groups and reviewers included victims and/or experts from Black and minoritised

ethnic and LGBTQ backgrounds as well as experts on experiences of victims with disabilities, autism and neurodiversity, and learning difficulties (see Hohl et al. (2023) for further details on the survey methodology and its development). The survey received ethics approval from the host university.

Participants self-selected into the survey. We use data collected between January 2023 and March 2024, with the survey receiving 4,011 eligible responses during this period. The median survey completion time was just under 16 minutes. For a small number of survey questions, data was not available for the full data collection period. Specifically, the personal well-being questions were only introduced in April 2023 in response to victims' free-text answers collected in the first three months of the survey. The general police trustworthiness questions were paused in error from July to December 2023. The sample includes a broad range of demographics; however the majority of respondents are white (91.6%), straight (75.1%) female (89.6%), educated to degree-level or above (41.8%) and aged between 18 and 44 (70.6%). Current and ex-partners account for the perpetrators in 28.3% of cases in the sample, family members for 17% and friends/family friends for 20%. Complete strangers account for 13.2% of assailants, 7.9% of respondents were assaulted by someone they had met for the first time that day, and 2.8% by someone they had only previously met online. Perpetrators who exploited a position of trust or power (e.g. teachers, taxi drivers, medical professionals or police officers) appear in 8.9% of responses (multiple responses were permitted). The demographic profile of respondents is broadly in line with that of police recorded rapes, however, comparability cannot be assessed for ethnicity because large scale failures of police forces to record this means there is no reliable data available on the ethnic profile of police recorded rapes and sexual assaults (Hohl et al. 2023).

At the time of completing the survey, the police had in most cases known about the victim's case for more than two years (67.0%), and 68.3% of cases were closed. Police and CPS decisions not to charge a suspect accounted for 37.9% of all cases, victim withdrawal for 9.1%, and in 5.4% of cases the police never investigated the victim's rape or sexual assault report. As such victim withdrawal is markedly lower in this sample than it is in the general population (around 61%, Ministry of Justice 2024). The proportion of victims whose perpetrator has been charged, pleaded guilty or was convicted at trial is higher in the survey than in the general population: 11.1% of cases resulted in a perpetrator being convicted (compared to 1-3% in the overall population (calculated using Ministry of Justice 2024 and CPS 2022 data). Due to non-probability sampling approach findings do not generalise to any population and cannot assess to what extent differences in the make-up of this sample compared to the population of victims whose case has come to police attention may bias the results (more on this in the limitations section below).

### *Measures*

Table 1 details the survey questions used to measure the various concepts in the study. We assume that procedural justice, care through competence, agency restoration and connectedness restoration comprise both concrete, material behaviour (*signifiers* of a fair and restorative process) and the affective and emotional relational content that the subjectively experienced behaviour transmits (what is *signified* by those behaviours). To capture procedural justice, we asked research participants how often officers communicated a sense of trustworthiness, respect, and voice (Jackson et al. 2024). Our measures of care through competence focus on the quality of the investigation and the quality of the safeguarding by asking victims whether officers looked at all the evidence, protected them from the suspect(s), referred them to support services, and told them about victims' rights. We did not seek to measure police competence or diligence through criminal justice outcomes, i.e., whether the case resulted in a suspect being charged and/or convicted. This is because in England and Wales, the CPS – not the police – is responsible for making charging decisions and if a suspect is charged, courts decide the justice outcome. The police's role is to pursue all relevant lines of enquiry to collect the evidence, as well as to safeguard victims and witnesses (College of Policing 2023). To measure agency restoration, victims were asked how often officers made them feel in control, comfortable, safe, and like they mattered to assess whether officers acted in ways that implicitly or explicitly recognised their individual autonomy and need for reassurance and care. To capture the degree to which officers recognised victim experiences and their need to reconnect with some larger social group (connectedness restoration), victims were asked how often officers made them feel that what happened to them was serious and not their fault and that society was on the side of victims like them.

