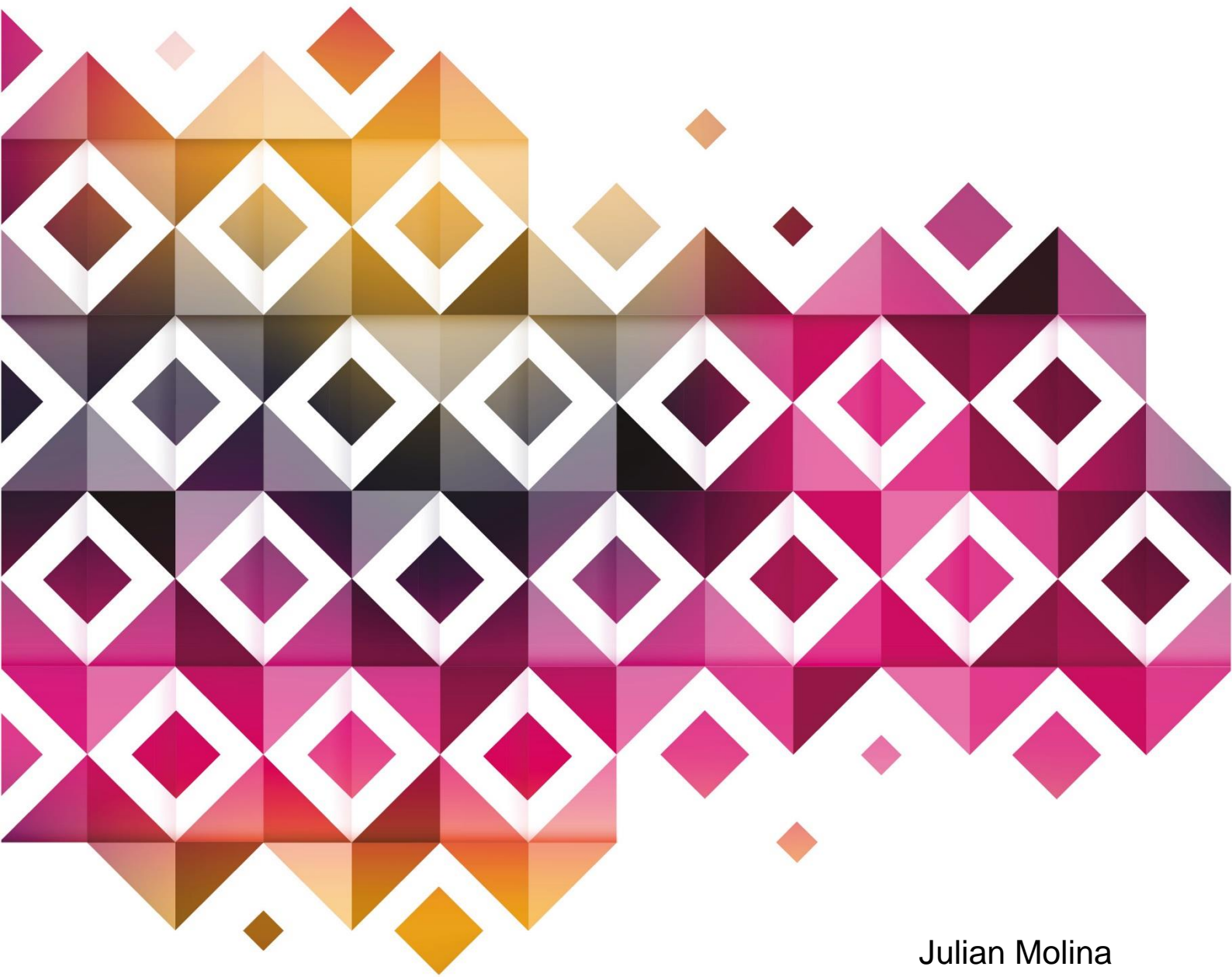


# Rape survivors and the criminal justice system

October 2020



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## Acknowledgements

We would like to thank Rape Crisis England & Wales, End Violence Against Women, Imkaan and Survivors Manchester for their invaluable advice on designing the request for information and for helping us to disseminate it. We would also like to thank the other organisations that helped with dissemination.

This research report was reviewed by a group of academics and analysts who work in criminal justice. We are grateful to Professor Iain R. Brennan, Billy Gazard, Professor Aisha K. Gill CBE, Dr Olivia Smith, Dr Jacki Tapley, Dr Dom Willmott for their comments.

**Most of all, we would like to thank those people who responded to our request for information for giving their time and their emotional effort to help us understand their views and experiences.**

# Executive summary

## *About the research*

- **Four hundred and ninety-one survivors of rape responded** to our request for information about their experience of the criminal justice process, which was open for six weeks, commencing mid-June 2020. Participants were sought through the Victims' Commissioner website and social media, with further dissemination by victims' service agencies who kindly agreed to support this research.
- The Victims' Commissioner said on a video linked to the invitation to participate that she would not wish anyone to respond to the request for information if there was a risk of them being re-traumatised or suffering any other personal harm by doing so.
- We cannot claim that this **self-selecting group of respondents** is representative of all rape survivors and we know that **some groups were over and under-represented** in our data. In particular, we had a **high proportion of respondents whose cases proceeded to charge and to court**, and a **low proportion who actively withdrew from the criminal justice process**.

## *The reasons rape survivors do not report*

- Twenty-nine per cent of our sample had not reported the incident to the police and **the most important reason for non-reporting emerged as 'didn't think I would be believed'**, which 95% of this group considered important in their decision-making. The importance of feeling believed was an overarching theme across this research, and survivors often gave a sense that their credibility was being tested by representatives of the system.
- Survivors also anticipated that they would not receive procedural justice<sup>1</sup> or success in court, so they pre-emptively took the decision to opt out of the process.

## *Being treated fairly and with respect*

- **Forty-eight per cent of survivors who reported felt they were treated with sensitivity, fairness and respect by police at the reporting stage.** There was an upward trend by date of reporting in the proportion of survivors agreeing the police treated them with sensitivity, fairness and respect at the reporting stage: 54% of survivors who reported in 2018 and after agreed they were treated in this way.
- There were many accounts of officers who treated survivors sensitively and made them feel believed, comfortable and supported. However, there were also many accounts of the opposite: officers who were insensitive and made the survivor feel disbelieved, judged and at fault. Some felt their experience was minimised or that police discouraged them from progressing their complaint.

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<sup>1</sup> Procedural justice is the degree to which someone perceives people in authority to apply processes or make decisions about them in a fair and just way.

### *Survivors' experience of police investigations*

- Survivors were asked their level of agreement about a range of statements on the police investigation. **Fifty-seven per cent said they were kept informed about all the actions police took.** However, 82% agreed with the statement that there were long periods when they heard nothing, and 70% agreed that they (or their representative) had to chase for information.
- **Just 33% agreed that the police clearly explained why any request to access mobile phone and other personal data were necessary,** and 22% that they explained how they would ensure that data would only be accessed if relevant and necessary. **Requests for these data were often considered invasive and intrusive, and survivors had serious concerns about this.**
- While just over two thirds of the survivors whose complaints were concluded as 'no further action' by police recalled being given a reason, only a third felt they were told this clearly and promptly. **The decision felt devastating to many survivors and some used language implying re-traumatisation by the system.** For example, one wrote of feeling, 'broken, disgusted and traumatised'.

### *Survivors' experience of the Crown Prosecution Service*

- There was higher recall of being given a reason for not prosecuting by the Crown Prosecution Service (CPS) compared to the police. Those who had subsequent interactions with the CPS tended to find these insensitive. They were also frustrating in that they made no difference to the outcome not to prosecute. **Again, the effect on survivors was often devastating.**

### *Survivor attrition*

- Among those who chose to put the offence on record only (for reasons such as protecting future survivors) and those who actively withdrew from the process, there was a sense of fearing being disbelieved or judged, as well as anticipatory concerns about the low chances of success. There were also more personal reasons for not supporting the process, such as wanting to get on with their lives and fear of the impact on their mental health.

### *Independent Sexual Violence Advisers*

- There was a promising link between receiving professional support and continuing in the process: 10% of those who received help from either an Independent Sexual Violence Adviser (ISVA) or other support service chose to take no further action or withdraw support, compared to 20% of those who did not have this. **The benefit to survivors of receiving such support was a recurrent theme in this research.**

### *Survivors' experience of court*

- Survivors whose cases went to court were asked their level of agreement with a range of statements about their experiences in court. Well over three quarters agreed with the prompted statement that the cross examination was traumatising, the vast majority strongly agreeing. Positive statements around communication (information provision, explanation of case outcome) received low levels of agreement. **Overall, survivor's ratings and accounts of their experiences emphasised how traumatic the court process can be.**

### *Survivors' attitudes to the criminal justice system*

- To gauge overall levels of confidence, we asked survivors' level of agreement with a range of statements about how well rape and sexual offence survivors are treated by the system. **Just 5% strongly agreed and a further 9% agreed that survivors could obtain justice by reporting to the police.** Agreement that the police, CPS and courts were fully supportive of survivors was also low. The only statement that achieved more widespread agreement was that survivors of rape and sexual offences are fully supported by victims' services, at 45%.
- **Recency of reporting and exposure to the system were both associated with higher confidence in support from criminal justice agencies, although they remained at low levels.** Those reporting more recently tended to be more likely to agree that survivors are fully supported by the police, the courts, the CPS and victims' services. Those whose cases were charged were more likely to agree in relation to the support of the police and victims' services. However, there were no differences by recency of reporting, or whether or not their case was charged, in levels of agreement that survivors can get justice by reporting to police.

### *What rape survivors want from the criminal justice system*

- Overall, we conclude that survivors want to be treated sensitively, fairly, respectfully, and to be believed. They also want criminal justice system professionals to better understand trauma and provide clear and timely information. They need to be offered the best possible access to ISVAs and support services. Please turn to **section 9** for a fuller discussion of our overarching research findings.

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# 1. Introduction by Dame Vera Baird QC



Reports to police about rape have increased hugely in the past few years but the CPS prosecute fewer of them and police are now referring fewer on to them for charge. In 2019/20 there were 55,000 reports of rape to the police, but only 1,867 cases charged.<sup>2</sup> In 2019/20 only 1.4% of reported cases were charged.<sup>3</sup> In addition, the proportion of victims who withdrew their support for their case steadily increased (from 25% in 2015/16 to 41% in 2019/20). In 2019/20 rape convictions were the lowest on record.

So, early in 2019, the Government launched an End-to-End Review of how the criminal justice system deals with rape. Much work has been done, but the Review team took the surprising decision to seek very little direct input at all from rape survivors. My view as Victims' Commissioner for England and Wales is that it is imperative that the victim's voice is heard.

Consequently, our own researchers took on the task of asking rape survivors for their experiences of the criminal justice system. They drew up a questionnaire in consultation with the Review team and sexual violence charities and we put it up on our website for six weeks this summer.

Four hundred and ninety-one rape survivors responded. I want personally to thank them all for their bravery and public spirit in contributing their valuable experience. It is a self-selecting group of respondents - not a representative sample - but it is a sizeable group and the unity of their views is compelling.

Ninety-five per cent of survivors who didn't make a report to the police told us that a key reason was **fear of being disbelieved**.

The second most frequent reason for not reporting was belief that the case would not be investigated or prosecuted successfully '**because of my gender, sexuality or lifestyle**' (88% of non-reporters).

Crucially, this suggests that survivors fear the impact of societal rape myths on their credibility - such as that police regard a high number of rape complaints as false and that only a 'perfect' model victim will be believed. Other research<sup>4</sup> shows that there are no more false complaints of rape than of any other crime; it is common sense that few of us would be a perfect model victim. If rape is to be tried fairly and fear of prejudice is deterring complaints, this is a major challenge for the criminal justice system.

And these were not merely views held by non-reporters. Only about half of survivors **agreed that police officers treated them with sensitivity, respect and fairness at the reporting stage** (48% of earlier complainants improving to 54% for the most recent).

Others felt that **they were disbelieved, judged or treated as if they were at fault**. They reported that their credibility was repeatedly tested and they felt that they were under investigation.

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<sup>2</sup> In 2018/19, 55,771 rapes were recorded by police, and in 2019/20, 55,130. These figures are the highest since records began. See: Summary Table 3: Police recorded crimes – rate, number and percentage change for year ending March 2020. Crime in England and Wales Year Ending March 2020.

<sup>3</sup> Home Office, Crime Outcomes in England and Wales 2019 to 2020.

<sup>4</sup> For example, Kelly, L. (2001). Routes to (in)justice: a research review of the reporting, investigation and prosecution of rape cases.

Requests to access their mobile phone data made this worse, a majority feeling that this was not sufficiently justified or explained, and that it felt intrusive.

Clearly, being believed and taken seriously by police is a critical factor when survivors consider reporting rape or sustaining a report they have already made.

Survivors' accounts were peppered with language which expressed that **the system re-victimised them**. The police decision to take no further action and the CPS decision not to prosecute were frequently devastating. For some, this also seemed procedurally unjust: for example, evidence was not considered, avenues not pursued, or reasons for discontinuance not justified. **Those who had subsequent interactions with CPS tended to find them insensitive** and were frustrated as, in no case, did it make any difference to the outcome.

Amongst those who got to court, a majority felt they were treated fairly and with respect by judges **but over three quarters found cross examination traumatising**. The Criminal Bar trains its members how to cross examine without re-traumatising people but only a handful of these survivors said that defence lawyers treated them fairly. Shockingly, more than 20 years after cross examination on previous sexual history was restricted by law, nearly two thirds reported that they were questioned about it.

The only bright spot of the research was **the praise for Independent Sexual Violence Advisers (ISVAs) who, with other support services, are highly valued**. The research shows them making a real contribution to the criminal justice system overall; only 10% of those who had an ISVA or support service chose not to pursue their case, compared with 20% of victims who had neither.

**Overall, just 14% of these respondents agreed that 'survivors of rape and sexual offences can get justice by reporting an incident to the police'**. A full 75% actively disagreed and most respondents (71%) had had experience of the system before expressing that view. This is a depressing summary.

Three quarters of these rape survivors did not think that they could get justice. Many did not even report to police since they expected to be disbelieved or sidelined because of their sexuality or lifestyle. It is very disappointing that those who did report, to some extent, proved those reservations correct: many indeed felt disbelieved, cases were dropped with devastating impact on complainants, little empathy from the prosecution service and clear concerns that decisions not to charge were made despite good evidence. The few who got to court were traumatised by cross examination which often included questions precisely about lifestyle and sexuality which had deterred others from reporting in the first place.

When launching the Government's Victims Strategy in 2018, the previous Prime Minister emphasised that the trauma of being a victim of crime:

'Must never be compounded by an individual's experience of the criminal justice system.'

'All victims of crime have a right to know that the state is on their side.'

On this evidence, these laudable intentions have not begun to be realised for rape survivors. To them the criminal justice system is bound to fail and, worse still, to do so in a way that re-victimises them. If survivors of this deeply damaging and highly prevalent crime are to feel that 'the state is on their side', the Government's End-to-End Rape Review must produce radical cultural transformation across the criminal justice system.



**Dame Vera Baird QC**

**Victims' Commissioner – England and Wales**



## 2. Overview of the research and the report

It is vitally important that survivors' experiences are considered by any review of the handling of rape. We need to listen to what matters to survivors and understand what support they are receiving from criminal justice agencies and how well their needs are being addressed. The Victims' Commissioner started this research to better understand survivors' views and experiences of each stage of the criminal justice system: from reporting an incident to attending court to give evidence.

Throughout the report we refer to survivors of rape, rather than victims. Some of these survivors did not report incidents to the police and some saw the process all the way through to completed prosecutions. As the research focused on survivors' experience of the criminal justice system, we have used the terms perpetrator and defendant as it is appropriate in different stages of process. For example, we refer to the defendant when referring to court and rape trials, rather than suspect, alleged perpetrator or offender.

This report draws from 491 responses from rape survivors to a request for information conducted between June and July 2020. The request was structured to give all rape survivors an opportunity to share their experience. We asked survivors to tell us about their background, the sources of support that they received, their experience of reporting an incident or incidents, about the police investigation, police decisions to take no further action, the Crown Prosecution Service's decision-making, court processes, their reasons for withdrawing complaints, and their attitudes to the criminal justice system.

The report is structured to follow a survivor's journey through the criminal justice system, from reporting to court. Each section presents a mixture of quantitative findings and a thematic analysis of survivors' accounts (further details about the methodology can be found in Annex 2). Throughout the report we highlight how survivors were treated and the impacts of this treatment.

