

Vulnerability, resilience, and rape: Uncovering the hidden work of police officers during rape investigations

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Abstract

Drawing on original empirical data comprising police interviews and case file analysis, this article seeks to better understand the policing responses to cases of rape and specifically, the ways in which officers assist victims in the context of two themes – *encouraging engagement with the investigative process* and *ensuring victim safety and general welfare*. This work – which we call ‘hidden work’ as it is often neglected in the research literature – involves victim care, multi-agency working, provision of practical assistance, along with efforts to protect victims from physical and psychological harm. This article reaffirms key observations in the existing literature that emphasise the importance of victim welfare and engagement as part of a police investigation. A focus on victim care can be seen as an end in itself but also as a strategy that may carry benefit to the police themselves in the pursuance of performance goals should a victim remain engaged with the criminal justice process. However, the central argument in this paper is that traditional measures of police performance, such as detection and arrest rates, miss a significant amount of police activity which are important to rape victims and that a broader range of considerations should be factored into discussion of police performance. This is suggested not to diminish or downplay the significance of traditional measures of performance, or indeed to minimise police shortcomings in these areas, but to facilitate a more nuanced discussion of some of the realities of investigative work in the complex field of sexual offences. The article concludes by arguing that much of this hidden work should be included in formal assessments of police performance *alongside* traditional key performance indicators.

Keywords

Police, rape, vulnerability, resilience, victim support

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Introduction and outlining key concepts

This article draws on original empirical data to better understand the policing responses to cases of rape and specifically, the ways in which officers assist victims in the context of two themes – *encouraging engagement with the investigative process* and *ensuring victim safety and general welfare*. This focus will help illustrate the ways in which the actions of officers may assist victims in building confidence in the investigative process and at the same time address their pressing and complex needs. This work – which we call ‘hidden work’ as it is often neglected in the research literature – involves victim care, multi-agency working, and provision of practical assistance, along with efforts to protect victims from physical and psychological harm. Indeed, for some victims, such support and assistance may be far more valuable than securing an arrest, charge, or conviction. The work is normally not captured by traditional measures of police performance such as arrest, detection, or charge rates (HMCPSI, 2019; Office for National Statistics (ONS), 2018), yet it is of central importance to modern approaches to policing rape.

Police activities that support victim welfare are an important means of assisting victims, encouraging engagement with the investigative process and providing practical assistance to address immediate and longer-term problems. It is argued that although these endeavours may in some instances contribute to better ‘performance’ in terms of the progressing of investigations and case building, they are invaluable in their own right. Indeed, such activity should be recognised as an essential measure of police performance in cases of rape and can be framed within the context of both interactional and procedural justice perspectives that have informed many victim-focussed studies (Bies and Moag, 1986; Laxminarayan et al., 2012). The concept of procedural justice, described as ‘the fairness of processes used by those in positions of authority to reach specific outcomes or decisions’ (Ballucci and Drakes, 2021: 83), is a particularly important prism through which interactions between police officers and victims should be interpreted. It has been argued that for many of those who report their victimisation to the police, a greater priority is perhaps placed upon the nature of the interactions and their treatment at the hands of authority, rather than the outcome or progression of formal process (Tyler and Lind, 1992). In their work that explored Canadian police responses to sex crimes, Ballucci and Drakes (2021) found that approaches focussed around trust building, inclusion, and a recognition of individual needs resulted in greater victim satisfaction with both the process itself and case outcomes. In the context of a literature that frequently problematises interactions between police and victims, an emphasis on procedural justice and its associated values may yield positive outcomes in a number of respects; as will be further explored in this current work.

Rape investigations, policing, and performance in England and Wales: the background to the current study

There have been long-standing concerns about the nature of the criminal justice system’s responses to rape and other forms of sexual violence across many jurisdictions. In England and Wales, a recently published review provides a current synopsis that cites (among other issues) an increasing volume of reports of rape, alongside proportionately fewer prosecutions and convictions (Ministry of Justice (MOJ), 2021). Concerns identified include the proportion of cases resulting in victim withdrawal (increasing from 42% of cases in 2015–2016, to 57% of cases in 2019), the potential influence of ‘rape myths’ and their impact at various stages of the criminal justice process, and the

strained nature of relationships between the various institutions of the criminal justice system which may impede case building and progression. Reflecting upon Home Office data illustrating that only 1.5% of reported cases result in a criminal charge (Home Office, 2021), the Victims' Commissioner for England and Wales has described the picture as 'shameful' and as carrying profound consequences for society and its faith in the ability of the criminal justice system to discharge justice (Victims Commissioner, 2021). In England and Wales, as is the case elsewhere, there is serious concern at the ratio of reports to conviction for the offence of rape; an established theme across the breadth of the academic literature and public/media discourse. Accordingly, the last 20 years have seen numerous reviews, inquiries, and investigative initiatives aimed at improving the policing response to rape (Angiolini, 2015). These initiatives have included the deployment of specially trained officers; closer links with external agencies and victim support groups; and most recently, the move towards an 'offender-centric' investigative model that is more explicitly focussed on the motives and behaviours of the suspect (Rumney and McPhee, 2021).