We measure victims' perceptions of the general trustworthiness of the police through a commonly used battery of questions about victims' assessment of whether, on the whole, the police treat everyone fairly, with dignity and respect, are friendly and approachable, can be relied on when you need them and deal with what matters to the community (Sunshine and Tyler, 2003). We also asked about victims' future willingness to report rape and other crimes to the police. Finally, to measure the impact of the police process on victims' personal well-being, we asked victims whether their mental health, physical health and personal safety remained the same, increased or decreased as a result of what the police did or did not do in their case.

TABLE 1 HERE

### *Analytical strategy*

Our analysis of the survey data has two stages. First, we test the measurement properties of the items outlined above and in Table 1 using confirmatory factor analysis (CFA) to explore the empirical distinctiveness of various constructs. Second, we use structural equation modelling (SEM) to estimate regression paths between the latent constructs depicted in Figure 1. Finally, we test whether general police trustworthiness mediates some of the statistical associations between the constructs on the left and subjective access to justice. We do not test for a corresponding mediating effect of general trustworthiness on the relationship between police relational signals and victim personal well-being. This is because the survey period where both sets of survey questions were asked simultaneously was too short to collect sufficient data to robustly test such a model. Further, we do not include interaction effects to test for differences between socio-demographic groups (e.g. gender, ethnicity, sexuality, age). Despite sustained and extensive efforts to reach racialised and minoritised victims (including through inclusion in the design and testing of the questionnaire), the survey did not succeed in sufficient numbers of victims from minoritised communities self-selecting into study to allow us to empirically address issues of intersectionality.

## **Results**

### *Step one: Assessing scaling properties using CFA*

Results from a series of fitted CFA models using MPlus 8.7 are shown in Table 2. Indicators were set as categorical and all latent constructs were allowed to covary. The approximate fit statistics suggest that all four models (M1, M2, M3 and M4) fit the data adequately, at least according to the approximate fit statistics, where one typically looks for CFI  $\geq .95$ , TLI  $\geq .95$ , and RMSEA  $\leq .08$  (see Hu and Bentler 1999).

TABLE 2 HERE

We take the view that model M1 is preferable. First, the fit statistics for M1, M2, M3 and M4 are largely the same. Second, in the four-factor model (M4) the correlations between procedural justice, care through competence, agency restoration and connectedness restoration are all very high (ranging between .88 and .97). In M2 the correlation between procedural justice/care through competence and agency/connectedness is .96. In M3 the correlation between procedural justice, care through competence, agency restoration and connectedness restoration is .93. Third, parsimony is important in-and-of-itself. Fourth, drawing on feminist work in this area, we believe that there is theoretical value in bringing together PJT and scholarship on the lived experience of victims of rape and other forms of sexual violence.

We therefore opt for M1. We label the single factor 'fair and restorative process', since it wraps up all of the subjectively experienced behaviours and relational content that these material behaviours transmit. Factor loadings and item  $R^2$ s are all relatively high, indicating good scaling properties. For procedural justice, care through competence, agency restoration and connectedness restoration, the standardised factor loadings range from .55 to .97, and the  $R^2$ s range from .30 to .93. For trustworthiness, the standardised factor loadings range from .93 to .96, and the  $R^2$ s range from .86 to .92. For cooperation, the standardised factor loadings range from .91 to .96, and the  $R^2$ s range from .82

to .93. For personal well-being, the standardised factor loadings range from .84 to .90, and the  $R^2$ s range from .71 to .81. Table 3 presents correlations between the latent variables estimated within M1. There were strong bivariate associations between all constructs.