### **Respondents to our request for information**

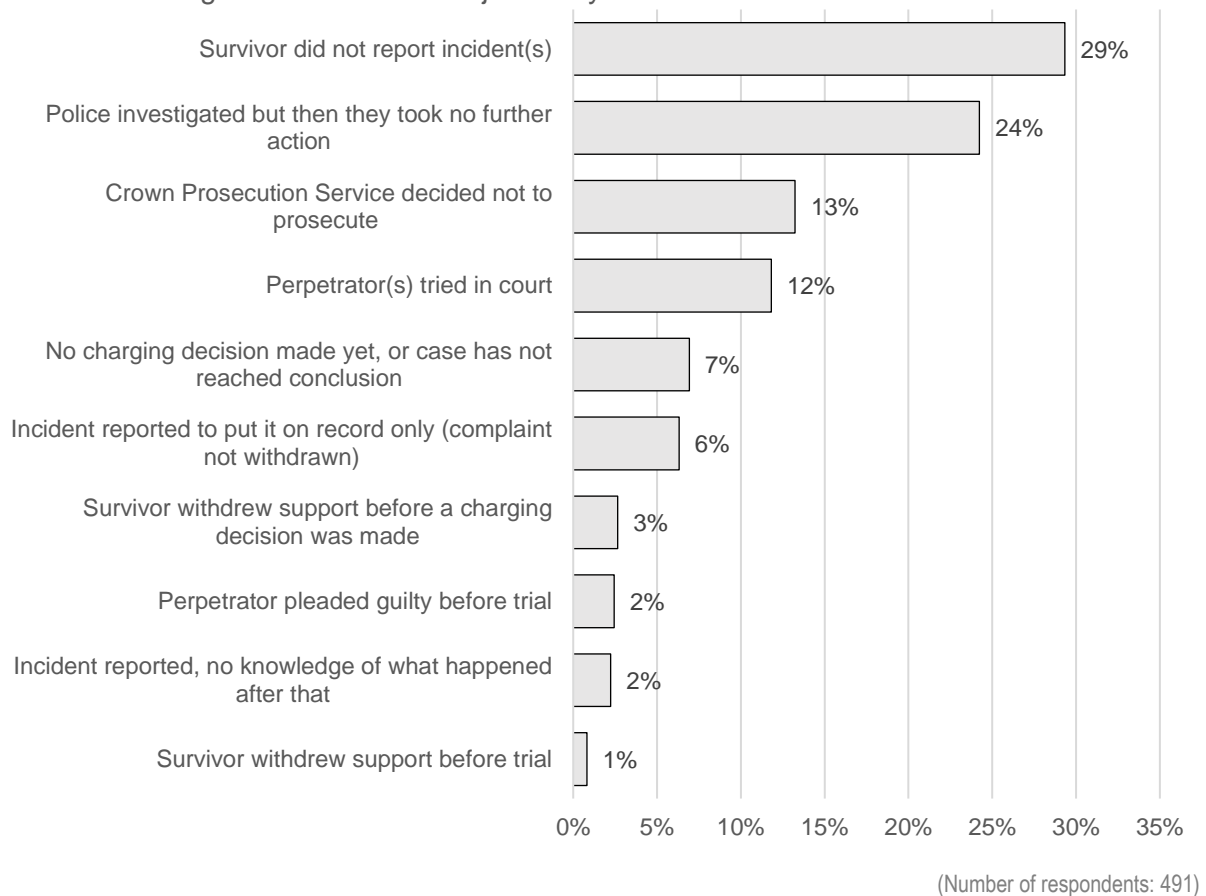
Because the sample was self-selecting, we cannot say that this group is representative of all rape survivors. Of those responding, we had a good spread by most demographic factors,<sup>5</sup> but there were dimensions which were over and under-represented: most notably, a high proportion of survivors came from London, so when thinking about the police response, a particularly high number were referring to the Metropolitan Police. We also had a high number of respondents proceeding to charge (70 survivors, 14% of the total), which is beneficial for understanding their view of the court process, but means that this group's views may be over-represented elsewhere in the data. Similarly, relatively few survivors withdrew (17 cases, 3.5%), limiting how much we can conclude about this group. A high proportion had received professional support from, for example, professional counsellors, victim support services and ISVAs. This support emerged as particularly important to our group of survivors and may have contributed to their ability to tell their stories to us.

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<sup>5</sup> See Annex 1 for a more detailed demographic breakdown of respondents.

## How far our respondents' cases had progressed in the criminal justice system

### 2.1. Proportion of respondents whose case had progressed to each stage within the criminal justice system



As shown in chart 1.1 above,<sup>6</sup> the largest group of survivors who responded to our survey had not reported the incident(s), at 29%. The second and third most frequent outcomes were the police taking no further action (24%) and the Crown Prosecution Service deciding not to prosecute (13%). In a substantial minority of cases the case came to court, ending in either a guilty plea (2%) or a trial (12%). Given how few rape cases progress to charge,<sup>7</sup> this figure is high. In 3.5% of cases the survivor withdrew their support for the process, which feels low given how common withdrawal is.<sup>8</sup> However, a further 6% of cases did not progress because the survivor only wished to put the rape on record. In 7% of cases, the case had not concluded.<sup>9</sup> See Annex 1 for a full breakdown of the sample.

<sup>6</sup> Throughout the report, totals may not always be exactly 100% due to percentage rounding.

<sup>7</sup> Home Office police outcomes data shows 1.4% of rape crimes recorded in the year to 2020 were charged or summonsed. See: Home Office (2020) Crime outcomes in England and Wales, year ending March 2020: Data tables. Available at: <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2019-to-2020>

<sup>8</sup> Home Office outcomes data shows 41% of rape crimes recorded in the year to 2020 resulted in evidential difficulties (victim does not support action). See: Table 2.2. Home Office (2020).

<sup>9</sup> The request for information was aimed at cases that had concluded. Where cases were still in the system, the survivor was only asked one attitude question at the end of the survey.

## **The structure of the report**

The following sections, 3 and 4 examine survivors' experiences with reporting to the police and the police investigation. Section 3 looks at the views and experiences of reporting incidents of rape to the police, including responses from survivors who did and did not report. Section 4 reports on survivors' experiences of the police investigation, including whether they felt they were treated sensitively, fairly and with respect, about the requests for disclosure of digital and other records, and when the police decided to take no further action.

Section 5 examines rape survivor attrition in the criminal justice system, by presenting the reasons that survivors did not want to take any further action after putting the rape on record with the police, and survivors who did not support a police investigation or prosecution.

Sections 6 and 7 examine survivors' experience after the police decided to charge an alleged perpetrator. Section 6 looks at survivors' experience of the Crown Prosecution Service's decision-making, examining how survivors were informed of decisions not to prosecute, their use of the Victim Right to Review Scheme and the impact of CPS decisions. Section 7 presents survivors' experiences in criminal courts and during trials, looking at the provision of special measures, the impacts of attending court and giving evidence.

Section 8 presents an analysis of survivors' attitudes to the criminal justice system.

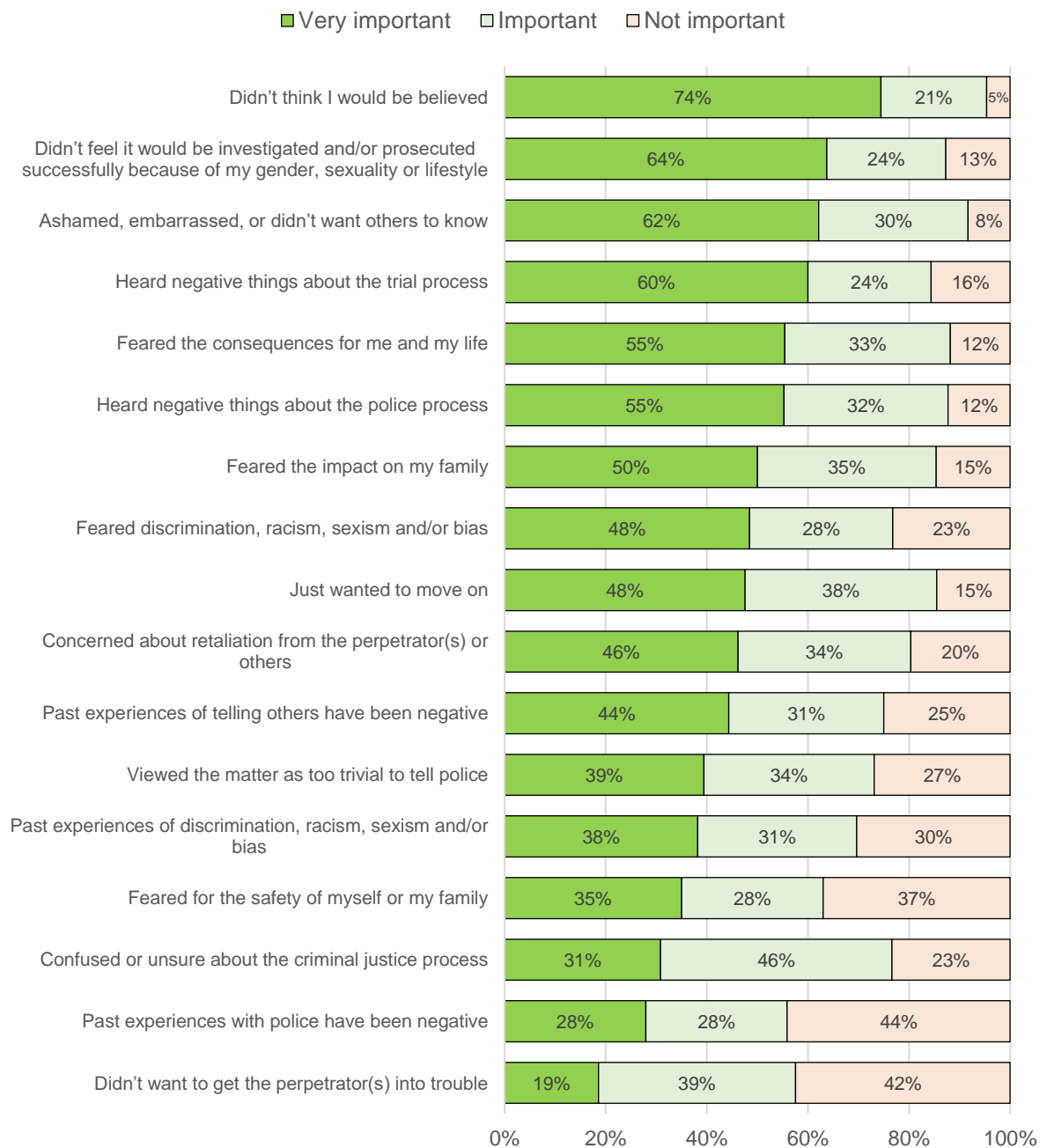
Lastly, section 9 presents ten key research findings.

### 3. Reporting rape to the police

#### Survivors' reasons for not reporting offences to the police

Around 29 per cent of survivors who responded to our request said that they had not reported the incident or incidents to the police. We asked survivors about the importance of various factors in their decision not to report (see chart 3.1).

3.1. The importance of different factors in not reporting the incident(s) to the police



(Number of respondents to the above prompts: from 68 to 132)

A key reason for not reporting emerged as survivors not thinking they would be believed (74% said it was a very important factor in that decision, 21% said it was an important factor).

Almost two thirds of survivors told us it was very important that they didn't feel their reports would be investigated and/or prosecuted successfully because of their gender, sexuality or lifestyle (64% very important, 24% important). Both of these top two reasons seem to suggest that survivors are afraid of the impact of societal rape myths<sup>10</sup> on their credibility: firstly, the notion that police regard a high number of rape complaints as false, and secondly that only a perfect 'model' victim will be believed, a model they don't think they match.

Survivors also told us that what they felt they knew about the criminal justice system was important in deciding not to report. Survivors cited hearing negative things about the trial process as 'very important' more often than hearing negative things about the police process: 60% said it was very important that they had heard negative things about the trial process, and 55% of survivors said it was very important that they had heard negative things about the police process.

Many survivors also said they feared the consequences and impact on them, their life, and their family. Just under 90% said their fear of the consequences for them and their life was important (55% very important, 33% important), and 85% said they feared the impact on their family (50% very important, 35% important).

More than three quarters of survivors said they were confused or unsure about the criminal justice process (31% very important, 46% important). Although it was one of the least cited factors influencing survivors' decisions to report, more than half said it was important that they had past experiences with police which had been negative (28% very important, 28% important).

Survivors provided further details about their negative view of the criminal justice system. The key themes from their responses include the sense that rape complaints and complainants are poorly treated, survivors' fears about the impacts of going through the criminal justice system and the small likelihood of conviction.

Some described a negative view of how rape complaints are handled and how survivors are treated. We heard from one survivor who had seen a friend go through the process of reporting rape to the police and had seen how she was treated.

*I had a friend who I'd been talking [to the time on the occasion I knew I was raped] when it happened. She had been raped and had told the police and gone to court, and because she'd been drinking and couldn't recall the exact details because she was drunk they treated her like it was her fault, she was asked what she was wearing and if she knew the attacker (which she didn't) and he was still found innocent.*

Female, Mixed/Multiple ethnic groups, straight/heterosexual, aged 25 to 34, did not report

Some survivors were concerned about the impacts of reporting the incident on their lives and their family. Some survivors' accounts explained how they assessed the idea of reporting the

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<sup>10</sup> Rape myths are prejudicial, stereotyped, false beliefs about sexual assaults, rapists, and rape victims (see: Edwards, K.M., Turchik, J.A., Dardis, C.M., Reynolds, N. and Gidycz, C.A., 2011. Rape myths: History, individual and institutional-level presence, and implications for change. *Sex Roles*, 65(11-12), pp. 761-773). They can serve to excuse sexual aggression, create hostility toward victims, and bias criminal prosecution.

incident and the scrutiny and trauma that they expected whilst going through the criminal justice process.

*My whole life and identity would have been ripped apart and scrutinised and there would have been a 0% chance of him getting prosecuted.*

Female, White, straight/heterosexual, aged 16 to 24, did not report

*It just seemed like a lot of effort and trauma when I just wanted to carry on with my life. I also didn't want my family to know.*

Female, White, bisexual, aged 16 to 24, did not report

Some survivors seemed to be worried about what would be involved in the police investigation, such as police interviews, the lack of evidence to support complaints, and digital disclosure requirements.

*Intense anxiety about recounting the experiences in what I'd heard about the police process. The probing questions about not just the experience but me as a person and fear of not being taken seriously or judged.*

Female, White, straight/heterosexual, aged 25 to 34, did not report

*I was also reluctant to do so because I felt my [F]acebook data and mobile phone information would not have supported my account as I had been friendly with the perpetrator before the incident.*

Female, Mixed/Multiple ethnic groups, straight/heterosexual, aged 25 to 34, did not report

Other survivors explained the importance of Crown Prosecution Service prosecution decisions, the conviction rate for rape complaints, and their own credibility as survivors, in deciding not to report.

*Had I have reported to the police I would have been written off as a problem and made to feel ashamed, the CPS would not have proceeded given my lack of credibility, particularly in light of the fact the perpetrator was married and ostensibly respectable.*

Female, White, bisexual, aged 35 to 44, did not report

*Rapes and sexual assaults have a low conviction rate, and the added stress of reporting it and trying to convince police, CPS, a jury that it happened felt like it was beyond me.*

Female, White, straight/heterosexual, aged 35 to 44, did not report

### **Survivors' experiences of reporting the offence(s) to the police**

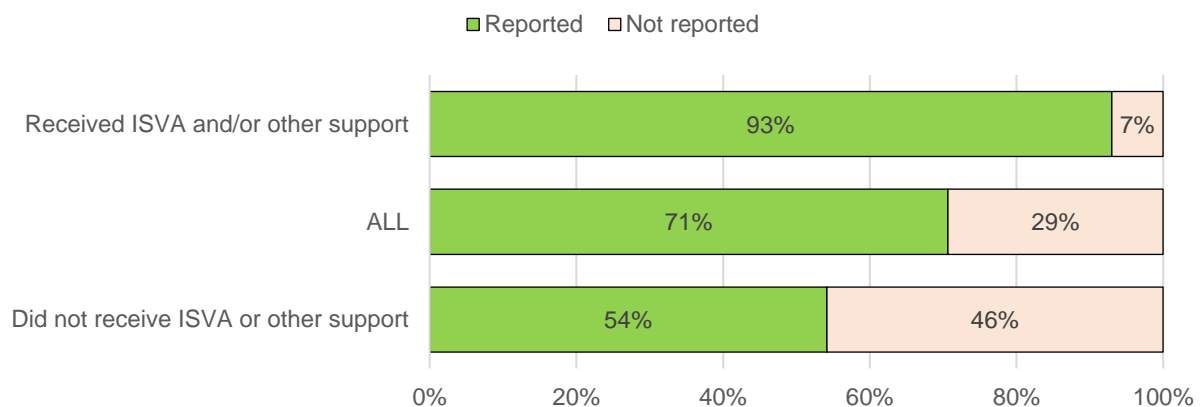
We asked about survivors' experience of reporting rape offences to the police: fifty-eight percent of those who had reported had done so in 2015 or after. Most reported offences involved one perpetrator (84%), though 8% involved two, 2% involved three, and 5% involved four or more.