More broadly speaking, the established research on police culture presents another prism through which police performance, in particular the discharging of obligations to victims of sexual violence, can be viewed. Many of the classic accounts (e.g., Reiner, 2000) emphasise the role of conservatism, machismo, and the sense of mission that is shared by officers in pursuit of traditional policing goals that prioritise the classic 'crime fighting' role over and above other roles and responsibilities such as victim care. When considering the impact on sexual offences investigations, the occupational culture of policing has been said to negatively impact the way in which officers develop rapport with women (Dodge et al., 2010) and values the need for emotional detachment in the discharge of their duties which may ultimately impact an officer's ability to show empathy for victims (Jordan, 2001; Rich, 2019). An occupational culture which is conducive to suspicion and authoritarianism has been suggested as a potential barrier to adopting trauma informed approaches to rape investigations which are seen as vitally important both in terms of providing empathetic and compassionate responses, as well as progressing individual cases and maintaining victim confidence in the criminal justice system (Rich, 2019). Recent events in England and Wales, including the rape and murder of Sarah Everard by a serving Metropolitan Police Officer and the release of an Independent Office for Police Conduct report which found evidence of 'toxic masculinity, misogyny and sexual harassment' in London's police service (IOPC, 2022) have provided the backdrop for renewed discussions about the need for cultural change. It is clear that discussions concerning cultural change and improving performance are becoming increasingly intertwined.

In terms of improving performance, beyond a reimagining of culture itself, it is suggested that in practical terms this requires an awareness of good practice and a sense of how this can be achieved. Furthermore, in judging police performance one has to consider *what exactly is being used to judge failure and success*, and whether a narrowly criminal justice-focused measure of performance, including detection, arrest and charge rates capture the full range of valuable police activity in rape case investigations. As the above discussion on the impact of occupational culture suggests, such conversations need to be nuanced. Rape case treatment within the criminal justice system is more complex than is often asserted (Larcombe, 2011), just as 'successes' may be measured in ways beyond what is identifiable via quantitative 'outcome data'.

Resilience, vulnerability, and rape

Victims of sexual violence are often referred to as ‘vulnerable’ in the sense of being exposed to criminal victimisation, resultant trauma, risk of further victimisation and suffering pre-existing problems, such as addiction or homelessness. However, the idea of vulnerability in discussions around sexual violence is potentially problematic. It risks labelling rape victims as weak, incapable, or passive and may in turn encourage victim blaming by which the ‘vulnerable’ need to take precautions and change their behaviour to avoid rape (Munro, 2017). In this article, vulnerability is used in the sense of the victim’s needs, which may be economic, social, physical, and emotional. Of course, this definition risks over-inclusivity. Munro argues that an over-inclusive definition of vulnerability:

risks robbing the concept of its critical edge, flattening different experiences and degrees of precariousness, and skirting over the more complex ways in which situational and structural factors intersect to produce susceptibility to, and resilience against, abuse. (Munro, 2017: 425)

In acknowledgement of these concerns, this article examines vulnerability in the context of resilience – allowing for analysis of the interplay between what may be the complex and imminent needs of a victim, alongside the work of the police and specialist support services to address such needs. Furthermore, the cases discussed in this article illustrate the various ways victims may demonstrate resilience – from the decision to disclose rape to the police,¹ to choosing when and in what ways to engage with the police, and sometimes to disengage from an ongoing investigation. Resilience is explored in light of victims’ experiences of trauma, shame, fear, physical, or mental illness, and in some instances, ongoing intimidation, homelessness, and destitution.

In its most basic sense, the notion of resilience has been described as ‘overcoming the odds’, an indicator of ‘strength’ (Scheper-Hughes, 2008: 41, 48) and of gaining ‘power and control’ (Newsom and Myers-Bowman, 2017: 941). Resilience can be viewed as an ‘active process of resistance’ but also a ‘collective resistance’ against sexual violence more generally (Kelly, 1988). Overcoming adversity and regaining control in circumstances of vulnerability, trauma and other challenges is a complex matter for victims and those who work with them. Thus, resilience in cases of sexual violence is not a static state. It cannot be assumed that victims steadily progress from crisis to recovery. Instead, it is a process in which victims make ‘ongoing efforts – including both successes and failures – with their internal thoughts and emotions as well as their interactions and relationships with others’ (Newsom and Myers-Bowman, 2017: 941).

There is also a need to acknowledge the co-existence of vulnerability and resilience. Victims who report rape to the police may do so in the midst of a struggle involving conflicting emotions, wishes, and manifestations of resilience. Dos Reis et al. (2017) noted that victims of rape they interviewed exhibited:

feelings of guilt, impotence, fragility and immobility. ‘Feelings of guilt’ left the women ‘sliding’, unable to completely overcome their suffering. They believed that they may have somehow ‘provoked’ the violence. However, they also exhibited resilience, investing all of their energy into assuming control over their lives and returning to who they were before the violence. (p. 2357)

The police role in addressing manifestations of vulnerability and fostering victim resilience is a neglected area of criminal justice research. Understanding the impact of the police, working with

other agencies to assist victims is critical to identifying good practice, as well as areas for improvement. This enables an analysis that moves beyond the existing narratives that focus on traditional measures of police performance to examine a much broader range of police actions, including those linked to engagement, safety, and welfare, i.e. 'hidden work'.

Engagement and disengagement from the investigative process

For the purposes of this article, engagement is defined as a rape victim's active involvement in the investigative process, including giving a statement to the police, attending meetings, and communicating with officers. Disengagement can be temporary, but sometimes it involves a permanent unwillingness to engage with the investigative process and specialist support services. Neither engagement nor disengagement is necessarily static, and such decisions might be influenced by an array of situational factors. A decision by a rape victim not to do one thing, such as undergo a forensic medical examination, does not mean that they will not do other things such as make a statement or identify a suspect.