#### TABLE 3 HERE

##### *Step two: Testing an extended procedural justice model using SEM*

Figure 2 reports findings from the two SEMs. Starting with the model at the top, we found that just under two-thirds (64%) of the variation in subjective access to justice can be explained by the other variables in the model. Trustworthiness is a particularly strong positive predictor of subjective access to justice ( $B=.58, p<.001$ ), and fair and restorative process is a relatively weaker positive predictor of this construct ( $B=.25, p<.001$ ). Fair and restorative process is also a strong positive predictor of trustworthiness ( $B=.86, p<.001$ ). These findings indicate that victims who view the police as trustworthy in general, and who believe that they personally were treated in positive ways are more likely to feel they have access to justice (i.e. say they would report to police again), compared to victims who report lower trust in the police generally and comparatively poorer personal experience of the police. The model on the bottom of Figure 2 focuses on the impact of the police relational signals on victims' mental and physical health and feelings of safety (personal well-being). Experiencing the investigation as a fair and restorative process is positively associated with higher levels of victim personal well-being ( $B=.72, p<.001$ ). We found that just over half (52%) of the variation in personal well-being is explained by how victims experienced the way police treated them and their case.

#### FIGURE 2 HERE

### **Discussion**

Victims' experiences of the police response to their rape or sexual assault disclosure compel us to expand procedural justice beyond traditional conceptions. Our empirical findings support the idea that victims' experiences of procedural fairness, care through competence, agency restoration and connectedness restoration are measures of the extent to which police engagement with their rape and sexual assault report felt like a fair and restorative process. This was evidenced by the one-factor (rather than multi-factor) model showing best fit to our survey data from victims. The finding is also consistent with the theoretical proposition that, while procedural justice is integral to victims' experiences (Murphy and Barkworth 2014; Lorenz 2017), feeling respected is also intrinsically linked to police behaviour that offers victims a sense of care, agency, recognition and connectedness. This is an important theoretical development. One might speculate that the relevance of connectedness is, at least in part, explained by the positionality of sexual violence victims vis-à-vis the justice system and wider society. Recall common reasons for not reporting sexual violence to the police are embarrassment and shame, fear of not being believed or even being blamed for what happened. These barriers to disclosure are indicative of the stigma, misconceptions and victim-blaming that remain stubbornly attached to sexual violence victimisation (Jordan 2022). Relational signals from police that reinforce such feelings would thus inhibit victim's ability to experience the justice process as fair and restorative. Conversely, relational signals that alleviate such concerns may contribute to restoring victims' sense of belonging and connectedness to the social group which police represent – which in this case might simply be 'society'.

Rape and sexual assault entail the perpetrator knowingly forcing sexual acts onto their victims against their will, denying victims agency and control over their bodies. When sexual violence happens within the context of intimate partner relationships (accounting for 44% of all rapes and sexual assault, ONS 2020), it is almost always part of the systematic campaign of coercion and control aimed at removing the victim's agency in all aspects of their life and transferring it to the hands of the perpetrator (Stark 2007). Against this backdrop, our findings suggest that officers acting and communicating with victims in ways that provide a sense of control over what happens in their case (agency) matters to victims. We also found that evaluations of the quality of police interactions and evaluations of police competence and diligence were so highly correlated they were empirically inseparable. It seems that experiences of the concrete outcome-related steps of investigation are part of, rather than somehow

independent from, the process through which they came about. When it comes to high-stakes police contact as a victim of sexual violence, lived experience of procedural justice and care through competence are intertwined. Procedural justice studies, on the other hand, tend to find procedural justice and outcome justice to be empirically distinct (Jackson et al. 2013). More research is required to establish whether this is due to differences in the nature of the studies (general population vs lived experience only), the nature of the contact (suspect/bystander vs victim) and/or the specific nature of rape and sexual assault. Some might argue that the one-factor solution is merely an instance of 'all the good correlates with the good, and all the bad correlates with the bad'. This suggestion might be plausible in general population samples where most participants, in the absence of personal experience of the study's particular police contact scenarios, may well draw on their broader perceptions of the police to answer survey questions about how they think police are treating people and how that might make them feel. By contrast, the participants in our study are victims with direct experience of a police investigation of their rape or sexual assault with investigations lasting months or sometimes years. In light of this, we believe that our participants are well capable of differentiating between the particular aspects of their personal police experience—for example, between whether they believed they had some control over what happened in their case and whether they felt officers took their needs into account.