Just over three quarters of respondents said they reported the incident themselves (77%) and 22% said it was reported by someone else. For those survivors who said it was reported

by someone else, this was most likely to be family members, such as a mother or grandmother, or a friend. Other survivors said the incidents were reported by survivors' support services, ISVAs and IDVAs,<sup>11</sup> or another professional, such as social care, GPs or hospital staff, teachers or school staff, university security, solicitors, or hotel staff. Other incidents were reported by neighbours or a stranger who found the survivor after the incident.

In our sample, survivors who received support from an ISVA were more likely to report an incident or incidents to the police: 93% of survivors who had received support from an ISVA or other support, also reported the incident(s), compared with 54% who received no such support and also reported the incident.<sup>12</sup>

### 3.2. Proportion of survivors who reported the incidents by whether they received ISVA and/or other support



(Number of respondents to the above prompts: from 168 to 491)

### Being treated with sensitivity, respect and fairness

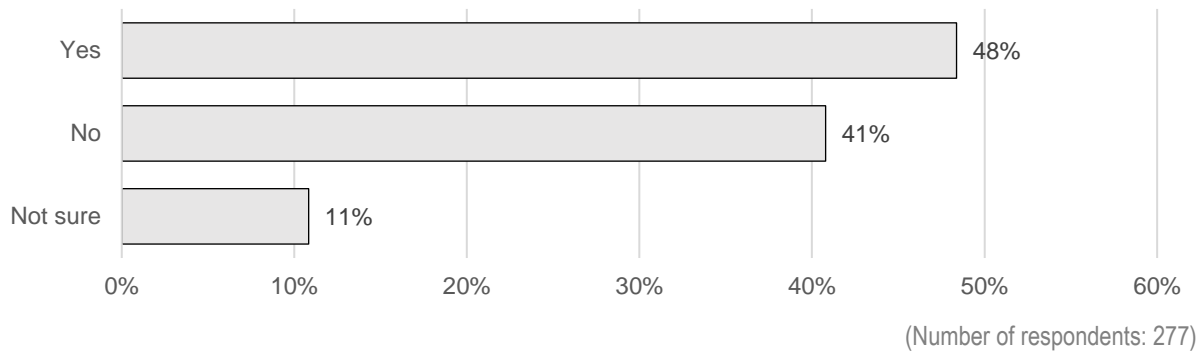
When asked whether survivors felt they were treated with sensitivity, respect and fairness by the police at the reporting stage, fewer than half said they were: 48% said yes, 41% said no, 11% were not sure (see chart 3.3).<sup>13</sup> There was a general upward trend by date of reporting, with those reporting later being more likely to agree they were treated in this positive way (see chart 3.4). Fifty-four per cent of those who reported in 2018 or after agreed they were treated with sensitivity, respect and fairness.

<sup>11</sup> ISVAs are Independent Sexual Violence Advisers and IDVAs are Independent Domestic Violence Advisers.

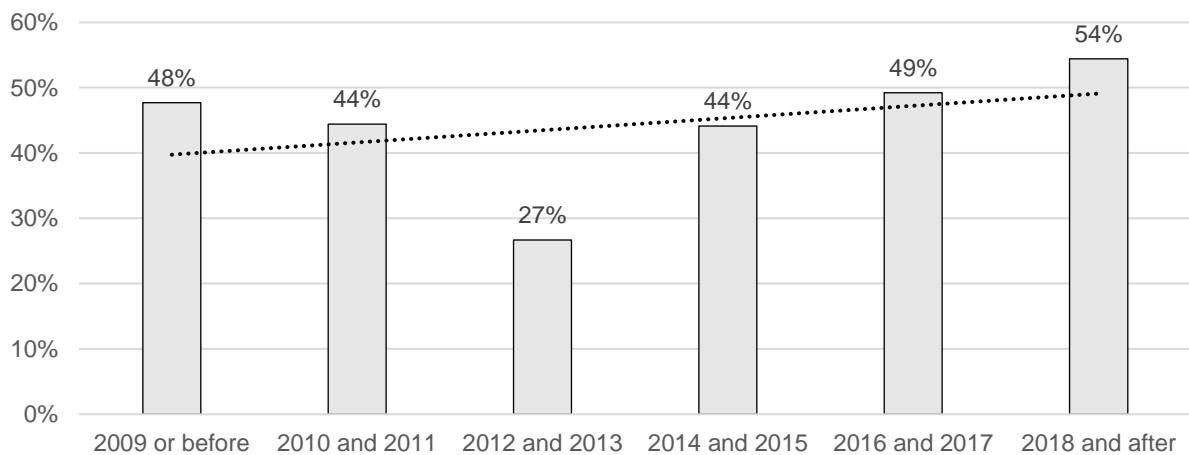
<sup>12</sup> This is an association, rather than causal. Survivors may be more likely to report because they have an ISVA or those who report are more likely to be referred to an ISVA.

<sup>13</sup> There were no significant differences between male and female respondents, between White or Black, Asian, and Minority Ethnic respondents, Straight/Heterosexual or LGBT respondents.

3.3. Do you feel you were treated with sensitivity, respect and fairness by the police at the reporting stage?



3.4 Survivors who said they feel like they were treated with sensitivity, respect and fairness by the police, by year of reporting (including linear trendline)



Due to small numbers for individual years, we have combined two and three years where appropriate.  
(Number of respondents for each period: between 15 and 79)

Survivors further explained why they thought they were, or were not, treated with sensitivity, respect and fairness at the reporting stage.<sup>14</sup> Across these responses, there was a mix of reflections on good and poor practice in how these reports were handled.

Many of these accounts included examples of survivors who said officers made them feel believed, comfortable, supported. These officers asked questions respectfully and treated them in a careful, humane way.

*The two police officers were amazing - respectful - treated me with dignity - my perpetrator was deceased so no prosecution could take place, but the police treated me the same as if the perpetrator was alive - they treated it with the same importance.*

Male, White, gay, aged 45 to 54, reported in 2017

<sup>14</sup> 143 survivors gave details about their experience at the reporting stage, 83 responses related to incidents reported in 2015 and after.



Survivors remarked on the qualities of officers who made them feel respected, heard and believed. Survivors told us about officers who were ‘patient, kind and understanding’, ‘very sympathetic, understanding and never judged’, and ‘thorough and compassionate’. For one survivor, after receiving help from her mother in reporting the incident to the police:

*They sent two female officers who wrote down my statement and took evidence that I had on my phone between myself and the perpetrator. They were nice and treated me with respect. At the time I still wasn't sure whether or not I wanted to press charges and so they said that was fine and I could have a couple of days to decide what I wanted to do.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2018

Survivors wrote about how they felt at the time of reporting. Some talked about being in a state of trauma when they initially reported the incident. These survivors explained that they had sustained physical injuries, such as cracked ribs, that they were shaking, in shock, or distress, when speaking to officers. A couple of survivors said that they had anxiety issues or were suicidal at the time of reporting. Other survivors said officers did not seem to understand that reporting the incident had upset them or that reporting the rape was traumatic.

Survivors also shared accounts about how they were *not* treated with sensitivity, respect and/or fairness at the reporting stage. Survivors told us about negative experiences making initial contact with officers. A couple of survivors reflected that, based on these experiences, they would never again report to the police. One survivor said they had had been sexually assaulted and raped after initially reporting, and they had not reported the other incidents.

An important theme in these survivors' responses was a sense of being disbelieved, judged and at fault. One said they were ‘left feeling like it was me under interrogation’. One survivor wrote that they faced ‘insensitive questioning’ and a judgemental attitude during interviews. Another survivor said the police ‘called me a liar’, whilst another had the impression that the officer ‘thought I exaggerated’. Rape myths also permeated these accounts:

*The Police Officer taking my disclosure stated he didn't believe me because ‘things like this didn't happen in our green, leafy area’.*

Female, White, straight/heterosexual, aged 45 to 54, reported in 2015

*When I reported my rape at a local station in Devon, the desk clerk told me that as I remembered saying ‘yes’ to going home with him that there was nothing they could do.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

Other survivors described police officers who were unprofessional, rude, abrupt, minimised their experience, or made insensitive comments. One survivor said that when she initially went to the station, the officer behind the counter seemed young and inexperienced and ‘used more casual slang for sexual acts rather than appropriate phrasing’. Other survivors recalled insensitive comments and discomfort they experienced with officers.

*I was absolutely devastated by the response of the first police woman I interacted with. I met her and another policeman at [train] station. They then took me to the [survivors' centre]. There was a long wait until I was seen and in that time, the police took another written report from me. At the end of me stating what had happened (at*

*that point, 2 days previously), the policewoman said to me ‘there is a difference between regret and rape’. This nearly put me off even going into the [survivor’ centre].*

Female, Asian, straight/heterosexual, aged 25 to 34, reported in 2017

*The police officer who came out to take the original statement would make snide comments like ‘exactly, why would you report it. It’s not like you’re going to get a payout’. When she took me to the hospital which was about 45 minutes away she didn’t speak to me, I felt ignored.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

Survivors also found officers who discouraged them from reporting the incident or expressed their doubt about the possibility that the investigation would progress.

*They were upfront and honest and told me it will be his word against mine.*

Female, Asian, straight/heterosexual, aged 35 to 44, reported in 2018

*Insensitive police discouraging me at first, outlining what I would have to go through in court in a very negative way.*

Female, Asian, straight/heterosexual, aged 25 to 34, reported in 2018

*The officer wasn’t optimistic about a conviction of ABH [actual bodily harm] and made me feel like I was making a mountain out of a mole hill to the point where I nearly withdrew charges.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2018

These reactions can leave survivors feeling hopeless about the prospect of a thorough investigation. One survivor explained that, after the police did not respond to the initial requests, she took it upon herself to find video evidence to support the investigation.

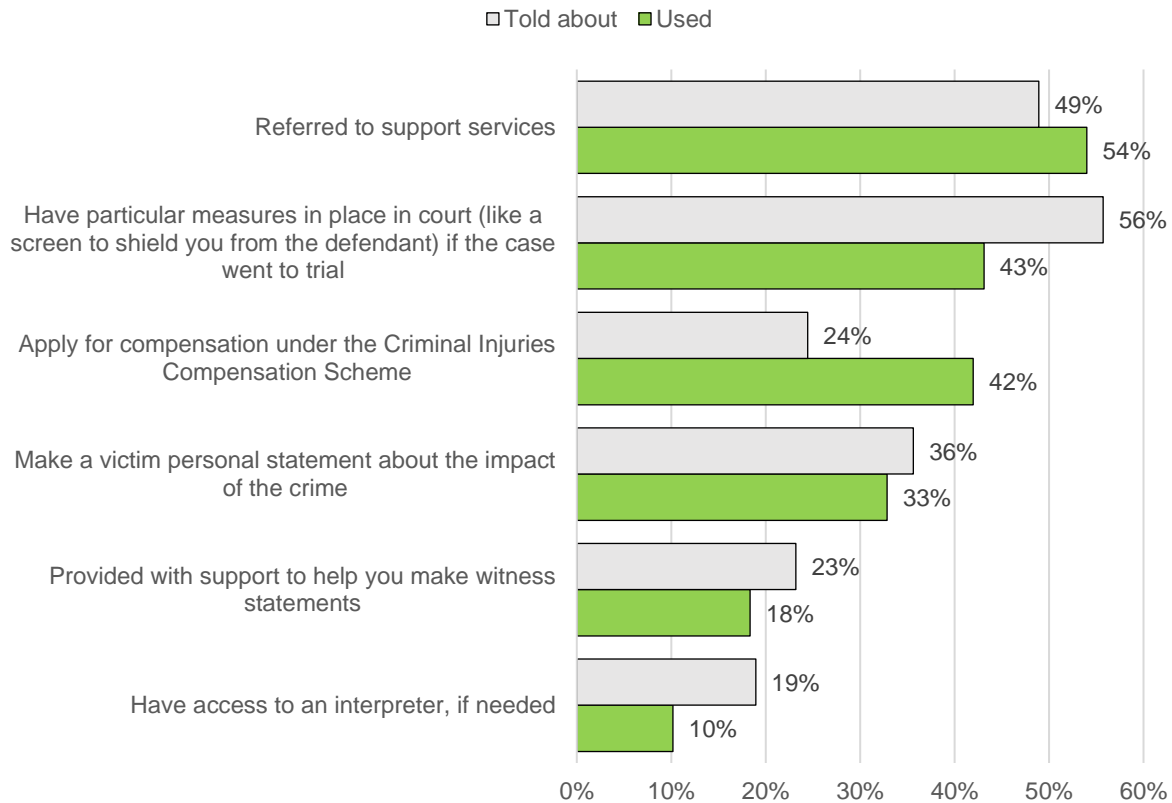
### **Entitlements under the Victims’ Code**

We also asked whether survivors recalled being told about their entitlements under the Victims’ Code (see Annex 3), and whether they used any of these entitlements. Some survivors explained that they had heard about all or some of these entitlements from the police. One survivor said that ‘The police only told me about victim support and nothing else’. Other said the police did not tell them about these entitlements, or that they were told about them by support services, ISVAs or their social networks. Only 15% of survivors said they were not told about any of those entitlements, and 38% said that they did not use any of those entitlements.<sup>15</sup>

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<sup>15</sup> Excluding those survivors who said that the entitlements were not applicable in their circumstances.

3.5. Do you recall whether anyone explained these Victims' Code entitlements, and did you use any of these entitlements?



(Number of respondents: from 109 to 236)

Chart 3.5 shows the proportion of survivors who were told about and used several Victims' Code entitlements. Each of the figures excludes survivors who said that an entitlement was not applicable in their circumstances, i.e. they did not attend court. Therefore, far fewer survivors told us whether they used some of these entitlements, as only a small proportion of respondents attended court.

Of all of these entitlements, survivors were most likely to access support services (54%). Some survivors said that these support services were 'really important', 'invaluable', 'helpful' and 'fantastic'. However, some remarked on long waiting lists, that they had to wait to be referred by the police or to faced delays in receiving support from a local charity.

Survivors were most likely to be told about their entitlement to have particular measures in place in court – known as special measures – such as having a screen to shield them from the defendant (56%). Notably, a far higher proportion of survivors used their entitlement to apply for compensation under the Criminal Injuries Compensation Scheme than the proportion who recalled being told by the police about this entitlement. Some survivors voiced criticisms of aspects of the compensation scheme and that the application was 'emotionally draining'. One survivor remarked that:

*The compensation was an insult and I was so exhausted with all that went on I didn't fight the system due to stress from the police.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

Just over one third of survivors recalled being told they could make a Victim Personal Statement about the impact of the crime, with a slightly smaller proportion taking up that offer.<sup>16</sup>

### **Conclusion to section 3: reporting the rape to the police**

Twenty-nine per cent of our sample had not reported the incident to the police and the most important reason for non-reporting emerged as 'didn't think I would be believed', which 95% of this group considered important in their decision-making. The importance of being believed also emerged in accounts of being treated fairly and with respect at the reporting stage: those who felt they were (48%) spoke of officers who were sensitive and made them feel believed, whereas those who were not spoke of feeling disbelieved and judged, as well as being dealt with insensitively.

Other important reasons for not reporting were doubt that their case would be investigated and prosecuted successfully, and having heard negative things about the police and trial process, suggesting that some did not anticipate receiving procedural justice. This fear was borne out in the negative comments about how some officers treated some survivors. There seemed to be a sense of doubt around the chances of success which had permeated the thinking of some survivors and even some officers (e.g. those who cast doubt on cases progressing), prompting them to anticipate failure and pre-emptively make the decision to not report.