The reporting of rape to the police may be a manifestation of resilience and act of 'personal empowerment' for victims, (Jordan, 2001: 686) and while reporting can be a source of anxiety and even trauma (Waxman, 2019), it can also provide a means of naming the violation and providing an avenue by which victims '[assume] control of their lives' (Dos Reis et al., 2017: 2358). The (in) actions of the police may, of course, worsen trauma and hinder recovery (Waxman, 2019) but can also validate the victim experience and facilitate victim engagement with appropriate support services. Once a report is made, victims may disengage, reflecting a sense of disempowerment and lack of control over the investigative process. It may also reflect a positive choice – focussing on personal recovery from trauma or illness over the needs of the justice system. In their interviews with victims of sexual violence, McGlynn and Westmarland identified a wish for 'active participation' in the sense of victims wishing to influence criminal justice decision-making – the 'power to make and shape' their own futures to avoid a 'sense of marginalisation' (McGlynn and Westmarland, 2019: 192). In this sense, disengagement in terms of deciding not to engage with police, delaying engagement or seeking a particular form of engagement with officers may be rooted in efforts to shape involvement with the police in a manner more appropriate to the victim's needs. This may hinder the investigative process but only temporarily once specific concerns have been addressed.

Complex needs impact engagement with the investigative process in various ways. It was noted in the Angiolini Review of rape case treatment in London that some rape victims have 'chaotic lifestyles and multiple problems' (Angiolini, 2015: 200–201) and specialist staff working with rape victims 'questioned the likelihood of complainants who cannot manage their own basic needs being able to cope with navigating the criminal justice process' (Angiolini, 2015: 200). Kelly et al. (2005) found that in 12% of their sample of cases victims declined 'making a formal complaint; forensic examination; giving a statement', withheld information and declined to communicate with officers (p. 59).

Methodology

In England and Wales, all reports of crime are filed on an electronic/digital recording system which logs a diverse range of information about the report, those involved, those assigned to investigate, and the subsequent actions and development of the case. The further the investigation progresses, the more substantial the information contained within the file system. For those cases that drop out

at very early stages, the case file may not amount to more than a single piece of intelligence. For those that progress to the courtroom, the file can be substantial featuring evidence logs, the decisions of officers and prosecutors, victim statements, medical reports, forensic information and transcriptions of interviews undertaken, and case outcomes. The quality of the information within the files themselves varies according to the nature of the report, and indeed the diligence of the officers responsible for making entries. As a result, studies based on police filing systems are not without imperfections (Güss et al., 2020) and can be said to be constructed from the perspective of the investigator (though not always exclusively). This is indeed the case for the current study. Despite such issues, research featuring data that derive from police case files have the potential to reveal vital information about many elements of criminal investigations, including differing investigative approaches, victim care, and officer attitudes. They are considered important as a result (O'Connor et al., 2022; Office for National Statistics (ONS), 2022).

The authors of this paper were part of a research team that explored the impact of specialist investigative models of policing (see Rumney et al., 2020). This work involved, among other things, constructing a sample ($n=441$) of police rape investigation case files featuring male and female victims who were 14 years and over at the time of reporting. In constructing the data set, and being provided with direct access to police records, the authors were able to extract and code a broad range of information including case characteristics, demographic information concerning the parties involved and the actions of investigating officers as a means through which to examine the progression of cases through the criminal justice system. In addition to these data, and as part of the research process, the research team provided a short narrative account explaining the main features of each report and investigation as an aid to the analysis of the quantitative data. These accounts were fully anonymised and contained no identifying information concerning either the officers making the entries, or those referred to within the files. It is these qualitative case summaries that form the core data for this current work, with a particular focus on 24 cases that illustrate the welfare and support needs of victims and police officer decision-making and their actions in addressing these issues. These 24 cases were selected by the authors not because they are the only relevant examples from the broader study, rather they provide an illustrative range of examples across a number of different contexts. To this end, it is important to point out that this paper does not seek to examine patterns or frequency of interventions; its focus is on providing examples of hidden work that were identified from the larger set of investigations.

The use of qualitative data in research of this kind does have limitations, not least that officers decide what to record in a case file and such recording may be subject to bias or self-justification. However, as Shaw et al. (2017: 604) note, it is important to move beyond attitudinal research that relies on surveys and scales and use case file data that will identify the basis for officer decision-making in *actual* rape investigations.² Critically, the use of qualitative data from case files assists us in understanding the rationale for police officer decision-making and the actions taken by officers to facilitate victim care and welfare. The case file data also often included evidence from a variety of sources – victims, suspects, statutory agencies, and specialist support services. It is these data that point to the complex back story to the lives of the victims, along with the challenges faced by police officers in investigating these cases. Without qualitative data, there is a danger that the use of quantitative methods will neglect crucial issues of context and the experience of victims (Myhill and Kelly, 2021: 20–21).

In addition to the case file data, nine interviews were conducted with serving officers, all with experience of rape investigation and most of whom had experience of working within a specialist

rape investigation unit. The interviews, conducted in 2014, used a semi-structured method themed around the following areas: experience of rape investigation, perceptions of a specialised (rape investigation) environment, decision-making, interaction with victims and provision of victim support, victim vulnerability, and relationships with partners and support agencies. These interviews allowed the research team to explore the experiences and perceptions of the officers in detail, and in a way complementary to the case file data. The work was conducted with the appropriate university's ethical approval.