Our findings indicate that for sexual violence victims' experiences, the principles of procedural justice as traditionally conceived are necessary but insufficient components of such a process. By extension, PJT is an important but insufficient conceptualisation of what matters in this type of police-citizen interaction. This reflects the importance of Pemberton et al.'s (2017) 'big two', which emphasises agency and communion, as well as McGlynn and Westmarland's (2019) notion of victim's conceptions of justice as kaleidoscopic. In line with other procedural justice research, our study found that future willingness to report rape or other crime to the police is, in part, shaped by victims' experiences of police contact. Willingness to report is a standard measure of cooperation flowing from and reaffirming police legitimacy. To the police, cooperation is important on a practical level because the police rely on public cooperation to function effectively. On a normative level, cooperation matters as an expression of people's perceived police legitimacy within a democracy (Jackson et al. 2013). When centring victims, though, willingness to report to the police becomes more about subjective access to justice and police safeguarding. Sexual violence survivor-focused research shows that non-reporting or withdrawal ("non-cooperation") is about negotiating multiple barriers to disclosing sexual violence to the police, and then balancing and bearing the risks of harm and personal cost of the process. If someone's experience of police investigation was so bad that they would never report a crime again this represents a loss of faith in the police to provide safety, safeguarding, retribution, restoration, redress and accountability. Unwillingness to cooperate is not only as a disbenefit to the legal system but also as an indicator that from the perspective of sexual violence victims' justice system cannot be relied upon to do some of the key things it is tasked to do – to investigate crimes, prosecute criminals, support and protect victims. Being unwilling to cooperate with the police places burdens and limits on the individual, too, and these burdens may be accentuated when, as found in the current study, the same sense of unfairness and further erosion of agency and connectedness that undermines cooperation also damages the well-being of victims. The existing literature suggests that this may be particularly acute for victims from minoritised and racialised backgrounds where police interactions take place in a context of a long history of over-policing and under-protection (Gill 2022; Thiara and Roy 2020). For these reasons, we suggest the term 'subjective access to justice' may be preferable over the 'willingness to report/cooperate'.

In a democracy, policing ought to be a public service available to all. Anyone should feel able to call the police when in danger, to rely on the police to protect them and open a path to justice. In practice, some survivors of sexual violence have de facto lost access to justice and police safeguarding because of how the police treated them when they trusted officers with disclosures of rape or sexual assault (Hohl et al. 2023). As one victim put it: "*I can confidently say I will never be contacting the police for help again*" (ibid: 8). The impacts of the police investigation and justice process on victims have long been a focal point of survivor research. Understanding victims' responses to police activity and behaviour is central to understanding why most victims do not report, why most of those who do report withdraw from the investigation, and why many victims feel further traumatised or otherwise harmed by the process (Kelly et al. 2005; Jordan 2022; Brooks-Hay 2020). Building on this literature, we included measures of victims' perceptions of how the police engagement has impacted on their

personal well-being. Doing so allows expanding and reframing the discussion of what matters in police-public (victim) encounters to centre the perceptions of and impacts on victims, rather than focusing narrowly on issues of immediate concern and consequence to the police, such as cooperation and compliance.

### **Limitations**

Our study has several limitations. The survey was not derived from a random sample and is therefore not representative of any particular population. The sample is limited to cases where the police became aware of the offence, and of course only includes victims who found out about the survey (advertised by a large number of victim support organisations and police forces), and who felt able, safe and willing to complete the online survey. The views of other victims are not covered. There is thus the potential for significant bias, which should be borne in mind when considering the results. Moreover, because we are analysing cross-sectional survey data, we are not inferring causal pathways from either SEM presented above.