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<sup>16</sup> Although this does not seem very high, it is higher than the ONS Crime Survey figures on Victim Personal Statements for all crimes. The proportion of incidents where the survivor recalled being given the opportunity to make a Victim Personal Statements during the years 2013/14 to 2018/19 ranged from 14% to 17%. See: Victims' Commissioner (2019) Victim Personal Statements 2018/19. Available at: <https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3c4kq2z48/uploads/2019/08/VC-Survivor-Personal-Statements-Review-2018-19.pdf>

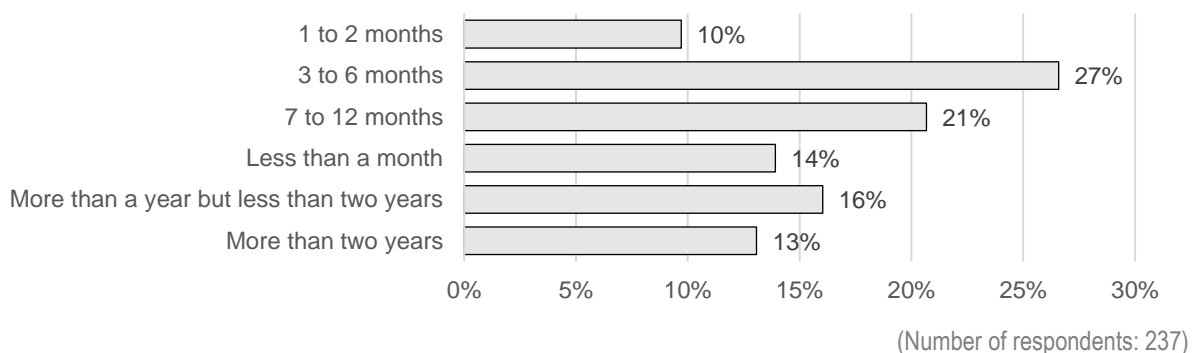
## 4. Police investigations of rape complaints

### Introduction

Survivors shared their experience of the police investigation, answering questions on the actions that the police took, their overall experience of the investigation, and how investigations could be improved for other survivors.

Most survivors (72%) said that the investigation took up to 12 months: 14% said it took up to one month, 10% of survivors said it took one to two months, 27% said 3 to 6 months, and 21% said it took 7 to 12 months. Thirteen per cent said it took more than two years.

#### 4.1. Can you estimate how long the police investigation took?



Survivors were asked about the actions that the police took, such as identifying, tracking down, arresting or speaking to the perpetrators. (We referred to 'perpetrators' in the request for information as the most appropriate term to use with survivors, rather than 'suspect', 'alleged perpetrator' or 'offender'.) Fifty-seven per cent of survivors said that they were kept informed of all the actions that the police took, 37% said they were not, and 6% were not sure.

Nearly all survivors said that the police identified the perpetrator, or at least one perpetrator, and tracked down the perpetrator, or at least one perpetrator. Around two out of three survivors said that the police arrested the perpetrator, or at least one perpetrator, and 76% of survivors said that the people spoke to the perpetrator to assist the investigation, i.e. in a voluntary interview.

Fewer than half of all survivors said that the police released the perpetrator on bail and placed certain conditions on them, for example, living at a particular address or not contacting certain people.<sup>17</sup> One in ten survivors said that the perpetrator(s) was kept in custody, i.e. on remand.

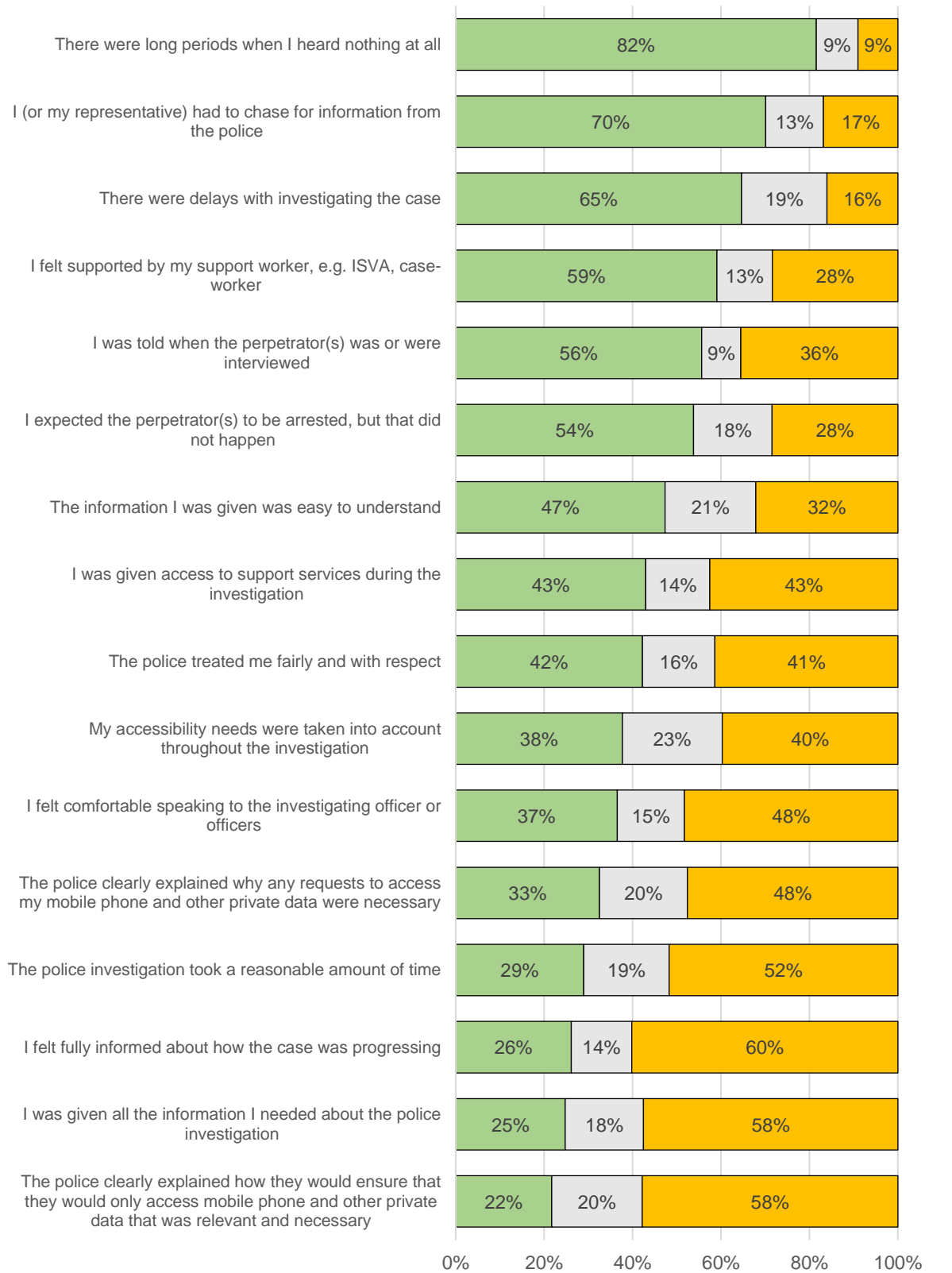
### Survivors' views on the police investigation

Survivors were asked about various aspects of the police investigation, such as information about the investigation and updates, whether the police treated them fairly and with respect at the investigation stage, the timeliness of the investigation, their access and use of support services, among other matters (see chart 4.2 and the discussion by theme, below).

<sup>17</sup> Conditions are most likely to be relevant if the perpetrator was known to the victim.

4.2. Thinking about the police investigation, to what extent would you agree or disagree that:

■ Strongly agree or agree  
 ■ Neither agree or disagree  
 ■ Strongly disagree or disagree



(Number of respondents: from 158 to 232)

## Information about the investigation

Under the Victims' Code, survivors are entitled to be informed very promptly (within one working day) of key events in their case, including if the suspect is arrested and interviewed under caution (see Annex 3). This research found significant issues with the provision of information about the police investigation across a range of measures. We found most survivors did not feel they were given clear, regular information about the investigation in a timely manner.

As shown in chart 4.2, survivors were most likely to agree that there were long periods where they heard nothing at all (82%) or that survivors – or their representatives – had to chase for information from the police (70%). While 56% recalled being told that the perpetrator was interviewed, over a third (36%) did not. Of all the statements, survivors were least likely to agree that the police clearly explained how they would ensure they would only access mobile phone and other private data that was relevant and necessary (22%) or they were given all the information that they needed about the police investigation (25%) or that they felt fully informed about how the case was progressing (26%, with the highest proportion, 60%, disagreeing with this statement).

The fact that survivors were least likely to agree with positive statements about information provision and most likely to agree with negative statements about it suggests clear dissatisfaction with this aspect of the investigation.

Some survivors told us that they developed a good relationship with officers and were given regular updates at different stages of the investigation. However, more survivors pointed to issues with receiving information. Many told us they needed more, and clearer, information about the investigation. One survivor shared how officers were 'very short and blunt with their responses to me'. Many survivors told us about how they, or ISVAs, had to chase for updates, and how this created uncertainty or a 'burden' on them.

*I felt as though I was the one being investigated and I would have to chase for information. I was informed the perpetrator had been arrested and released approximately a week after the fact. I was unclear as to what was happening next.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

*I felt the investigation took a really long time and I wasn't kept up to date at all. It was a big burden on me to have to call and ask about how things were progressing.*

Female, White, bisexual, aged 16 to 24, reported in 2019

We also heard about breakdowns in communication between the police and survivors. Some survivors indicated that long delays led to a loss of trust in individual officers. For other survivors, a breakdown in communication could occur when a Sexual Offences Investigation Trained (SOIT) officer left the case:

*The investigation went on for a very long time (started July 2017 and was closed around July 2019). During this time, my assigned SOIT officer left the department. She was acting as the one providing me with the comms during the investigation. I was given a new officer about 4 months after the original one left. In this period, I had no idea what was happening nor did I have a point of contact. All I could do was call the switchboard with my crime reference number.*

Female, Asian, straight/heterosexual, aged 25 to 34, reported in 2017

Another survivor shared a similar account about a deteriorating frequency of communication after staffing changes:

*My SOIT officer changed 3 or 4 times throughout the investigation which was annoying and with each change I felt like the person was communicating with me less and less. I had to chase to find out when I could get belongings back. Eventually after several months they returned them and they hadn't even been tested for evidence as they were in the exact same sealed bag they had been collected in.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

Another survivor noted that, even though there was good communication and information during the police investigation, this contrasted with their experience as soon as a charging decision was made.

### **Treated fairly and with respect**

Fewer than half of survivors said the police investigating the case treated them fairly and with respect (42% agreed or strongly agreed), and just over a third agreed they felt comfortable speaking with the investigating officer or officers (37% agreed or strongly agreed).

Among those survivors who recounted positive experiences, a key theme in their responses was that police officers had made survivors feel heard, respected and treated them with dignity. These survivors said they felt safe speaking with officers, and they were able to trust them.

Positively, some survivors thought that the police had survivors' best interests in mind during the investigation and individual officers made them feel comfortable. These survivors described officers who were understanding, empathetic, making them feel heard and believed, and/or provided updates and supported them during interviews. Against a backdrop of feeling that women in her situation were often disbelieved, one survivor explained how feeling believed was key to being treated fairly and with respect:

*I always felt like I was treated with respect by the police, I never felt, as I think many other women have, that I wasn't believed. I never felt like the police or the support services minimised what had happened and if anything I was daunted by the seriousness of the situation.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

However, other survivors shared examples of insensitive treatment by police officers. Some told us that the police minimised the severity of an incident, by suggesting that the survivor had exaggerated or was over-reacting. Several told us they thought officers seemed ill-equipped to handle their reports or the investigation, or seemed embarrassed when discussing details of the incident. We heard concerning accounts of insensitive treatment by the police, with officers laughing at survivors, being unprofessional, rude, shouting at and ignoring survivors.

Some survivors expressed severe criticisms of the police. One survivor said they 'hate the police more than that child grooming rapist'. Another survivor explained how the police felt 'pushy' and did not take their mental health into account:

*They were extremely pushy very early on in wanting me to give my video statement and drive with them to locate where the rape happened. I was mentally unwell and*



*not able to do things as quickly as they wanted - they phoned me incessantly, left rude voicemail messages and came across as really uncaring and to be honest, completely clueless about how a survivor would be feeling.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2019

This survivor went on to tell us:

*This kind of aggressive approach is what put me off continuing with the investigation (although they closed it before I could withdraw anyway!)*

Another survivor shared how she internalised the blame she felt the investigating officer placed on her, and how this undermined her trust in the police:

*Well I feel pretty disgusted with the police officer that did my interview as for the interview for my 2nd boyfriend she tried to make it seem like it was [my] fault based off my behaviour during when it happened etc. When I got home I remember going straight to my bedroom and crying my eyes out because I felt ashamed and I felt that I had to keep my mouth shut and not speak up of what I have been through to anyone. It seriously made my trust issues occur with the police and I don't fully trust them anymore.*

Female, White, aged 16 to 24, reported in 2019

Other survivors talked about how their treatment by investigating officers had impacted their sense of importance and mental health. One survivor talked about how the updates they received gave them the feeling that they were not a priority:

*After giving my video interview, I never spoke to my OIC again and every text update I received (once every 14 days) would be dripping with a 'I'm so busy you know what it's like' attitude telling me she had to prioritise 'high priority' victims.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

Another survivor told us how, despite the support of their ISVA, both their interaction with the OIC (Office in Charge) and the investigation itself had a significant impact on their life:

*My ISVA was incredible but after three months of my OIC's bad attitude and retraumatising me, my hair fell out, my mouth was full of ulcers, my periods stopped and I drank every day for 56 days despite holding down a full time day job and supporting dozens of [occupational group] with their own mental health. The investigation broke me and it wasn't worth the pain I had to endure simply to get him spoken to.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

Some survivors indicated that they would have preferred to speak with a female officer or to have a choice about the sex of the investigating officer.<sup>18</sup> Others suggested the need for further training on domestic abuse, rape myths, empathy, the law on consent. Several survivors told us police officers should take a trauma informed approach, understand the signs of trauma and better understand post-traumatic stress disorder. As this survivor told us:

*Police need FAR better training on how to deal in the immediate aftermath of a rape. When I was waiting at the [victims' centre], the policewoman and her counterpart,*

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<sup>18</sup> Under the Victims' Code, survivors are entitled to some say over the gender of the interviewing officer, see Annex 3.

*seemed chilled, almost jovial, whereas I was confused, in shock and didn't know what to expect. This made me feel like 'just another case', rather than a human being who had just been raped.*

Female, Asian, straight/heterosexual, aged 25 to 34, reported in 2017

### **Timeliness of the investigation**

When asked about the timeliness of the investigations, 65% of survivors agreed there were delays with investigating the case and just 29% agreed that the police investigation took a reasonable amount of time.

Survivors talked about the unreasonable amount of time that an investigation took and severe delays. They mentioned delays with identifying or speaking to the alleged perpetrator or other witnesses, obtaining additional evidence, scheduling ABE<sup>19</sup> interviews, returning mobile phones or making charging decisions. As one described:

*I felt the way it was handled was very poor. I heard nothing for months and my parents had to follow it up with them to try and get answers about what was happening. It was really difficult to get my phone back (it was a substantial amount of time after they concluded their investigation) and my clothes as well which was difficult because it dragged the process out.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2018

Despite seeing the perpetrator receive a custodial sentence, another survivor described how they 'lost hope' during the 'long process' of the investigation.

*It was a long process and times where I lost hope but in the end it was worth it after he was sent to prison for 16 years.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

These lengthy delays can coincide with a sense of being treated unfairly by investigators. This can lead survivors to lose trust in the criminal justice process. As this survivor wrote:

*As already stated, the original DI was horrendous, disbelieving and callous. The police took almost 2 years to send the case to the CPS, the CPS originally agreed to extradite the perpetrator but then a few months later performed a review of the case without telling me and changed their minds. I feel like there is no justice in this country, and that people can do what the hell they like and get away with it. Any sense of security I ever had has now gone.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2016

As another survivor told us, delays and poor support can have severe impacts on a survivor's mental health, family, and support networks:

*I felt totally laughed at minimised dismissed when the OIC [Officer in Charge] called and said they would investigate I felt the first sense of hope and protection. I had hope in justice and a prosecution to get this rapist in jail away from his teenage child as the therapist had informed me would happen! I heard nothing again for three months by now I'm waiting for [victims' service organisation] and discharged from MH [mental health] support! From there it's been hell on earth and I'm still in the process*

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<sup>19</sup> ABE stands for Achieving Best Evidence. ABE interviews follow Ministry of Justice guidance on interviewing victims and witnesses. See: Ministry of Justice (2011) *Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures*. Available at: [https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/best\\_evidence\\_in\\_criminal\\_proceedings.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf)

*of complaining! I went back on MH med[ication]s. I have attempted suicide twice, my relationship with my child and support network is in ruins! I have lost hope trust and living a life ever again!*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

### **Victims' services and Independent Sexual Violence Advisers**

We asked survivors about the support they received during the police investigation. Most survivors agreed they felt supported by victims' services support workers, such as their Independent Sexual Violence Adviser (ISVA) or case worker, during the investigation (59%).