Encountering and responding to disengagement

The police officer interview data in the current study reveal the complex lives of some rape victims and the differing ways engagement issues manifested themselves prior to or during investigation. Some officers observed that vulnerabilities can be layered: 'usually, they're drinking to cover what's going on in their lives' (Interview 8) and 'they've got other stuff going on in their lives . . . Police investigation is not necessarily right at the top of their agenda' (Interview 4). A detective noted that victims with addiction problems 'had lots of things to juggle as well and that sometimes they saw the police just as another problem they had to deal with, and they just wanted the police to go away' (Interviewee 1). While complex needs may lead to a reluctance to engage with the police and specialist support services, it may also lead to delay. One officer observed that the 'hectic lives' of some victims with drug and alcohol addictions may hinder contact: 'You may not be able to find them one day or you made an appointment and they didn't turn up' (Interview 4). The same officer noted that maintaining contact with some victims, for example, those experiencing homelessness is difficult: 'Trying to find people, locate people, people who change their telephone numbers all the time. I've been underneath bridges to try to find someone who is homeless to try and see if they are alright' Another officer noted cases in which

we try our best to engage with them and to obtain an account from them . . . but they just will not help. Or they will say 'yes I will meet you next week' and they won't turn up and you are just chasing and chasing and chasing. Those can be really frustrating and challenging. (Interview 2)

Disengagement poses particular problems when a suspect has been arrested:

[Sometimes] we only had partial engagement from the victim, so it was very difficult to do the job when we didn't have the victim on board so a lot of the time we were looking for the victim trying to support them, trying to get them on board under some time pressure, because normally we had somebody arrested and we had . . . [a] time period to deal with them. (Interview 1)

To properly understand the causes of victim disengagement requires an examination of contextual issues surrounding the offence, including what may be happening in the life of the victim, help seeking and the existence of a support network. Indeed, complex needs and 'worsening personal circumstances . . . may lead victims to behave in counter-intuitive ways, by becoming isolated, not seeking help or decline offers of support' (Pettitt et al., 2013: 50). Thus, disengagement may result from victim experiences that occurred years prior to the rape, perceptions of the police response, and the response of family or friends (Ahrens and Campbell, 2007: 43; Maddox et al., 2011; Orchowski et al., 2013). Disengagement may be a product of childhood trauma in which victims

'retreat' and attempt to deal with such issues on their own (Burgess-Proctor, 2012: 332). Disengagement may also be linked to events that are unconnected to the rape or police investigative process, such as emerging serious illness. Another reason is that the victim may not wish to engage *at that time* because of short delays to ensure the availability of a female medic during a forensic medical examination. Furthermore, there is a relationship between distress, trauma, and victim disengagement (Hansen et al., 2017).

The response of officers to victims who do not wish to engage with the investigation is critical and may reflect institutional objectives focused on traditional criminal justice outcomes, rather than goals that aim to support victims and promote their welfare. Referrals to specialist services can assist in this regard and reduce the rate of victim withdrawal from the investigative process. In Case 1, the victim was initially reluctant to support the investigation after she reported a rape by a family member. She became upset when the police pursued the investigation and refused to cooperate with officers, but later re-engaged after receiving ongoing support and advice from an Independent Sexual Violence Advisor (ISVA).³ The case subsequently reached trial and resulted in multiple sexual offence convictions. Thus, even when a victim disengages in frustration at police actions, support referrals can aid a victim's sense of resilience and willingness to participate. The role of multi-agency working may be critical to case progression (Hester and Lilley, 2018). One detective recounted a case:

It's not just police . . . you've got all the outside support network that don't work for the police but work with the police like the ISVAs . . . the Sexual Assault Referral Centre what they can offer as well, counselling . . . [The victim] said: 'that . . . really helped'. It's helped her to come to terms with what's happened. (Interview 3)

In another case, a victim was unsure about giving evidence in court due to her childcare needs which had already resulted in her being unable to attend a pre-trial visit to the courtroom that many victims of crime and witnesses find beneficial (Fairclough, 2020). To address her needs, the Officer in Charge (hereafter OiC) of the investigation proposed a childcare plan that enabled the victim to attend court (Case 2). This is an illustration of the type of practical assistance that can increase the likelihood of engagement with the criminal justice process (Goodman et al., 1999: 439).

Rape and other forms of sexual violence have a profound impact on the emotional and psychological well-being of victims (Dworkin et al., 2017: 65–81). While the experience of sexual violence itself is a cause of trauma; sexual victimisation may worsen pre-existing mental illness issues (Dworkin et al., 2017: 24) and impact the coping strategies of victims. Access to specialist support services can facilitate disclosure, recovery from trauma and engagement with the police and other services (Dworkin et al., 2017: 25). ISVAs have also been shown to play a crucial role in assisting victims through the criminal justice process by providing advocacy, information, and emotional support (Hester and Lilley, 2018). As such, police awareness of the partnership role played by support referrals is crucial (Waxman, 2019: 12–15, para. 10). Sometimes access to specialist services is the primary goal of a victim who reports to the police. In Case 3, the victim did not make a formal complaint. Instead, she sought access to support services, which were then facilitated by a sexual assault investigation trained (SAIT) officer.⁴ This enabled the victim to address immediate needs (focusing on recovery) rather than investigation. Indeed, the data revealed many different reasons for not seeking a formal police investigation. In Case 4, for example, the victim sought to discover the location of her assailant following a rape. Officers provided support and discussed

options with the victim, including possible court orders. While officers initially sought to formally investigate the case, when the victim made clear she did not desire that, officers worked with authorities in a third country to locate the suspect – an outcome the victim did desire. Here, police actions recognised the role of the victim as an ‘active participant’ in the decision-making process and shaped the police response which met the wishes of the victim (McGlynn and Westmarland, 2019: 192–193).