Our data consists of a largely white, female sample of victims. Whilst police recorded rapes and sexual assaults, too, are largely those involving white, female victims, we did strive to include and represent the experiences of all survivors in this study. Despite sustained and extensive efforts to reach all victims, (including through inclusion in the design and testing of the questionnaire), the numbers of victims from racialised communities taking part in the study were not sufficient to allow us to empirically address issues of intersectionality. This paper therefore falls short of one of the core ambitions of the original study. Existing research has argued that PJT-type studies may not be adequate for minoritised survivors (Gangoli et al. 2019), and that what procedural justice means to Black and minoritised survivors requires qualitative exploration (Johnson et al. 2024). The existing research highlights state authorities (harmful) responses to Black and minoritised people (Thiara and Roy 2020; Davis et al. 2022; Gill 2022). Future studies should consider these important issues.

### **Conclusion**

Most sexual violence victims do not report the crime to the police. For those who do, how police respond to their disclosure matters deeply. In the year ending March 2022, police in England and Wales alone recorded 69,905 rapes and a total of 193,566 sexual offences (ONS 2023). Each of these cases involves a victim who has been in contact with the police about the recorded offence. The relational signals officers communicate to victims through the way they treat the disclosure and them as persons can have profound consequences for victims' feelings of safety, their mental and physical health (personal well-being), their subjective (future) access to justice and police safeguarding, as well as for police legitimacy.

In this study, we tested and expanded PJT using data from the UK's largest dedicated lived experience survey of victims of rape and sexual assault. This marks a departure from traditional procedural justice studies, which tend to rely on general population surveys and hypothetical scenarios, usually involving short, one-off and often police-initiated encounters. Our findings suggest that understanding what matters to sexual violence victims in their interactions with police requires extending traditional conceptualisations of procedural justice. Typically, procedural justice studies treat procedural justice as distinct from (a) other ways that police can communicate they do (or do not) care about, respect and value those they encounter, and (b) people's psychological responses to procedural (in)justice. We find, though, that from the perspective of the victim the core components of procedural justice cannot be disentangled from other aspects of police behaviour, or from what experiences of police activity produce or generate (a restored sense of, or further damage to, agency and connectedness).

Procedural justice studies also typically concern themselves with the impact of police-citizen encounters on police-centred concepts such as police legitimacy, people's trust in or willingness to cooperate with the police or comply with the law. Yet, when considered from the perspective of a victim of crime, willingness to report is an indicator of that person's subjective access to justice and police safeguarding. Sexual violence victims' relational (in)justice journeys should matter to us as a society, over and above implications for the legitimacy and effective functioning of the police. If police activity is conducted in ways that harm sexual violence victims' personal well-being and deters them from

accessing policing and criminal justice again in the future, this should be of central concern to scholarly research as well as policing policy and practice.