Survivors told us they variously had support of an ISVA, social workers, domestic abuse organisations, women's refuges, child exploitation support services, and the Samaritans. Some survivors said that they were not offered referrals to support services, others said they were 'only given an ISVA after pushing for help' or that they would have wanted support from the start of the process. One survivor said that they only found out about ISVAs after the CPS withdrew their decision to prosecute. Others said they found their own counsellors and ISVAs, rather than through police referrals. A couple of survivors said their contact with ISVAs was sporadic and there were long waiting times.

Many survivors praised the support that they received from ISVAs and other sources of voluntary support. For example, this survivor described himself as 'lucky':

*I was lucky. I had an ISVA supporting me from [victims' service organisation] and they took all the pressure off for me and so everything was smooth and plain sailing and stress free. An ISVA is vital - extremely important*

Male, White, gay, aged 45 to 54, reported in 2017

Some survivors suggested that other survivors should not report to the police 'unless you have an ISVA'. Survivors said that having an ISVA improved their experience by helping them to get updates from the police or providing useful advice about interacting with the police. As these two survivors told us:

*If it wasn't for the STO [Specially Trained Officer] at Thames valley and my ISVA my experience would be completely negative and I am so glad they helped me through such an awful time.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

*The ISVA officer was brilliant and the police should have given me the details to contacting her as soon as I reported it, or made an appointment as part of the investigation as I was in shock and emotionally unable to do many things myself.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2019

The relationship between a survivor and an ISVA was also mentioned in survivors' accounts. This survivor emphasised the importance of a 'service tailored to you':

*As I say I think having an ISVA or support service tailored to you was really important. Mine was a white women of a similar background so we got on but I hope that the police have support services in place that take into account gender and race and religious belief etc.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

## Requests for survivors' digital data, mobile phones and other personal records

We asked survivors about whether the police asked for access to their mobile phone data, other digital devices, medical, counselling, social services or education records. Two thirds of survivors said that the police had requested access: 26% saying that all of these were requested, 40% saying that only some were requested. Just over a quarter of respondents said that access was not requested (26%), and the remaining 9% were not sure.

Survivors were asked about how the police explained the reasons for accessing digital and other records, as well as how they would access those records. One in three agreed that the police clearly explained why any requests to access my mobile phone and other private data were necessary (11% strongly agreed, 22% agreed). Around one in five survivors agreed that the police clearly explained how they would ensure that they would only access mobile phone and other private data that was relevant and necessary.

Many survivors said that they wanted to help with the investigation and achieve a positive outcome. Some did not believe that they could refuse such requests, that they did not have anything to hide, or thought the requests were simply part of normal investigation procedures. However, most survivors had concerns around the disclosure of personal data and access to records.

Many survivors said they felt that the requests were invasive, intrusive, violated their privacy, and that they concerned about how that information could be, or was, used against them in court. Some survivors compared the request to the violation inflicted by the rape. Other survivors said the volume of digital data and records requests exceeded what they thought was reasonable. In the words of one survivor: 'One thing is for sure, the police and CPS must stop using requests for spurious information about victims as a deterrent to report'. Other survivors told us that they thought the disclosed information was irrelevant to the investigation.

*I felt it was very invasive, especially as so much of it (education records/social services/counselling for pre-existing anxiety and depression) was irrelevant and so was digital data.*

Female, White, bisexual, aged 16 to 24, reported in 2019

*I was happy to provide my mobile phone for them to download all the vile messages that supported my assaults. The police said they would download all messages between me and my ex-husband but they actually downloaded all of my phone every message, [G]oogle search and all my privacy was gone.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2019

Several survivors said that the request made them feel like they were under suspicion and that they were a criminal. For example, one said:

*I felt anxious, confused and infuriated. I was under far deeper investigation than the rapist (who I have no doubt would have had questionable material had they searched the same). They had refused to take physical evidence - my clothing from the night of the attack - but wanted to investigate my private life. I asked them to justify each request but they could not, so I did not provide it.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

Some survivors said they felt unsafe handing over their phones, especially if the police did not have spare phones to give out. A few survivors said they were not given a replacement phone, the police took a long time to replace their own phone or never returned it. A couple

of survivors said that they felt uneasy about disclosing sensitive personal information. One survivor described how she avoided seeking help due to the possibility that her medical records could be requested as part of the investigation:

*I have a history of mental illness and being told that I would have to give up my medical records was a huge part of why I was unsure about going ahead with the investigation. Before it was closed, I had avoided seeking help earlier on (i.e. therapy) because I was scared about this being used against me in a trial.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2019

Many survivors said it seemed unbalanced that they, as survivors, had to hand over access to their personal data, when the perpetrator did not.

*Happy to do it, but the Police did not look into any phones provided including one belonging to my estranged husband - who was the perpetrator.*

Female, White, straight/heterosexual, aged 55 to 64, reported in 2019

*It's very strange, they ask to look at the survivor's history but do not look at the perpetrator's previous as they cannot. Strange.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2016

*I knew this would be done but mine had a full download and his didn't which is disgraceful.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

*I don't really understand the need to do this, are they trying to ensure I fall under the category of a 'good survivor'? Are they assessing my sexual history and preferences because they know this can be used against a survivor in court? Are they trying to prove I wasn't lying? It felt like the investigation was more about me than the perpetrator at this point! They didn't look at his phone!*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

Survivors also shared details about issues with the use, handling and examination of evidence. Others pointed to a disclosure of the survivors' personal data to the legal team of an alleged perpetrator during Family Court proceedings. Some survivors said that key evidence on mobile phones was not examined. One told us how an investigating officer ignored relevant evidence:

*I felt like I was the one under investigation, the OIC said my partner was in his messages after the rape 'a bit cheeky' - and she said he was in love with me and didn't realise what he had done wrong - sounding like she sympathised with him. She ignored other relevant messages sent before the incident*

Female, Asian, bisexual, aged 45 to 54, reported in 2019

### **Survivors' views on the police's decision to take no further action**

Survivors told us about when the police, following an investigation, decided to take no further action.<sup>20</sup> Nearly one out of four respondents told us that after reporting the incident, the police decided to take no further action (24%). Over two thirds (68%) of those survivors said

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<sup>20</sup> The survey did not ask about the outcome 'no crime'. We did receive a small number of responses where survivors told us the reported incident or incidents were given a 'no crime' outcome

the police gave them a reason for deciding to take no further action. However, one in five (20%) said they did not and 11% were not sure.

Survivors were most likely to be told by telephone (47%) or in person (29%). A smaller proportion of survivors were told by email (11%), letter (9%) or text message (1%). A few (3%) were not sure or could not remember.

We asked whether survivors felt they were told clearly and promptly why the decision was made. Most said they were not told clearly and promptly (58%), one in three survivors said they were (33%), and 9% were not sure or could not remember.

Some survivors who did not feel they were told clearly and promptly gave us further detail. A few referred to the tone and the brevity of the communication, but a key reason for dissatisfaction emerged as perceived delays in being told of the decision and, allied to this, having to chase for information:

*I was never told the outcome. Months passed with no information & my ISVA phoned for an update to be told the case had been NFA'd [no further action].*

Female, White, straight/heterosexual, aged 45 to 54, reported in 2015

*I was told over the telephone several weeks after the decision had been made, which in my opinion was far too long.*

Female, White, bisexual, aged 16 to 24, reported in 2019

*It took ages to decide not to do anything. I had to chase the DC who was quiet for 3 months after phoning me to tell me the case had been assigned to him.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2018

## Reasons given and survivors' responses

The main reasons survivors reported being given were lack of evidence, and, sometimes linked to this, that it was 'my word against his'. For example, one wrote:

*My mum found out and was told not enough evidence but we thought there was. I felt totally destroyed and I wish I hadn't reported it. I won't report it again if it happens.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2017

As a result, this survivor wrote that she felt 'Broken. Stupid and lost'. Another wrote:

*They said it was my word against his and there was no evidence, with the result that: I felt that I was making it up, and that he had won.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2019

Some cases in which there was not deemed to be enough evidence or where the survivor did not feel they were given a clear reason were accompanied by sense of procedural injustice. For example, one wrote about how they believed the police had not examined all the evidence thoroughly:

*Police refused to discuss this. They phoned and said they would not be pursuing. I challenged them about testing my bloods for being drugged and they refused. They said they didn't think it would get through CPS. When told that wasn't their decision they refused to back down or act. It left me feeling retraumatised.*

Female, White, bisexual, aged 25 to 34, reported in 2015

A few survivors referred to the time lapse between the assault and reporting as the reason they were given. A few wrote about their own actions. For example, one said, 'I had allowed him in to my flat. We had previously been messaging' leaving her feeling that she was to blame for the ending of the case.

Some conveyed that they had internalised the reason, for example 'My mental health, I'm a bad character', leaving them 'broken, disgusted, and traumatised'.

Survivor's responses to the cessation of their cases ranged from upset and disappointment to devastation and feeling suicidal. A few survivors felt resigned or relieved. However, most described profoundly negative emotions, as described in the quotes given above. Some spoke of anger:

*Angry, dissatisfied, like a loser and finally realising why so few cases do not even make it to CPS let alone to trial.*

Female, Asian, straight/heterosexual, aged 25 to 34, reported in 2017

Perhaps more commonly survivors used language which implied disempowerment and re-traumatisation, such as 'broken', 'humiliated' and 'hurt'. For example, one wrote,

*Angry, hurt, betrayed. Like my rapist had even more power over me because he got away with it and knew he was untouchable.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2017

At the end of this section of the request for information, survivors were asked, 'thinking about the police decision and how it was told to you, what if anything could the police have done to better support you?'. Two of the key themes in these responses were more personal communication (e.g. a personal visit) and follow up support to help process the information. There was a sense that greater consideration could have been given to how the news would be received, so factors like time of day and having a friend or ISVA on hand when receiving the news emerged as important for some.

*Spoken to me in person with support available. And not 5 minutes before I was due to have to drive along a motorway in an anxious state to collect my children.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2019

One survivor wrote that they would have liked to have an ISVA with them when the news was broken, but was told they were too overstretched. Another also gave an indication that the ISVA service was under strain. They noted that having a very newly appointed person there was not helpful:

*The police bought supposedly my ISVA with them without consulting me. At this point this was my 4th ISVA in 6 months and had only briefly spoken to this one once over the phone before so felt uncomfortable having a stranger in my home.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

Lastly, in one case, although it seemed officers had taken pains to tell the survivor in person, the need for follow-through after the intensity of the investigation was still evident:

*I was phoned and told and then they came to my house. They need to support [you] following the decision, you have 6 months of having them intruding into your life like you are the one in the wrong then they disappear.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

#### **Conclusion to section 4: the police investigation**

Encouragingly, 57% of respondents agreed that they were informed about all actions the police took. However, the research found shortcomings in the amount and quality of information survivors received about the police investigation, as well as frustration and negativity around the length of time taken to investigate per se. At a time when people see mobile phones as extensions of themselves (ICO, 2020; p.7),<sup>21</sup> requests for these data were considered invasive and intrusive, with some survivors comparing the request to the violation inflicted by the rape.

Over two thirds of the survivors whose complaints were concluded as 'no further action' by police recalled being given a reason, but only a third felt they were told this clearly and promptly. While the reasons given for the decision varied, one thing was clear: the decision felt devastating to many survivors, a theme revisited in section 5, on the CPS decision not to charge.

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<sup>21</sup> Information Commissioner's Office (2020) Mobile phone data extraction by police forces in England and Wales. Available at: [https://ico.org.uk/media/about-the-ico/documents/2617838/ico-report-on-mpe-in-england-and-wales-v1\\_1.pdf](https://ico.org.uk/media/about-the-ico/documents/2617838/ico-report-on-mpe-in-england-and-wales-v1_1.pdf)



## 5. Crown Prosecution Service decisions not to prosecute rape complaints

### Introduction

For thirteen per cent of the sample (65 respondents) the CPS took the decision not to prosecute the case. In this section we will discuss survivors' experiences of and feelings towards this decision, and their experiences of taking further action (asking for a meeting about the decision and having the decision reviewed).

Between 44 and 49 survivors answered the questions relating to the CPS's decision-making.<sup>22</sup> Two thirds of this group (30 out of 45) estimated that the CPS decision took six months or less to reach, most frequently three to six months. For the remaining 15 respondents it took over six months, with 9 respondents saying it took over a year but less than two.

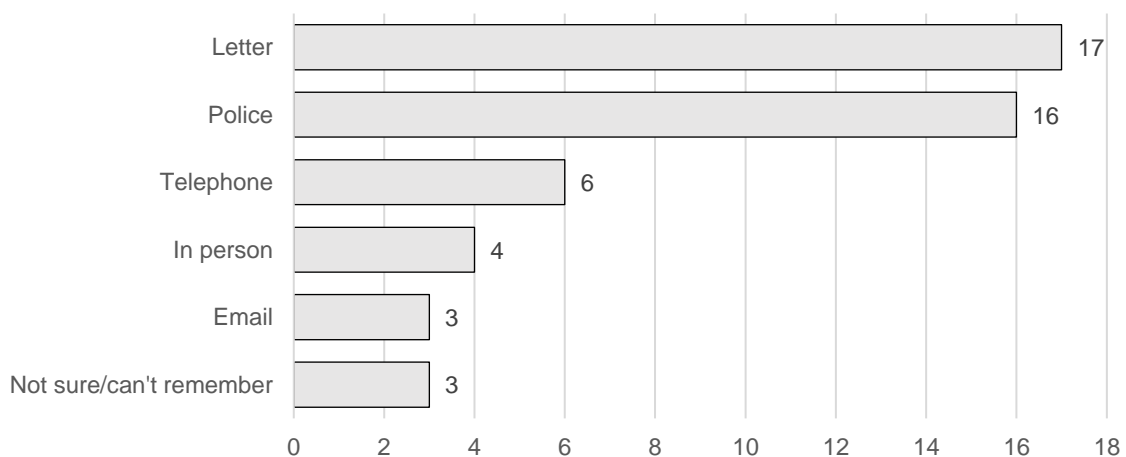
Recall of being given a reason for not charging was high: In 38 out of 45 cases, survivors said they remembered the CPS giving them a reason, with only 7 cases *not* recalling this. However, their opinion of *how* they were told was less positive: only around a third of the group (14 out of 44) felt they were told clearly and promptly why the decision was made, with over half (23 out of 44) answering 'no' to this question. One survivor said:

*They only gave me a reason after I appealed the decision. I got sent a letter where they basically said they spoke to him and he said it was consensual, and that seemed enough in my case, even though he was a [...] tutor.*

Female, Black, bisexual, aged 16 to 24, reported in 2015

As shown below, survivors tended to recall either being informed by a letter from the CPS or by a police officer, with two respondents noting that an officer delivered the CPS letter.

5.1 How did the Crown Prosecution Service inform you?



(Number of respondents: 49)

<sup>22</sup> This is a small sample. The charts and quantified findings should therefore be treated with additional caution compared to other findings in the report where the sample size was larger.

## Reasons given and response to the CPS decision

Similar to the reasons given for police taking no further action,<sup>23</sup> a key reason for not prosecuting was recounted as a lack of evidence - although, unlike the police accounts, some survivors specifically mentioned a lack of DNA evidence. Other common reasons were lack of evidence that this was not consensual and, in a few cases, that prosecution was not deemed to be in the public interest. Recalling rape myths, several survivors referred to the fact they were drunk or consumption of alcohol:

*They also said that due to being drunk that it is impossible for me to say if I have consent[ed] or not to having sex.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2019

As with the 'police NFA' responses, for a few, there was a sense of procedural injustice.