A similar outcome occurred in Case 5 where a victim wished to provide intelligence on a suspect, but did not support an investigation. She was provided with a specialist support referral and assurance that she could pursue her complaint whenever she wished. Enabling the victim to shape the police response to a report of rape in this way may assist in building a relationship of trust between the victim and officers that could potentially encourage future engagement. Furthermore, the provision of intelligence may assist the police in linking crime reports should another victim come forward and identify the same suspect. Active participation in the criminal justice process may involve a decision to not participate at that time and for officers to respect those wishes. In Case 6, officers made efforts to engage with a victim, but she declined a specialist support referral and made clear that she did not want her case to be investigated due to stress. The OiC decided that her wishes should be respected due to ‘the risk of alienating [the victim]’ should she wish for the allegation to be investigated at some future time.

The needs of individual victims may change over time and a criminal justice process that is responsive to such needs may facilitate engagement leading to outcomes that meet more traditional measures of police performance, such as charge or conviction. Responding to a victim’s needs requires respect for victim decisions to disengage and also a recognition that pressuring compliance may undermine trust in the police and reduce the likelihood of further engagement. Care should also be taken not to diminish a victim’s sense of self-determination and control – something that has already been violated by criminal victimisation (Dempsey, 2009). As such, the reaction of the police to disengagement may be pivotal to the welfare of the victim. In Case 7, a woman had been the subject of long-term domestic violence and had previously disclosed a rape then withdrew because she did not wish her partner to go to prison. Years later, she reported her partner again. These actions – first, stopping the police investigation and second, initiating a second investigation – indicated the victim’s wish to exercise a degree of control over the investigative process. This case illustrates the complex nature of resilience and the importance of trust building between the police and victims. When she decided to pursue a second complaint a SAIT officer provided support throughout the investigation with regular contact and updating. The victim was initially unsure about pursuing the case but referrals to a specialist counsellor and an ISVA appeared to assist the victim. The role of ISVAs and specialist counsellors in facilitating engagement with the criminal justice process has been noted previously (Hester and Lilley, 2018; Powell and Wright, 2012: 338–339). Her partner was subsequently convicted of several counts of rape. Exercising power to control life events at times of conflicting thoughts and emotions requires officers to respect a victim’s wishes – this can facilitate trust, increase victim sense of control and, ultimately, victim willingness to pursue the allegation.

One of the challenges faced by victims of sexual violence is the ‘ripple effects’ or ‘secondary traumatisation’ of sexual violence (Morrison et al., 2007). Specifically, the impact of disclosing sexual victimisation on family and friends can cause anxiety for victims (Christiansen et al., 2012; Mio and Foster, 1991). In Cases 8, 9, and 10, victims reported anxiety regarding their identity being disclosed in the media or to family members. These cases are illustrative of the complex

ways in which fear over the loss of anonymity and disclosure to family members can impact victims. These tensions between signs of resilience (reporting) and the consequences of reporting (publicity and family reactions) can lead to differing case outcomes (Newsom and Myers-Bowman, 2017). In all three cases, concerns were raised about anonymity and officers reassured the victims that their identity was legally protected and information would not be disclosed to family members. A SAIT officer explained the information she provided to victims as a way of providing re-assurance:

A lot of people are worried their name will be out there in the press. Obviously, we can tell them that as a victim their name's not going to be there . . . There'd be screens in court so press can't see them . . . So we . . . tell them all that quite early on in the investigation because usually early in an investigation is when . . . they'll say 'this has come up I want to discuss it', 'I don't know if I want to report it or not at this stage' and then we'll go through all that right at the beginning. (Interview 8)

In Case 8, officers attempted to encourage engagement but it became apparent that the victim would not support an investigation because of worries that his family would find out about the allegation. Even after it was explained that his anonymity was legally protected for life he declined to engage. By contrast, in Case 9, the victim was fearful of her family's reaction to a rape disclosure. Once re-assured by a SAIT officer about her anonymity, the victim fully supported the investigation. She was updated by officers who met her at a location where she would not be seen by friends or family. The suspect was subsequently arrested, charged, and convicted of rape. During this time, her family remained completely unaware of the investigation and court proceedings. In Case 10, officers sought to reassure a victim who was fearful that family members would discover she had been raped and withdraw support. The case involved cultural sensitivities that caused the victim significant anxiety. Previous research has found that there may exist cultural barriers to victims reporting rape in which they 'need to manage not just the criminal justice process but also how they are viewed by their family and/or community' (Angiolini, 2015: para. 195). Despite offers of support and the allocation of an ISVA, the victim disengaged from the investigation continue with the criminal justice. These cases illustrate the idea that engagement with the police is complex and some victims may decide it is not in their own best interests to engage.

Formal and informal support can undoubtedly help victims in their coping and recovery from rape, but can cause harm if the reaction of family, friends, or agencies is a negative one. Kaukinen (2002) notes the benefits of seeking help from family and friends:

Seeking help from family and friends suggests that victims are actively engaged in a process of attempting to deal with the aftermath of crime. Although help from family and friends does not necessarily bring about justice-based solutions to criminal victimization, help from informal networks provides social support, comfort, and other tangible resources to crime victims. (p. 451)

Negative reactions from friends, family members, and agencies can include victim blaming, lack of empathy, and disbelief (Ahrens and Campbell, 2007: 43; Maddox et al., 2011; Orchowski et al., 2013). Family members told the victim in Case 11, who was a child at the point of first disclosure, that she was lying. As an adult, she reported the abuse to the police. Given the absence of support from family members who maintained that she was lying, a SAIT officer and ISVA provided belief, case updating, advice, and emotional assistance. This was of significant help to the victim.

Following efforts by detectives to uncover historic evidence that could be forensically tested to support the allegation, the victim gave evidence at trial and the suspect was found guilty of rape.