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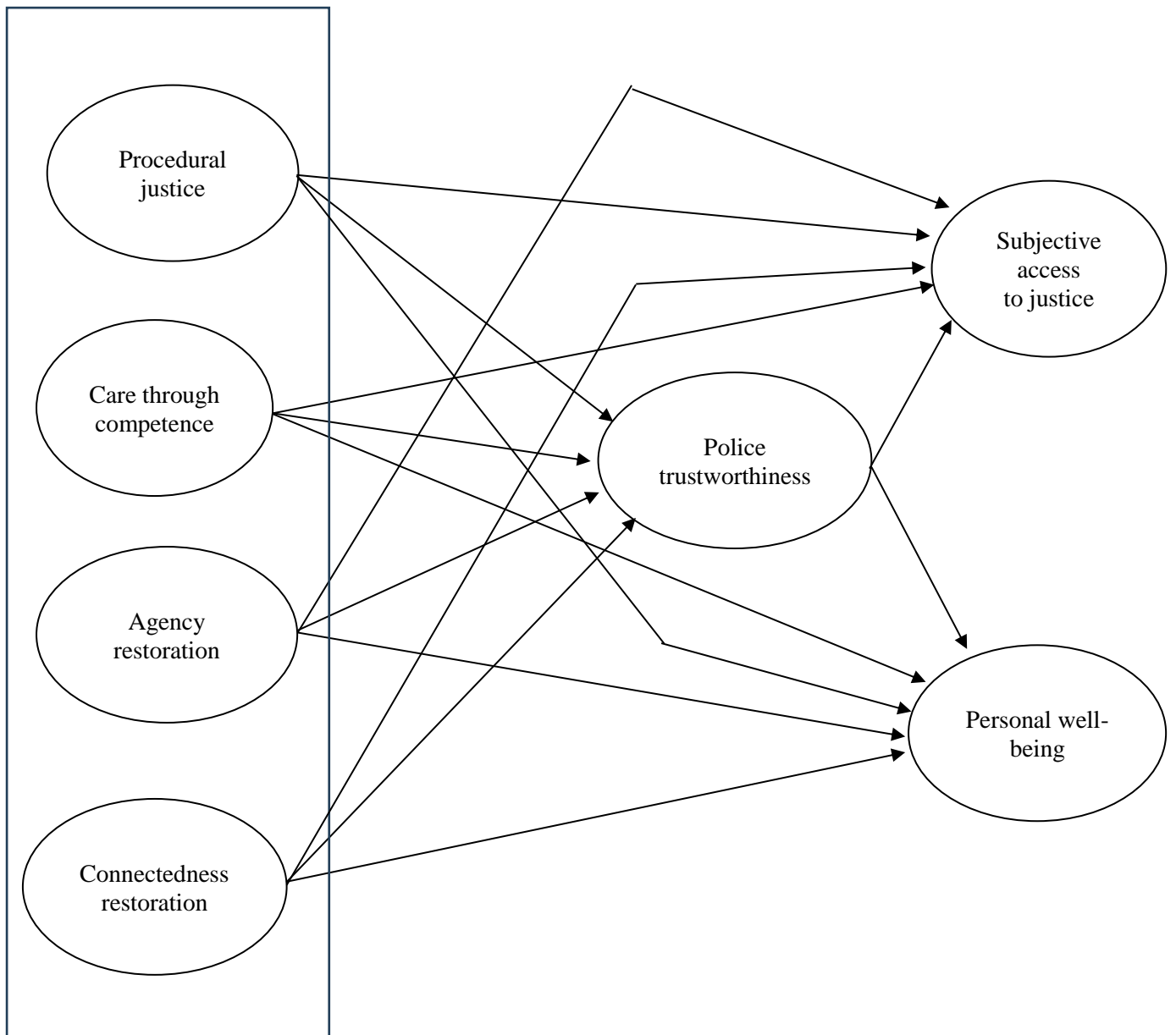
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**Figure 1.** Guiding theoretical framework.



Note: the dimensionality of agency, procedural justice, care through competence and connectedness will be assessed using factor analysis. Represented here as four distinct constructs.