*The CPS dropped my case on the eve of trial, following the Liam Allan case and media. No reasonable reason given to this day.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

*Through a letter and saying that they didn't have enough evidence. But I feel that the main reason was simply due to what the police officer said to me during the interview of making it seem like it was my fault.*

Female, White, aged 16 to 24, reported in 2019

*No evidence, although I was told from onset enough to secure conviction. After meetings and discussions with CPS it seems a lot of my evidence was not presented by police although I disagree with this and believe other factors contributed to this.*

Female, straight/heterosexual, aged 45 to 54, reported in 2018

This survivor then wrote of her reaction:

*It had had a massive effect on my health, family and will impact the rest of my life. I am disgusted by the whole system and believe as a victim and survivor I have not been supported at all.*

One or two survivors in our sample referred to relief on hearing the news, and a couple of others conveyed acceptance of the decision:

*I understood it. I think it was a bit of a cop out. But I understand that DNA is essentially a done deal for cases and without it, it can be very difficult to prove the actual assault took place.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2018

However, as per the 'police NFA' responses, much more commonly survivors articulated their distress, their emotions ranging from disappointment to feeling suicidal. For many, the distress seemed profound. One survivor, for example, said she felt suicidal after being given a reason that she had clearly internalised:

*They said that I was a bad person who clearly wasn't scared enough because I continued to go to work where he worked.*

Female, White, aged 16 to 24, reported in 2019

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<sup>23</sup> Shortened to 'police NFA' responses in the rest of this section and elsewhere in the report.

Most often survivors wrote of being devastated, angry, disgusted, shocked, let down and heartbroken. Some noted disbelief, and others said that it made them feel 'unbelieved'. Some said it made them feel that their attacker had 'got away' with it. Some also conveyed how it made them feel worthless, as articulated in the effects this survivor listed:

*Devastated. Men can do what they want and get away with it because it will always be a case of he-said-she-said. Like nobody believed me and that I'd made it all up. Worthless as I wasn't worth prosecuting anyone for. Vulnerable as it could happen again and no-one would do anything about it. Dirty and ashamed; that it was all my fault and I'd wasted everyone's time. I wished I'd never told a soul. I didn't know how I was going to explain this to my mum, sister and friend who I'd told. I thought it would make them think the same thing; that it was all my fault and I wasn't worth it.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2016

Lastly, in the same way as the survivor above wrote of feeling 'vulnerable' and 'dirty and ashamed', a few other survivors also used powerful physical descriptors of how they felt ('broken', 'violated', 'vulnerable', 'hurt', 'destroyed' and dealt a 'body blow'), suggesting a sense of being re-traumatised. This again echoed what we found with the 'police NFA' responses. For example, one survivor who was told by police that her case was not prosecuted because she was not a credible witness, wrote:

*I found it appalling, judgemental, degrading. How can a rapist be considered a favourable character? I am still very angry and hurt by this decision.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2018

## **Meeting with the CPS**

Under the Victims' Code, when the CPS informs the survivor of a decision not to charge, the CPS should offer a meeting to explain the decision (see Annex 3). A third of respondents (15 out of 45) recalled being offered such a meeting. We asked for any comments on that meeting (e.g. how helpful they found it), if held. A few survivors who did not recall being offered a meeting felt they wished they had had one. One respondent noted that she was not ready for a meeting at the time, but might appreciate one now as part of her continued efforts to process what happened:

*I wasn't - I wouldn't have taken that up at the time but a few months later I would've. Now, two years later I have a lot of uncertainties about everything and would really benefit from a meeting with a prosecutor to explain to me what happened.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

For one respondent, the decision not to prosecute was so devastating she was taken to hospital because she became suicidal. The CPS prosecutor then visited her in hospital to explain the decision. We were not told how satisfactory this visit was, but overall, there was a strong sense of procedural injustice in her response to the final question in this section, 'what could the CPS have done to better support you?'

*Not initially charge, put me through a trial which was adjourned, make me wait 7 months for the retrial and then tell me 2 days prior to that that they were dropping the charges.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2016

Some respondents told us about the tone of the meeting and their feelings about it. For some, it was simply unsatisfactory:

*The meeting was a sham and I was told people would call and they never did, disgusting.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

*Nothing changed; it was devastating.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2016

*I had to keep asking, but I was happy to meet with the CPS but it was already a given that this would change nothing. It was a box ticking exercise as far as I could see. I asked many questions, and they also were unable to give me answers. They couldn't properly explain how we had got to this point.*

Female, White, straight/heterosexual, aged 45 to 54, reported in 2015

Other respondents referred to the insensitive tone of the CPS representative(s). For example:

*Helpful to have this and make the lawyer accountable, unhelpful as she retraumatised me. She was arrogant and nonchalant. No way to treat a victim of rape.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

*No, I requested it after the full review after the VRR<sup>24</sup> and it was an appalling meeting. The staff were disrespectful, aggressive, judgemental, condescending.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

One survivor wrote that the tone of the letter was such that she decided not to attend the meeting. She said that the CPS letter, giving detailed reasons such as 'playful refusals in the past', was 'the most damaging part for me'. Her suggestion for how the CPS could improve its service to victims focused on the insensitivity of this letter, which is likely to be a highly important piece of paper for survivors:

*Their letters had no indication that they were supportive of victims. The phrasing made me feel as though I was the criminal or as if I were a liar. Small details from the case were highlighted as specific reasons which meant the case couldn't be moved forward, which only heightens the blame I put on myself as a victim. It was very damaging.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2019

Lastly, one survivor vividly expressed the frustration and hurt she felt when she tried to present her carefully assembled account and evidence to the prosecutor and it was rebuffed:

*The lady was horrible, and didn't allow to speak much. I had put a case together myself explaining all what happened and backed it up with evidence I had sourced myself. Medical records, doctors notes, texts etc. I struggled when I got to the detailed bit about what happened when raped, as I knew what the line said, but couldn't speak it as I was re-living it in my head. She then said you don't need to read it out. Let's just move on. And I was like no, this has taken me 3 weeks to put together. I got to [the] end and she just sat there staring at me, and said nothing. I was gutted, no response. I then said "have you got nothing to say". And she said I've*

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<sup>24</sup> Two respondents wrote about meetings held after the Victims Right to Review.

*heard it all before. And I was like no you have not, notes from sexual health clinic were never requested as when I asked them they told me. And again she said nothing. Ignored me and moved on. And would not even take all the documents I had put together.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

## **Reviewing the CPS decision**

Twenty-two out of forty-five respondents recalled being told about the right to review, with a further twenty believing that they weren't told, and three unsure. Survivors tended to recall being told by their ISVA, the police or the CPS. One survivor noted that the CPS letter told them about this right, but gave no instructions about how to do this:

*The CPS letter. However they did not say how to do this so I had to figure this out by myself. The letter said to contact the Victim Liaison Unit officer using the contact details at the end of the letter but there were no contact details at all at the end of the letter. It took many, many calls to get the contact details.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

Over half of these respondents (23 out of 42) used the scheme. One respondent told us she used the scheme because, 'I felt let down by the CPS and wanted justice'. In contrast, another did not use the scheme because, 'I felt the Crown Prosecution Service came to the best decision they could under the circumstances as the perpetrator was already serving a sentence'. Of the 23 survivors who used the scheme, in 18 cases the appeal failed, in three cases the appeal is ongoing and in two cases the respondent was unsure of the outcome, and there were no cases in which the appeal was upheld.

## **Conclusion to section 5: the CPS decision not to prosecute**

Among those respondents whose cases the CPS decided not to prosecute, recall of being given a reason was high, at 38/45. This was higher than recall of the police decision to not progress the case, perhaps because the decision to charge is a clear milestone in the criminal justice process, or perhaps because a high proportion recalled receiving the news in writing, by letter. The reasons given were similar to those given for police taking no further action (e.g. lack of evidence) and the emotional responses described were very similar. These ranged from disappointment and anger to despair so profound that suicide was considered. As with the earlier accounts, it was common to use language which implied re-traumatisation of the victim by the system.

Just a third of these respondents recalled being offered a meeting with the CPS. For those respondents those who had such a meeting, there was often a clear sense of dissatisfaction with the outcome and, for some, unhappiness by the insensitive demeanour and approach of the CPS lawyer. None of our survivors' appeals under to the CPS the Right to Review scheme were upheld.

## 6. Rape survivor attrition: not taking further action and withdrawal

### Introduction

This section examines the reasons why survivors decided to take no further action after reporting an incident to the police. The increasing attrition of rape cases through survivors withdrawing support for an investigation or prosecution indicates that growing numbers of survivors do not want to continue to engage with criminal justice agencies. This section includes survivors' accounts about the reasons they put the incident on record and, subsequently, took no further action (28 in total), and those who reported an incident and then withdrew their support for the investigation or prosecution (17 in total).

Some survivors told us they wanted to put the incident on record as they believed the perpetrator had committed, or would commit, other sexual offences. Other survivors told us that they did not think there was enough evidence for a positive outcome, or they believed it was 'my word against his'. Other survivors told us about negative experiences with police officers or the CPS, or they were uncomfortable with the idea of going to court. Others told us they wanted to move on with their life. These themes are discussed below.

### Putting the incident or incidents on record and not taking any further action

We asked survivors to share further details about these decisions. This section summarises the main themes in survivors' accounts who put the incident on record but took no further action (28 in total).

Some survivors told us they put it on record as they believed the perpetrator had committed, or would commit, other rapes or sexual offences. One survivor had previously reported a rape to the police because 'I wanted it on record as I felt the perpetrator had done it to other women'.

However, one survivor told us that the 'Police advised me to not go ahead with the rape disclosures as it was too difficult to prove and historical'. As another told us:

*The police told me I would not be believed in court, that I would be torn apart in court. That it was best if I just put it on record and left it there.*

*I was 15 years old, terrified and interviewed by 2 male officers. Who were not compassionate and made me feel like I was in trouble.*

*I was so scared and in pain, completely unheard and unsupported. I felt like I wasn't believed.*

Female, White, straight/heterosexual, aged 25 to 34 (see footnote 25)

### My word against his

Some survivors who put the incident on record told us that they did not believe there was enough evidence and, in the words of three survivors, it was 'my word against his'. Other survivors talked about how the police attempted to dissuade them from pursuing an

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<sup>25</sup> For these quotes we do not have a date of reporting because this question was not asked of those who chose to put the offence on record only.

investigation, by telling survivors there was not enough evidence, that their case would be too difficult to prove, or that they would not be believed in court.

These two survivors told us about how a lack of evidence, warnings from police officers and media coverage led them to not support an investigation:

*It was my word against his, I had been in his house and the officer speaking to me told me that if I chose to take further action it would take 2 years and would probably only go to trial if he had texted a friend admitting it afterwards. I didn't even realise what had happened until months later so couldn't [ask] for a rape kit although he never denied we'd had sex, only he said I'd never told him to stop.*

Female, White, bisexual, aged 16 to 24

*I knew that it would be my word against the perpetrator. On the evening the rape occurred I had been drinking and I was drunk. I had read lots of articles and reviews on sexual violence, I knew that this would go against me. There were no witnesses because the rape happened in his house. I wanted it to go on police record in case he did it again to someone else. I couldn't face the prospect of going to court and not being believed.*

Female, White, straight/heterosexual, aged 35 to 44

### **Treatment by the police**

Other survivors described how their treatment by the police led them to take no further action. Some survivors said that officers, and specifically, SOIT<sup>26</sup> officers, had handled the matter well. But other survivors said that their treatment by the police was a factor in not taking further action or supporting an investigation. Some survivors said they were not supported by the police, felt like they were interrogated or blamed for the rape or assault.

One survivor recalled being asked why it had taken her a week to report the incident and told us: 'I don't have time to deal with that level of ignorance'. One survivor underscored how pivotal the police's *initial* response can be in the context of withdrawal:

*The two police officers who came to my house to take my initial statement (following my online report) were not trained in handling sexual offence cases, and made me feel like the rape was my fault and that no jury would believe me. I was contacted by a SOIT officer who followed up afterwards, and I advised them I wanted nothing further to do with the case because of the way I'd been treated. I received a follow up phone call from someone from Sapphire, apologising on behalf of the police, after reviewing the bodycam footage of my initial statement. They gave me some time to reconsider, but I still declined to continue with the prosecution. I continue to be contacted by various police officers, by email, text and phone call, all telling me they don't want to pressure me, that it's my decision, but would I please reconsider. It seems that not even the police understand that no means no.*

Female, White, straight/heterosexual, aged 25 to 34

### **Fear of court**

Other survivors told us about their fear of going to court. Some mentioned that police officers had offered their views about the toll of giving evidence and being cross examined in court. One survivor said they 'couldn't face going through court process'. Another survivor said that the police had told her she 'would not be believed in court, that I would be torn apart in

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<sup>26</sup> SOIT stands for Sexual Offences Investigation Trained.

court'. Other survivors mentioned their fears of coming face-to-face with the perpetrator in court or not being believed. As this survivor said:

*It was my belief that all of this extra pain and suffering being endured by myself in order to go through the investigation with only a slight chance of it going to court wasn't worth it in my opinion. Especially since I would have had to face my perpetrator in court (with already suffering with extreme anxiety as it is) and I was told it most likely wouldn't end up with a prosecution anyway.*

Female, White, bisexual, aged 16 to 24

### **Wanting to move on**

Survivors also mentioned that the decision to not take any further action or support an investigation was due to a need to move on with their lives. One survivor said that after two years of delays and pushing them to investigate, 'I needed my life back'. This survivor wrote:

*The police kept dropping my case and leaving it unassigned. I had to continually contact them and push for them to investigate my case. After 2 years I decided I had had enough of trying, and I needed my life back because it was clear the system wasn't going to help me.*

Female, White, straight/heterosexual, aged 25 to 34

Another survivor told us how the decision to not support an investigation was in order to 'heal'. They described how it was a 'difficult decision', but the uncertainty over the investigation meant she needed to consider her mental health and recovery.

*I couldn't, I tried and I tried hard. But I couldn't, psychologically it was more than I was capable of. It was a very difficult decision and one that came with lots of guilt, but not knowing who he was felt that potentially it could be a long time rumbling on with no sense of closure. I have to consider my mental health and my recovery now, it partly felt that going down the CJ route would ultimately be sacrificing myself. From the outset I said to myself I must involve the police, I should, but I didn't want to, it was guilt that drove it. I have had to stand back and say, I don't want to, I can't, I've done what I am capable of. I have found my limits and now I have to honour them and heal.*

Female, White, straight/heterosexual, aged 35 to 44

### **The importance of different factors in withdrawing support for an investigation or prosecution**

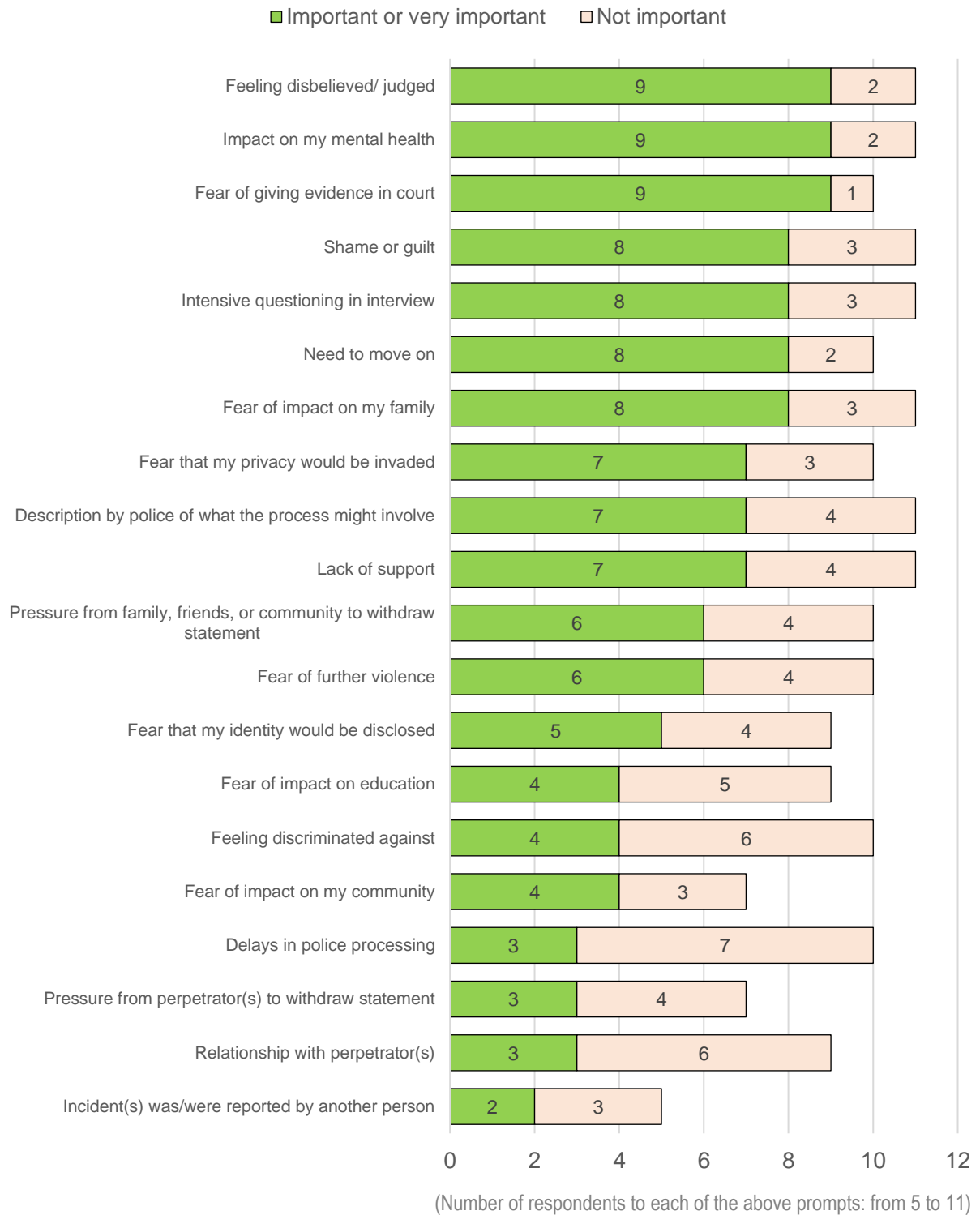
We asked survivors who withdrew their support to rate the importance of a list of factors in deciding to withdraw their support for an investigations or prosecution. We received a very small number of responses to this question. Because of this, the following chart and discussion should be treated as merely indicative of the relative importance of these survivors' reasons for withdrawal. We are less confident of the robustness of these findings compared to those around other outcomes, like those whose cases which ended with police NFA.