Protection and general welfare

It is well established within the literature that some victims of sexual violence report to the police because they fear for their personal safety and seek police protection (Brooks-Hay, 2020: 10; Lievore, 2005: 35). The case files illustrate the wide range of welfare concerns that arise during rape investigations – including victim concerns pertaining to physical, emotional, and psychological harm, the welfare of children and family members, addiction, self-harm, and aggravation of existing illness. In addressing these issues, it is critical that the police adopt an investigative approach in which there is a commitment to victim welfare. Indeed, a lack of attention to welfare concerns can be linked to the exacerbation of trauma, mental health difficulties, and decisions to withdraw from the investigative process (Waxman, 2019). Angiolini has referred to the importance of a ‘holistic approach’ to victim care, enabling victims to: ‘Feel . . . safe and being provided with practical support to avoid further victimisation’ (Angiolini, 2015: para. 771).

Two police interviewees noted that safety planning began early with efforts being made to ensure the victim was in a place of safety and that resources were in place to respond quickly to particular welfare needs. In one interview it was noted that the initial priority is to ‘get [victims] . . . on board, have an open mind-set, get them into a place of safety . . . get the first sort of disclosure’ (interview 7). A welfare approach may involve taking the time to encourage disclosure, as well as addressing specific support needs:

I spent [time] with an alcoholic victim who hadn’t actually made a complaint yet, but there was suggestion [*sic*] that there [is] something is going on so it’s a case of supporting her, getting her trust, trying to understand where her issues are to put the necessary support in place for her whilst I was with her and then it was [driving] her to her friend, updating her family to let them know where she is. (Interview 4)

The case file data reveal that a range of support options were put in place at the point in which the needs and wishes of victims were identified. Support varied, depending on victim need, and often involved SAIT officers working with detectives and specialist support services. The examples that follow are from cases that led to rape and other sexual offence convictions: officers organised specialist support for a victim who had profound physical disabilities and hearing loss. Officers recognised that the victim needed time to give a full account so the pace of the victim interview was modified to allow this (Case 12); arranging specialist support and new housing for a vulnerable victim of sexual exploitation (Case 13); providing ongoing reassurance and emotional support to an anxious and emotional victim who was unable to disclose the rape to her family (Case 14) and a SAIT officer accompanying the victim to hospital where she had a termination after she was made pregnant by her rapist (Case 15). In another case that eventually resulted in a victim withdrawal, officers prioritised the health of a victim of prolonged abuse when she became seriously ill. They regularly visited her in hospital to maintain contact, offered updates on the investigation, and facilitated rapport, but accepted the victim’s view that progressing the investigation would worsen the stress she was experiencing (Case 16). At that point, a respect for the victim’s wishes was an important means of promoting victim welfare, and one might add, the rapport necessary for subsequent re-engagement with the police.

The case files provide further evidence of how police officer concern about victim welfare manifested itself. Time was a key element in victim support and in a number of cases officers demonstrated patience and provided victims with the space to weigh up decisions without undue pressure. Taking time also enabled officers, working with other agencies, to provide appropriate support for the victim. Gagnon et al. (2018) interviewed a victim who explained the importance of time:

You can't push them. Let them have their space and time. We have to come to terms with what do we really want to do. Sometimes they push a person to the point where they just don't want to talk. (p. 15)

In one case investigation where the forensic window for collecting evidence was quite narrow, an officer noted that it was important 'to proceed at her pace' (Case 17). This was because the victim had complex mental health problems and was viewed by officers to be stressed by the investigation. The victim initially refused to be interviewed by officers; thus, a decision was made to slow the process. To address the risk of disengagement, a forensic examination was delayed so a female doctor could be located. The results of the forensic examination enabled officers to identify the suspect who was linked to a previous sexual assault, and he was subsequently convicted of rape. Similarly, in Case 18, a victim was unsure whether she wished to make a formal statement but after contact from the OiC who explained the investigative process and provided reassurance concerning how the investigation would be conducted, decided to make a statement. The suspect was subsequently charged and convicted of multiple sexual offences. These cases illustrate the importance of officers listening to victims and using time and pace to encourage active engagement.

While support needs differ widely, victims commonly emphasise the importance of pro-active, timely communication, and follow-up from the police (Gagnon et al., 2018: 9–12). The case files revealed the differing ways in which the police sought to communicate with victims after the initial report: 'You get some victims who are very happy just to wait for the monthly update . . . Other victims can be on the phone, emailing, texting pretty much five times a day and it's getting back to them' (Interview 4). Case 19 involved a woman who was a recovering drug addict. At the beginning of the investigation, she was difficult to contact, with a SAIT officer making repeated calls without response. This was particularly alarming because the SAIT officer learned that the victim was suicidal, so she liaised with a local specialist addiction service that had previously worked with the victim to encourage re-engagement. One of the SAIT officers interviewed in this study made reference to suicidal thoughts:

They might become suicidal so it's about putting all your resources in place, maybe going out to see them . . . trying to build that rapport back up again, trying to keep them on the straight and narrow before leaving for the day. Knowing they are safe and well. (Interview 4)

In Case 19, the SAIT officer and specialist service worked together to provide necessary support that led to a willingness to re-engage with the police. The case subsequently resulted in a conviction for rape.