**Table 1.** Key measures of constructs.

<i>Construct</i>	<i>Indicators</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>
<i>Procedural justice</i>	<b>Police officers in my case [never (1), rarely (2), sometimes (3), mostly (4), and always (5)]</b>			
	...understood what this was like for me	3,596	2.50	1.44
	...were kind	3,606	3.45	1.37
	...were respectful	3,526	3.45	1.39
	...took my needs into account	3,537	2.91	1.47
	...explain things well	3,561	2.99	1.41
	...are easy to get hold of	3,551	2.79	1.41
	...contact me when they say they will	3,480	2.91	1.45
	...contact me in good time whenever key things happen	3,536	2.80	1.48
<i>Care through competence</i>	<b>Police officers, in my case, always made me feel [no (0) and yes (1)]</b>			
	...listened to	3,541	0.45	0.50
	<b>Have the police [no (0) and yes (1)]</b>			
	...told you about your victim's rights	3,654	0.32	0.47
	...done things to protect you from the suspect(s)	3,413	0.32	0.47
<i>Agency restoration</i>	...referred you to support services	3,600	0.52	0.50
	...looked at all the evidence	3,570	0.31	0.46
	<b>Police officers in my case [never (1), rarely (2), sometimes (3), mostly (4), and always (5)]</b>			
	... did everything they could to get a conviction	3,575	2.62	1.55
	<b>Police officers in my case made me feel that [never (1), rarely (2), sometimes (3), mostly (4), and always (5)]</b>			
... I have some control over what happens in my case	3,644	2.30	1.34	
<i>Connectedness restoration</i>	<b>Police officers, in my case, always made me feel [no (0) and yes (1)]</b>			
	...like I matter	3,532	0.38	0.48
	...comfortable	3,524	0.42	0.49
	...safe in their presence	3,529	0.55	0.50
	...reassured	3,525	0.32	0.47
<i>Trustworthiness</i>	<b>Police officers in my case made me feel [never (1), rarely (2), sometimes (3), mostly (4), and always (5)]</b>			
	...what happened to me was serious	3,570	3.50	1.57
	...society is on the side of victims like me	3,608	2.49	1.37
	...what happened to me was not my fault	3,562	3.30	1.58
<i>Trustworthiness</i>	<b>Police officers, in my case, always made me feel [no (0) and yes (1)]</b>			
	...believed	3,538	0.42	0.49
<i>Trustworthiness</i>	<b>On the whole, the police [strongly disagree (1), somewhat disagree (2), somewhat agree (3), and strongly agree (4)]</b>	2,215	2.30	1.12

	...are doing a good job			
	...treat people with dignity and respect	2,256	2.49	1.13
	...can be relied on to be there when you need them	2,205	2.21	1.12
	...treat everyone fairly regardless of who they are	2,076	2.34	1.16
	...listen to people's concerns and take them seriously	2,177	2.33	1.15
	...are dealing with things that matter to the people in this community	2,059	2.25	1.11
	...are friendly and approachable	2,229	2.57	1.09
<i>Subjective access to justice</i>	<b>Based on your experience in this case, how likely are you to do the following things? [very unlikely (1), unlikely (2), likely (3), and very likely (4)]</b>			
	...report a sexual offence to the police if it happened to me again	3,490	2.65	1.19
	...encourage a friend to report a sexual offence if it happened to them	3,489	2.27	1.15
	...report other crimes to the police	3,482	2.39	1.10
<i>Personal well-being</i>	<b>As a result of what the police did or did not do... [increased (-1) /stayed the same (0) /decreased (1)]</b>			
	...my mental health	2,158	0.69	0.63
	...my physical health	1,968	0.54	0.62
	...my safety	1,843	0.30	0.76

**Table 2.** Fit statistics for fitted CFA models.

Model		$\chi^2$	<i>df</i>	<i>p</i>	RMSEA	CFI	TLI
M1	One-factor (combining procedural justice, care through competence, agency and connectedness) plus trustworthiness, cooperation and well-being as three separate factors	12,574	624	<.0005	.072	.98	.98
M2	Two-factors (combining procedural justice and care through competence, and combining agency and connectedness) plus trustworthiness, cooperation and well-being as three separate factors	11,526	621	<.0005	.069	.98	.98
M3	Two-factors (combining procedural justice, agency and connectedness, and treating care through competence as separate) plus trustworthiness, cooperation and well-being as three separate factors	12,170	621	<.0005	.071	.98	.98
M4	Four-factors (differentiating between procedural justice, care through competence, agency and connectedness) plus trustworthiness, cooperation and well-being as three separate factors	11,645	610	<.0005	.070	.98	.98