We gave this list to two groups of survivors who withdrew: survivors who reported an incident and withdrew support during the police investigation, prior to any charging decision; and those who reported an incident, the police decided to charge, but withdrew their support before the Crown Prosecution Service decided to prosecute (17 in total).



Survivors were most likely to say the most important factors in their withdrawal were that they were feeling disbelieved or judged, the impact on their mental health, and a fear of giving evidence in court.

### 6.1. Survivors' reasons for withdrawing support for the investigation or prosecution



## Survivors' decisions to withdraw support for an investigation or prosecution

We asked survivors to share further details about their decision to withdraw support for an investigation or prosecution. This section summarises the main themes in survivors' accounts about deciding to withdraw. It draws on open text responses from: survivors who reported an incident and withdrew support during the police investigation, prior to any charging decision (13 in total); and, survivors who reported an incident, the police decided to charge, but withdrew their support before the trial (4 in total).<sup>27</sup>

The main theme in survivors' responses related to issues with how the police handled the investigation and survivors' treatment by individual officers. Several survivors said that they did not feel believed or taken seriously by the police or CPS. Other survivors said that it seemed the police blamed them for what happened or justified the perpetrator's actions.

Survivors told us about insensitive questioning and individual officers' user of rape myths and stereotypes. A couple of survivors told us that the police made comments about the clothes they had been wearing or the fact that the survivor had been intoxicated at the time of the rape. One survivor told us that the police did not seem to treat the matter seriously due to their relationship with the perpetrator:

*The police were very nice but because it was my partner and we had a child together it was viewed as tit for tat. I didn't feel as if the police took me seriously at all.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2019

Survivors also told us about the invasiveness of the investigation and being put under pressure by officers. One survivor, while thinking the police officer handled the investigation 'well', saw the overall experience as negative:

*I think the SOIT officer handled the investigation well, however the overall experience of undergoing the investigation was dehumanising and invasive just because you get all of your privacy taken away from you. The fact that my body was treated as just another part of the evidence was difficult for me, especially when I had to send male police officers some photos of the injuries on my body.*

Female, White, bisexual, aged 16 to 24, reported in 2019

Some survivors said that the investigation was upsetting and traumatic. One survivor told us that it would have improved her experience if there were 'officers that genuinely care about the cause they're working for, or have more female officers'. Others indicated that officers need to be 'more supportive and less judgemental', treat survivors with respect, better understand domestic abuse, coercive control, honour-based abuse, post separation abuse, and rape survivors' trauma. One survivor said it was 'like a double trauma with the police involvement'.

Some survivors told us about their regrets over reporting the complaint and the sense that justice is not achievable. One told us 'The police were honest. The system will not help me'. Another survivor expressed a similar sentiment, telling us that reporting rape to the police was 'a waste of time':

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<sup>27</sup> This section includes open text responses from survivors who said: I (or someone else) reported the incident(s) to put it on record, but after that I decided to take no further action (although I did not withdraw my complaint); I (or someone else) reported the incident(s) to the police and then I withdrew my complaint before any charging decision was made; I (or someone else) reported the incident(s) to the police, the police charged the perpetrator or at least one perpetrator (if more than one person assaulted you), and the Crown Prosecution Service decided to prosecute, I withdrew my support for the prosecution before the trial.

*It's a waste of time going to the police and the criminal justice system is biased towards the perpetrator and their rights, while victims have very little rights. The CPS also don't really communicate with the victim well. I emailed them and they never responded. It's an unjust justice system. I'm left by the police to pick up the broken pieces of my life.*

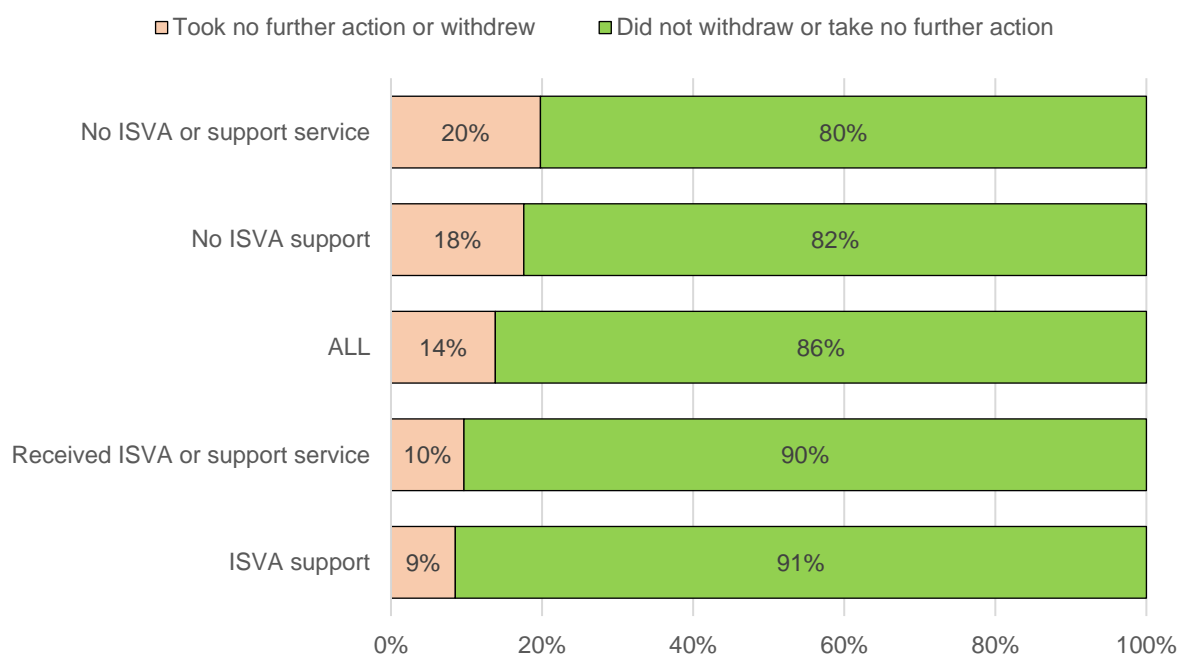
Female, White, straight/heterosexual, aged 25 to 34, reported in 2019

### Support from Independent Sexual Violence Advisers and specialist support services

Survivors told us about the importance of support they received from Independent Sexual Violence Advisers (ISVA) and support services, such as Rape Crisis. We found that survivors who had received some support from ISVAs or support services were significantly less likely to stop supporting the investigation or prosecution.

In chart 6.2, we show that survivors who receive support are less likely to decide to take no further action or to withdraw at a later stage. We found that while 9% of all survivors who had received help from an ISVA decided to take no further action/withdrew their support, 18% who did not receive help from an ISVA decided to take no further action/withdrew their support. We also found that 10% of survivors who received help from either an ISVA or other support services decided to take no further action/withdrew their support, compared to 20% of those who did not receive such support.

6.2. Survivor attrition in the criminal justice system by support received



(Number of respondents: from 91 to 347)

### Conclusion to section 6: rape survivor attrition

We received a small number of responses from survivors who had withdrawn at either the investigation stage or post-charge, and a larger number who said they reported the incident to put it on record. Among those who actively withdrew, the sense of being disbelieved and judged was to the fore (as pre-empted by some at the reporting stage, see section 3) alongside fear of impact on their mental health. Those who put the offence on record only also had fears of not being believed, and both groups had anticipatory concerns about low

chances of success, sometimes added to by a defeatist attitude from police about these chances or the toll the process would take on them. For example, one survivor who withdrew said, 'the police were honest. The system will not help me'.

Set against this predominantly negative picture, there was one clear positive finding: survivors who received support from ISVAs or support services were significantly less likely to stop supporting the prosecution than those who did not. This underscores the value of such services, which were often praised within survivors' accounts.

## 7. Courts and rape trials

### Introduction

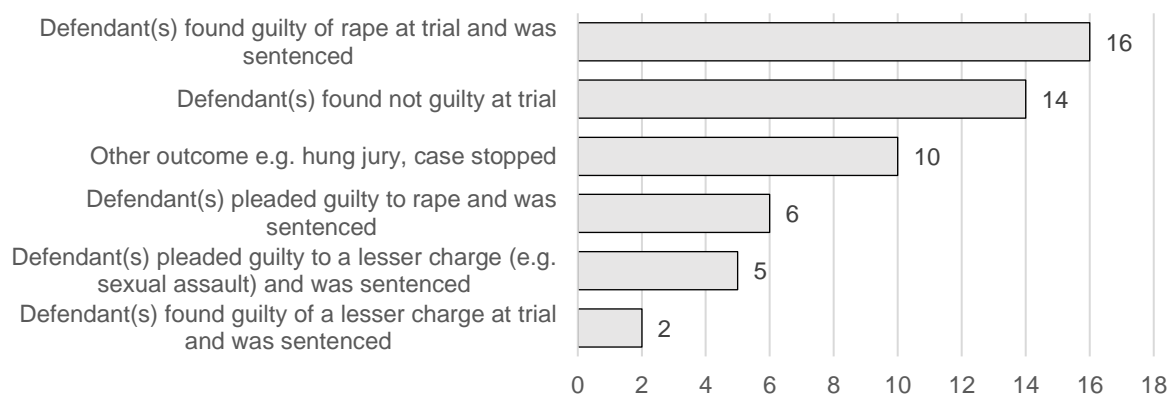
In this section we will discuss what survivors told us about the outcome of their case, how long it took to come to court and their experiences at trial, as elicited from closed (or prompted) and open-ended (unprompted) responses.

Twelve per cent of survivors saw their cases go to trial and in two per cent of cases the defendant pleaded guilty and was sentenced. Of these, fifty-three survivors answered most or some of the questions about their experiences of court.<sup>28</sup>

We asked how long it took for the case to come to court after survivors were told that the Crown Prosecution Service had decided to prosecute the perpetrator. Over three quarters of this group estimated that it took between three months and two years for their case to come to court, with 15 estimating that it took 7 to 12 months, 13 estimating 3 to 6 months and a further 13 estimating over one year to two years.

As shown in chart 7.1, marginally more of the cases resulted in convictions for rape compared to acquittals.

7.1. Outcomes of court trials



(Number of respondents: 53)

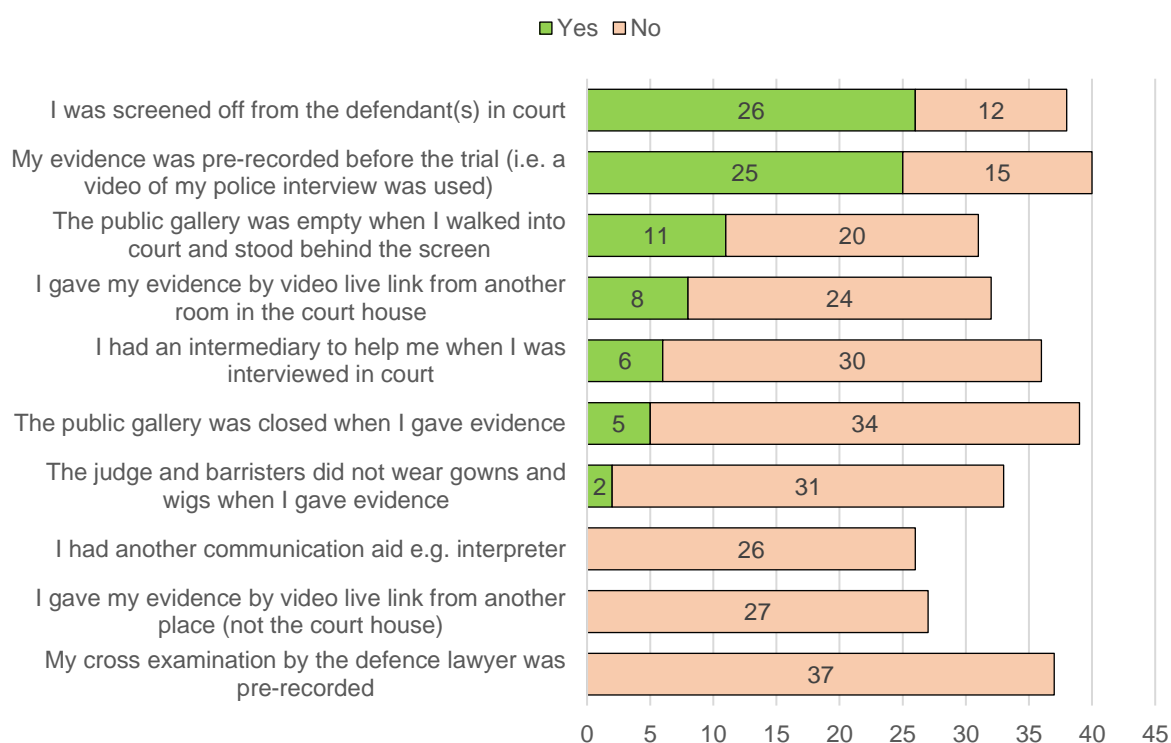
### Special measures

Respondents were asked which, if any, special measures they had used in court. The responses indicated the widespread use of screens to shield the victim from the defendant whilst giving evidence (26 out of 38 cases) and pre-recorded evidence in chief (25 out of 40 cases). Other special measures were less widely used (see chart 7.2).

Nearly two thirds of respondents (32 out of 51) in this group were given a choice of which special measures they would like to use in court, with ten respondents recalling that they were not given a choice and a further nine unable to recall whether they were or were not.

<sup>28</sup> This is a small sample. These findings should therefore be treated with additional caution compared to other findings in the report where the sample size was larger.