Gagnon et al.'s (2018) interviews with victims of sexual violence found that many recommended that police and other agencies provide 'more information and/or help obtaining resources, such as help securing safe housing' (p. 12). The issue of safe and secure housing, particularly in cases involving domestic violence, is critically important to ensure the safety and security of the victim and any children so they are not forced to go back and live with the suspect (Women's Aid,

2020). In Case 20, officers were concerned about the safety of the victim due to the violent history of her ex-partner. At her request, an officer contacted the victim's landlord on her behalf, and this led to her tenancy being transferred to a different property. This type of case outcome would be seen as a failure under traditional performance measures, but looking at a wider protection and welfare approach, the provision of safe housing met the immediate needs of the victim and gave the victim the opportunity to re-engage with the police at a later time. It is also an example of what Ballucci and Drakes (2021) refer to as a policing 'commitment to providing victim-survivors with the capacity to initiate actions and responses that suit their needs' (p. 10). Case 20 can be contrasted with Case 21 in which a victim who was on the face of it at least, similarly situated – the victim had been subject to long-term domestic violence by an ex-partner and was concerned for her own safety. As with Case 20, officers provided practical help – in this instance, in the form of improved security to her home and in both cases, the suspects were subject to curfews and orders preventing contact with witnesses. However, while Case 20 involved a decision to withdraw the allegation, in Case 21, the suspect was charged and subsequently convicted of multiple sexual offences.

Case file data also provide instances of officers reacting to case developments that they anticipated would cause distress. In Case 22, for example, officers discovered that a suspect had photographed his unconscious victim, the OiC acted to inform her but made clear that given the potential 'devastating' impact of this case development, it was essential the matter was discussed face-to-face with the victim. She had already been referred to counselling and an ISVA due to her anxieties and concern she would be disbelieved. The recognition of specialist support needs, along with the OiC's timely response indicated an important recognition of victim anxiety in a case that resulted in a rape conviction.

Scheper-Hughes defines resilience in terms of survival and recovery in response to 'crisis' and contrasts situations where crisis is 'a temporary abnormality linked to a particular event' with those 'living in constant crisis and subject to repetitive traumas' (Scheper-Hughes, 2008: 36). In rape cases, it is too simplistic to distinguish trauma and recovery in cases involving a single rape and those involving prolonged abuse. Trauma and recovery are complex, so it is difficult to neatly distinguish shorter- and longer-term sources of trauma. However, there are undoubtedly cases of rape, and groups of victims who might be in 'constant crisis': for example, women in abusive relationships – where economic dependence, coercive control, and the infliction of physical and sexual harm are a constant risk and regularly experienced (Painter, 1991). Furthermore, it might also be argued that women exhibit 'everyday resilience' (Scheper-Hughes, 2008: 50) given the fear of re-victimisation in domestic violence cases.

Victim safety and general welfare concerns were in evidence in Case 23 as were efforts by officers to support the victim who was a victim of domestic violence and fled her partner. However, due to her immigration status, she had no recourse to public funds and no access to emergency accommodation. As noted recently by Women's Aid, such women 'often face insurmountable barriers to accessing refuges and safe housing' (Women's Aid, 2020: 26). In this complex case, the SAIT officer attempted to arrange emergency accommodation, and later, working closely with an ISVA, the SAIT officer arranged for the victim to move location. The case proceeded to trial at which the defendant was found not, though this case is a good illustration of how an investigation and prosecution that led to an acquittal, still provided evidence of officer support in challenging circumstances for the victim.

Previous research findings have observed how police can take an instrumental approach to victim engagement in which it has been argued that among detectives, victim welfare 'took second

place to their view of her as a source of information’ (Barrett and Hamilton-Giachritsis, 2013: 211).⁵ However, the current research provides some examples whereby officers not only supported victims to facilitate engagement but there was clear evidence of support driven by the nature and severity of victim needs, rather than an explicit concern about case progression. For example, in Case 24, officers recognised that the victim’s living arrangements were inappropriate given her complex mental health and addiction problems. To provide support, officers made an ISVA referral and contacted a specialist service that arranged accommodation that met the victim’s specific needs. This type of outcome, while not meeting traditional criminal justice outcome measures of success, did provide important assistance to this victim. Indeed, while she decided to withdraw her allegation because she wished to address her complex needs, she did have the option of re-engaging later and appeared to have made a decision that was beneficial to her immediate and longer-term health and welfare.

Moving towards an ethos of victim welfare as part of the investigative process

The themes of engagement, protection, and welfare are important areas of police activity during rape investigations. For victims, the reporting of rape to the police is an act of resilience but the aftermath of rape does not involve a smooth progression from victimisation to recovery. Instead, the case file data reveal a complicated, messy reality in which victims and police officers are faced with an array of challenges, changing circumstances, and an investigative process that many victims viewed with anxiety and caution. This ‘hidden work’ of officers involves ‘[q]ualitative, interpersonal skills’ (Williams, 2019: 143) that can lead to results that are important to officers and meet the needs of rape victims – including those with highly complex needs. This work may lead to traditional measures of success, but irrespective of outcome, encouraging engagement and protecting the welfare of victims should be recognised as a critical part of policing in itself and efforts should be made to capture this information in a way that can allow for longer-term comparison and identification of good practice. It is not enough that a commitment to victim care and welfare be adopted on an *ad hoc* basis within individual units and squads at a local level. Instead, it requires changes to internal police structures. Williams (2019) found that:

internal structural processes used to review and assess ‘good’ policing in rape investigations can reinforce and legitimise a dominant ideology of what is “good” practice based on arrest figures, crimes solved, convictions and enforcement. This is to the detriment of the victim and potentially, attrition rates. (p. 142)

The 24 cases discussed in this article suggest that support referrals to specialist services and multi-agency working are critically important in assisting victims and supporting engagement. However, it must be support that meets the needs of individual victims and respects their agency to choose the support options that best fit their needs. It is important that forces act collectively, along with Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS),⁶ to find ways to capture this information to identify good practice but also to identify force areas where support and welfare is not being prioritised. In terms of quantitative data, it is important that the number of specialist support service referrals are measured. However, while counting referrals is helpful, there is also a need to examine case files to identify officer actions in response to victim support needs and the context in which officer decisions regarding support are made. If HMICFRS

were to adopt this approach it would send an important message to constabularies about the value being placed on victim support and the need for ongoing monitoring.