N=2,886

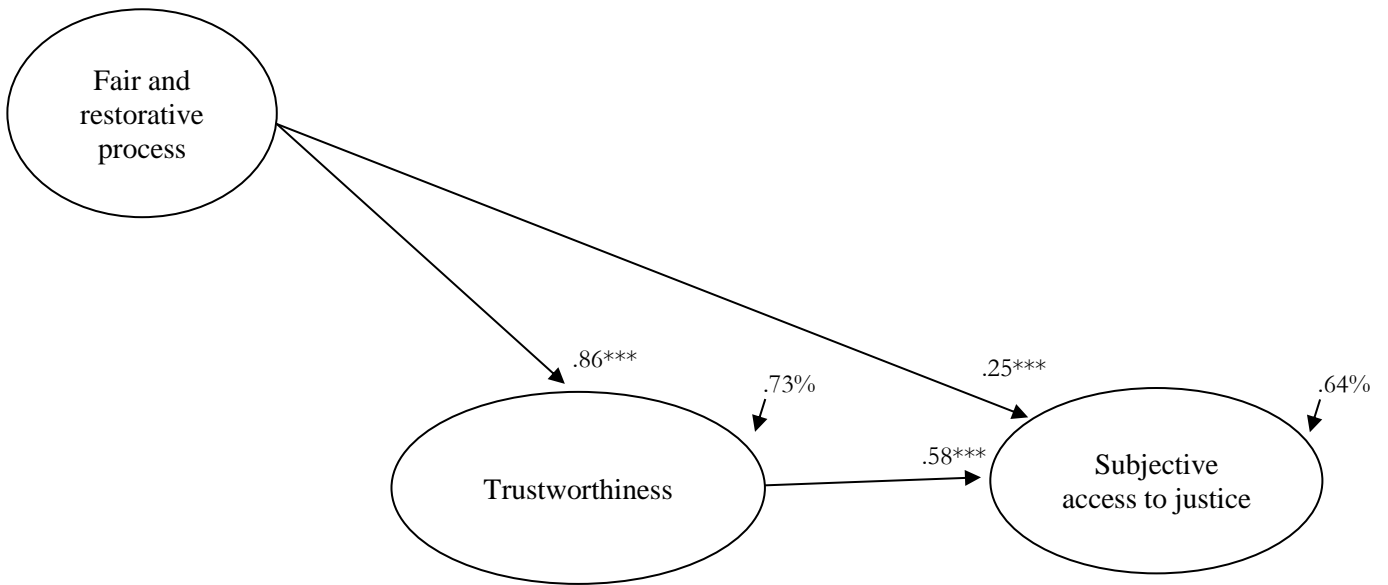
**Table 3.** Correlations between latent constructs.

Construct	1	2	3	4
Fair and restorative process	-			
Trustworthiness	.86***	-		
Subjective access to justice	.75***	.79***	-	
Personal well-being	.72***	.70***	.71***	-

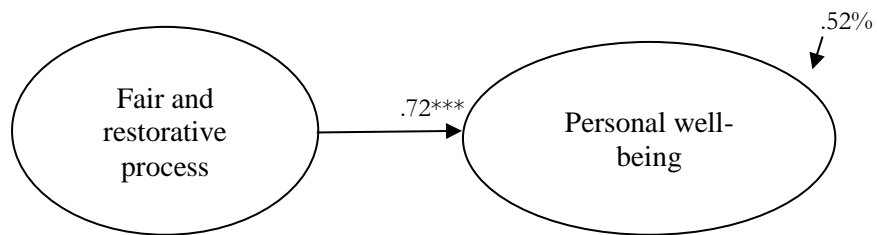
\**p*<0.05, \*\**p*<0.01, \*\*\**p*<0.001

N=2,886

**Figure 2.** SEMs testing the extended procedural justice model.



Model fitted on data from January-June 2023 and January-March 2024 data (n=2,658)



Model fitted on data from May-December 2023 and January-March 2024 data (n=2,543)