The cases also illustrate that a broad range of police actions contribute to investigative progress, and to supporting the victim. It is not suggested in this work that there were no unmet needs, nor that there were no omissions or gaps in the approach; things officers could have done, or could perhaps have done better. It is, however, evident that officers encountered and addressed a multiplicity of fears and concerns and complex needs, many of which existed prior to the reporting of rape. A victim's circumstances are difficult, if not impossible to control, and so there were instances where officers provided emergency aid, including money or transport. Officers also worked with other agencies to provide appropriate accommodation and recognised that victim priorities may not necessarily involve criminal justice outcomes. These cases also illustrate the ways in which the police service, working alongside specialist services and with an emphasis on building trust and a relationship of support can provide what the Angiolini Review referred to as a 'holistic approach' (Angiolini, 2015: para. 771) to rape case investigation and victim support: an approach that supports victims in their engagement and recovery, and provides officers with an opportunity to fully investigate the case. Such an approach does not, of course, have a uniform impact. Cases in which victims have similar problems and concerns may result in quite different outcomes.

Protective actions, including efforts to minimise distress, require officers to anticipate when certain case developments might cause distress or to react to new developments quickly. Similar considerations apply in running an investigation in a manner that gives victims time and space to make decisions while making clear that support is available. As part of a multi-agency approach to victim care and support, officers provide a pivotal role in making appropriate support referrals. Sometimes officers may also work closely with specialist support agencies because the victim does not wish to speak to officers directly. This may occur in cases where there is initially, at least, a lack of trust in the police, for example, in cases involving those involved in prostitution.

Recent research has suggested a 'shift' in Canadian police officers' focus in rape cases from one primarily focused on distributive justice goals, such as charge and conviction, to 'procedural justice, which reduces the victim-survivors' negative experiences in the criminal justice system and prioritises their mental and physical health' (Ballucci and Drakes, 2021: 10). While these findings are important, they derive from interviews and focus group discussions. They may not reflect actual working practices, and this is where case file data provide an important means by which to test such claims. It is impossible to use the data in this article to suggest a shift in police officer practices as there is an absence of earlier appropriate comparative data. Instead, a lesson in this research for future scholars is to access qualitative case file data to better understand officer decision-making and to examine to what extent there is a focus on victim care and welfare and whether there are gaps in existing provision. Furthermore, it will be important to find meaningful ways to capture data on the frequency and impact of actions focussed on welfare with a view to complementing the existing data focussed on more traditional performance indicators.

Conclusion

The cases discussed in this article suggest that understanding of police performance requires a wider discussion of police activity than quantitative measures such as detection, arrest, and charge rates. This would give discussions around police performance a critically important element of nuance. The argument to be made here is that understanding police responses to rape requires a

broader consideration of police activity. Furthermore, traditional measures of police performance, such as detection and arrest rates miss a significant amount of police activity which is important to rape victims, particularly when officers respect their active participation in decision-making – even if this leads to a decision to no longer support the investigation. Thus, the data presented here suggest that what could be considered a ‘failure’ under traditional performance measures to secure an arrest, charge, or conviction may not always amount to failure at all when considering a wider lens – the police may have fulfilled an engagement, protection, and welfare support role that meets the needs and wishes of a victim at that time. The victims discussed in this article were not weak, incapable, or passive, as references to ‘vulnerability’ may sometimes imply. The case file data reveal this when victims gave voice to their specific needs, officers responded, often working in partnership with other agencies to address such issues as housing, food, addiction, specialist support needs, pace of the investigation, welfare in its broadest sense and safety. This ‘hidden work’ is an integral part of policing in cases of rape and is an important means of assisting victims and thereby helping meet traditional measures of success and wider measures that we argue should, wherever possible, be included in assessments of police performance.

Notes

1. Using Munro’s point regarding vulnerability and over-inclusiveness, there is a similar danger that the idea of resilience may become overly inclusive if it includes reporting to the police. This is particularly problematic in studies involving police case file data in which cases by their very nature are reported to the police. There are three ways of responding to this. First, most victims do not report to the police so reporting might be fairly described as a sign of resilience – particularly given the challenges that reporting may involve. Second, as this study finds, resilience is neither static nor universally experienced. Third, it is not always the victim who discloses to the police and as noted later, some victims in third-party reporting cases refuse to engage with any investigation.
2. One might also argue that data derived from police interviews have limitations compared to case file data featuring actual investigations.
3. In England and Wales, an Independent Sexual Violence Advisor is a specially trained advisor who provides support to victims in the aftermath of sexual violence. ISVAs can provide practical help and support throughout a victim’s engagement with the police and court process. As the name suggests, these advisors are independent from the police. Although police may facilitate contact with an ISVA, victims can approach an ISVA without police involvement which may lead to engagement with the police at a later time.
4. SAIT (Sexual Assault Investigation Trained) officers provide inter alia important advice and support to victims, may accompany the victim to medical examiners, update the victim on the investigation, and make support referrals to specialist agencies. In some police force areas, SAIT officers are referred to as SOIT (sexual offences investigation trained) or STOs (specially trained officers).
5. The authors rightly note that among the officers participating in their research, there were no SAIT/SOIT officers whose role, as illustrated in this article, includes victim care. While detectives should have a role in this regard, the absence of SAIT/SOIT officers in the study will have skewed the findings.
6. In England and Wales, HMICFRS is the main body responsible for inspecting, monitoring, and reporting on the efficiency and performance of the police.

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