## 7.2 Provision of special measures in court



(Number of respondents: from 26 to 40)

Respondents were asked to tell us about any special measures in court that they felt might have been helpful. We only received a few responses to this. For some of the older cases, there was a sense that availability of special measures was limited and having any measures or having a particular measure in place (e.g. video link) would have been welcome. Across all cases, one theme that emerged from these responses was a desire to be protected from the eyes of the public gallery when the survivor appeared in person and/or while evidence was presented on video:

*I felt the screen was appropriate for me but would have preferred the public gallery to have been empty when my video interview was shown and I was cross examined as the details of my abuse was for all to see by those in the public gallery.*

Female, White, straight/heterosexual, aged 45 to 54, reported in 2017

There were also one or two instances of being given a screen, and no other choice:

*I was given the option of having a screen so that I was unable to see the perpetrator. That was it.*

Female, Mixed/Multiple ethnic groups, straight/heterosexual, aged 25 to 34, reported in 2015

There were also one or two cases in which the survivor appeared to have been advised that appearing live had an advantage over video link:

*I was originally having a video link from a room nearby, just a few days before my barrister and detective suggested I went in so the jury to could really see my emotion and how it affected me. I had a screen put up last minute as I was meant to not have one but didn't feel brave enough.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

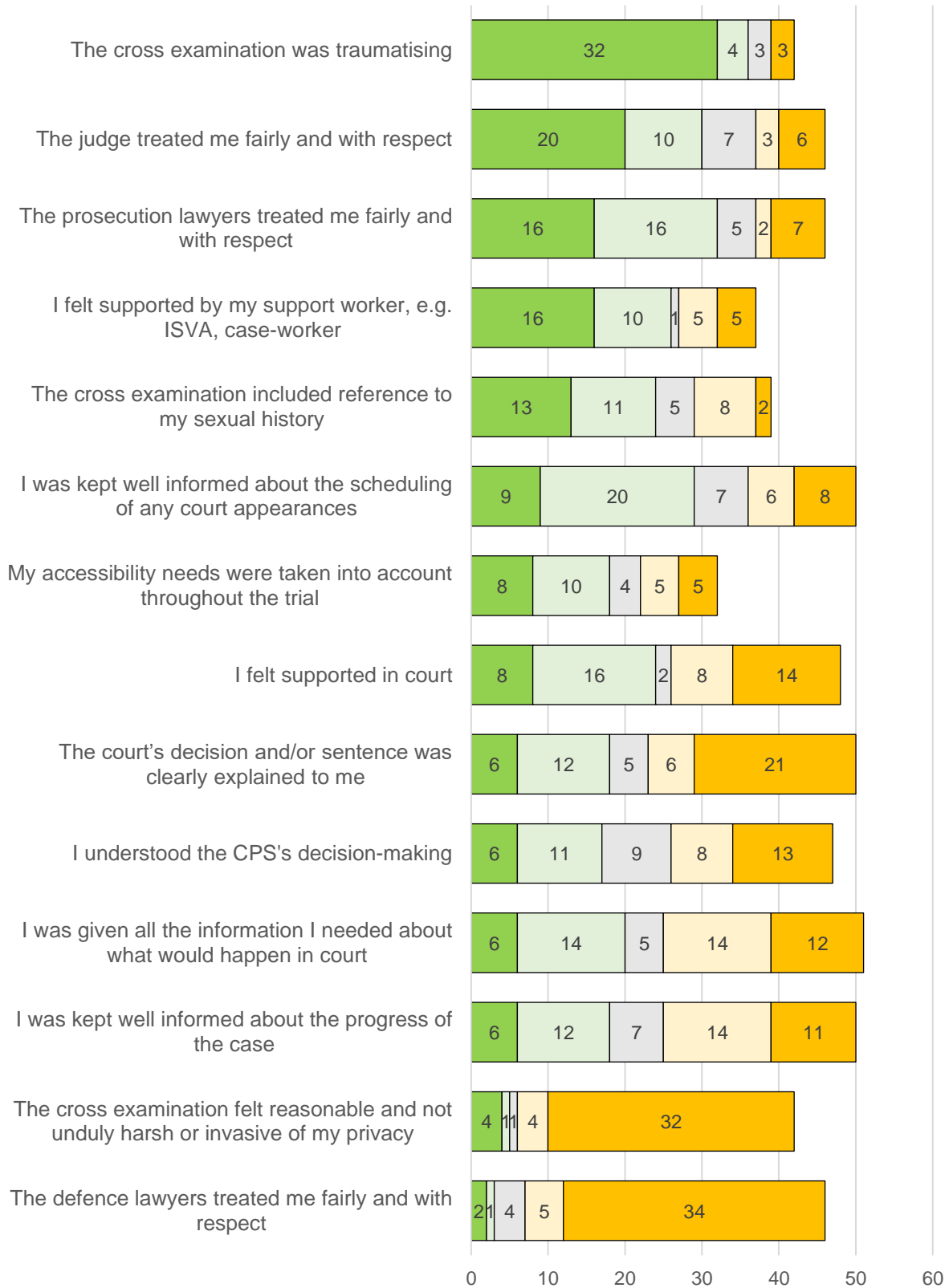
## **Experiences in court**

Survivors were asked their level of agreement with a range of statements about their general experience of the court process. As shown in chart 7.3, the starkest finding was the very high level of agreement with the statement that the cross examination was traumatising (36 out of 42 responses), and correspondingly, the very low level of agreement with the statement that the cross examination felt reasonable and that the defence lawyers treated them fairly and with respect (5 out of 42 and 3 out of 46 respectively). Most agreed that the cross examination included references to their sexual history (24 out of 39).

A high proportion of survivors in this group strongly agreed with the statements 'I felt supported by my support worker' (16 out of 37) and 'the judge treated me fairly and with respect' (20 out of 46). There was also high agreement that the prosecution lawyers acted similarly. Under the Victims' Code (see Annex 3), victims have a right to be promptly informed about court processes and outcomes of hearings. However, some of the positive statements around communication (information provision, explanation of case outcome) also received fairly low levels of agreement. For example, over half of the sample disagreed that the court's decision was explained to them (and most of these strongly disagreed) and around half disagreed that they were well informed about what would happen in court and about the progress of the case.

7.3. Thinking about the court process, to what extent would you agree or disagree that:

■ Strongly agree  
 ■ Agree  
 ■ Neither agree or disagree  
 ■ Disagree  
 ■ Strongly disagree



(Number of respondents: from 32 to 51)



To help add detail, survivors were asked to describe their experience in court and their attendant feelings. In a few cases, the court process emerged as a positive or empowering experience:

*Remarkable from start to finish. I felt nervous but comfortable and at ease throughout.*

Male, White, gay, aged 45 to 54, reported in 2017, gave evidence at trial

*I initial[ly] was able to sit in a witness waiting area as the other victim who was hostile towards me and of course him were in court. I came up to court just before I was needed. I read my victim impact statement out in court without a screen. I had [an] IDVA there to support me as well as friends and my women's aid worker. I chose to have no screen as I wanted him to see I was free not scared anymore and that he has no control over me I will speak out and will continue to do so.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2018, defendant pleaded guilty

More frequently however, respondents described the court experience as traumatic, sometimes deeply so. Some respondents used the language of re-traumatisation when recounting their feelings and experiences:

*I was terrified upset and was asked inappropriate questions by the defence to things that I did not believe happened it was manipulated and crude and I felt attacked again.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2017

*I felt that the court process was just as invasive as the actual offence.*

Female, White, straight/heterosexual, aged 35 to 44, reported in 2016

Echoing the negativity felt about the cross-examination as evidenced in the prompted statements (see chart 7.3), the trauma felt by survivors was often related to the defence barrister's questioning and lines of argument:

*I was not prepared for the aggressive cross examination of the defence barrister. The prosecution barrister told me before I went into court that it would not be as bad as what I'd seen on TV or in films. In fact it was worse. I felt as if I were responsible for the offence which the defence continually referred to as sexual intercourse. He deliberately discredited me and I feel that this influenced some of the jury members.*

Female, White, straight/heterosexual, aged over 65, reported in 2019

*The experience was traumatising. I could see the public gallery and the friends of the perpetrator glared at me whilst I provided my evidence. The cross examination from the defence lawyer was ruthless and I felt ridiculed and shamed. The formal process of the court with the wigs and gowns was very intimidating. I felt unsupported by the prosecution lawyer. I did not know his name or how he was going to advocate for me. I had only met him 10 minutes before going into court. The whole experience is traumatising. I completely understand why people do not report rape to the police.*

Female, Mixed/Multiple ethnic groups, straight/heterosexual, aged 25 to 34, reported in 2015

As exemplified in the above quote and in the one below, the fear and trauma were also sometimes linked to feeling insufficiently supported in court, either in terms of emotional support or advocacy, or both. In the quote below, the survivor contrasted her position with that of the offender, implying and imbalance of rights:

*Court was frightening, I felt exposed. I had only one person in the room but not close to me, I had to ask for this. The offender had all his family in the court room and was given a lot more consideration than me.*

Female, White, straight/heterosexual, aged 16 to 24, reported in 2017

Another survivor explained how they not only felt unsupported but uninformed in relation to the court procedures, a theme which one or two others also referred to:

*I had no IVSA support ever offered to me which in hindsight, was very disappointing. The whole experience was daunting, a better understanding of the whole process would have made it easier, especially the long wait for the jury's verdict.*

Male, White, straight/heterosexual, aged 45 to 54, reported in 2016

This quote contrasted with the praise given by another survivor who did receive this support:

*Support services were key - without [victims' service organisation] and the ISVA I wouldn't have understood what was happening and having my statements organised for me was really helpful. Everyone going through this process needs someone to guide them through it especially at a time where you are in such mental distress.*

Female, White, straight/heterosexual, aged 25 to 34, reported in 2017

Two final themes in these responses about the court experience were delays to the trial and comments on the court environment. For example, one respondent gave a balanced assessment of her experience, noting the benefits of having special measures and the support of a volunteer in court, but also noting the stress associated with the trial being postponed, delays due to problems transmitting the video evidence, and further day's delay because the judges were on training, which 'wasn't communicated'.

The court environment was described as 'intimidating' by several respondents, and this seemed to relate to the culture rather than the physical building. Others noted shortcomings with the physical building, particularly the inability to stay separate from the defence witnesses and supporters in public areas and when attending court. This survivor noted severe shortcomings in the room in which they viewed their evidence remotely:

*The most traumatic thing I've had to do. I had to watch my video police interview the day of in what looked like a tiny store cupboard. The floor had damp marks. There were no windows. There were stacks of toilet roll. And then just me, a tv and chair.*

Male, White, gay, aged 25 to 34, reported in 2015

By contrast, the survivor below noted the benefit of being allowed to wait in the witness area before the trial, and their appreciation of the care both the judge and barrister took in acknowledging their anxiety and helping them to understanding proceedings:

*I felt the whole experience at court was positive. I felt comfortable in the waiting area for witnesses only so was not fearful of seeing the perpetrator or his family and friends appreciated the barrister coming to speak to me before giving evidence and answering any questions I had, and felt the judge was understanding of the raised anxiety I was feeling before giving my evidence and explained a question I had not understood by the defence barrister.*

Female, White, straight/heterosexual, aged 45 to 54, reported in 2017

Survivors were also asked what we could do to improve the process for them. Responses focused on the shortcomings outlined above, for example, treating the survivor with more sensitivity and humanity, particularly in the context of defence questioning. Building on the low agreement with the statements around clear information provision and keeping them updated (see above), they also identified a need for better communication, in terms of someone clearly explaining the process and the verdict to them. One respondent touched on both the theme of greater humanity and improved communication:

*Ensure that the jury, judge, and lawyers are trauma-informed. A lack of understanding of the variety of ways rape impacts an individual means we are not believed if we are not perceived to be the 'right kind of victim'. Keep us informed of what is happening throughout the trial. The 9 day wait between me giving evidence and being cross examined, and the verdict being delivered, was the most anxious time of my life. And maybe just treat us with the compassion we deserve.*

Female, White, lesbian, aged 16 to 24, reported in 2017

### **Conclusion to section 7: courts and rape trials**

Survivor's ratings and accounts of their experiences in court emphasised how traumatic the process can be. In particular, the cross examination by the defence emerged as harrowing: just over three quarters of those who answered these questions strongly agreed that this was traumatising and comments in the open-ended sections vividly described how invasive this was, and how it made them feel (in the words of one respondent, 'attacked again'). Some respondents also painted a picture of feeling vulnerable and unsupported in court. Information provision around how the case was progressing and explanation of the verdict and sentencing were also found wanting.

More positively, most of survivors whose cases went to trial were given a choice of special measures. The importance of being protected from the glare of the perpetrator and his family and friends, both in the court room and around the building, was very evident.

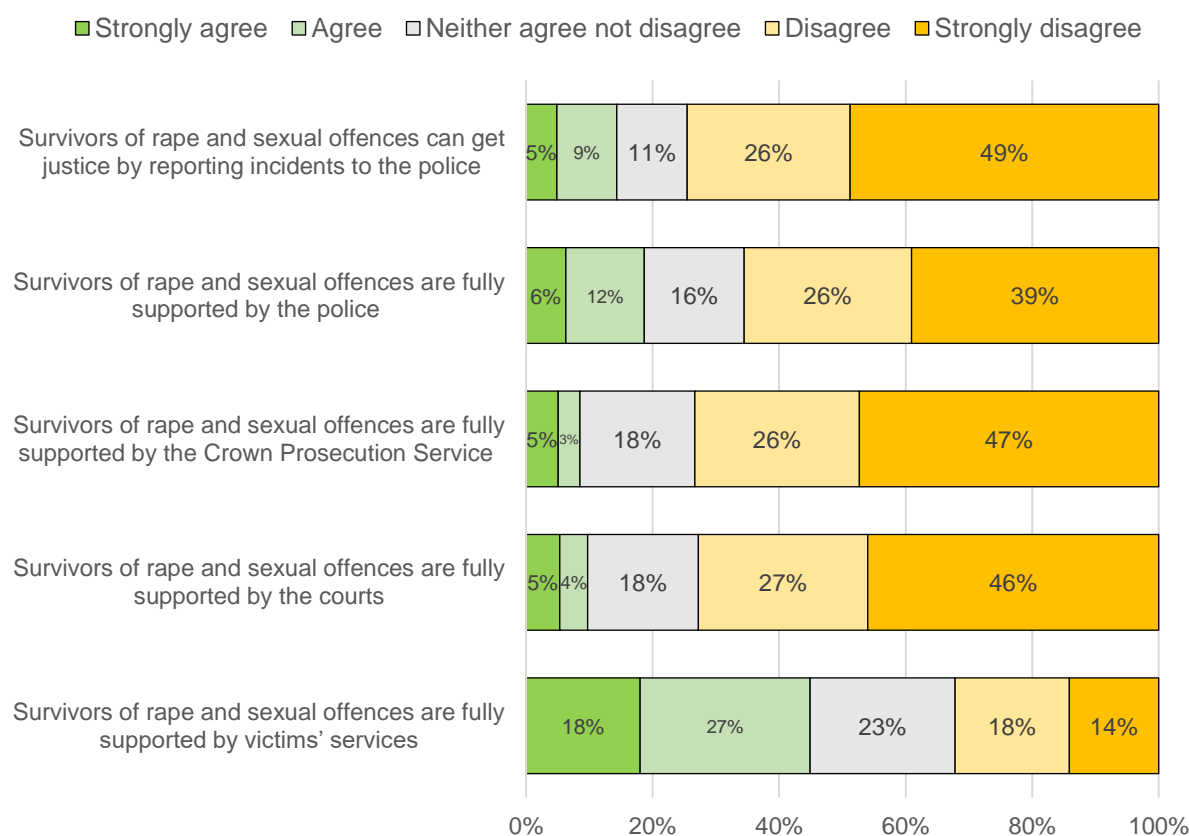
## 8. Rape survivors' attitudes to the criminal justice system

### Overall attitudes

At the end of the request for information, we asked survivors their agreement with a range of statements about the criminal justice system. In this section, we will discuss overall responses to these statements and statistically significant findings by subgroup of respondents.<sup>29</sup>

Between 410 and 412 survivors responded to the five statements, which was a large enough response to examine some differences by subgroup. Unfortunately, not all subgroups of interest were large enough to analyse in this way. The most notable subgroup that is omitted from this analysis is men, who we did not compare to women, since our sample only contained only 37 males.<sup>30</sup> We were, however, able to examine responses by broad ethnicity, sexuality, age, recency of reporting, outcome, and support received.

#### 8.1 Attitudes to the criminal justice system



(Number of respondents: from 410 to 412)

<sup>29</sup> Testing the statistical significance of a difference between two groups is a way of understanding whether the difference is worth taking notice of. It means there is only a 1 in 20 possibility that the difference occurs by chance, rather than being a real difference across two groups in this sample. It does not, however, tell us *why* the differences occurred and it is also possible that differences reported here mask other differences which are more influential than those we examined.

<sup>30</sup> We used a cut-off of 50 respondents for the analysis by subgroup.

As shown in chart 8.1 above, there were low levels of agreement and high levels of disagreement with all the statements apart from, 'survivors of rape are fully supported by victims' services', which 45% of survivors agreed with.<sup>31</sup> Views of police support were more favourable than the support of both the courts and the CPS, with 18% agreeing with this statement in relation to the police, but only 9% and 8% in relation to the courts and CPS, respectively. Respondents were most likely to disagree with the statement, 'survivors of rape and sexual offences can get justice by reporting incidents to the police' (75%).

## Attitudes by subgroup

### Ethnicity

Around 55 Black, Asian & Minority Ethnic (Ethnic Minority) and 353 White respondents answered the attitude questions. While we considered this a large enough sample to analyse, it must be borne in mind that this is still a very small group and the findings need to be interpreted with caution. In particular, these findings are different from much of the research on attitudes towards the criminal justice system by ethnicity, which tends to show lower confidence within Ethnic Minority groups compared to White.<sup>32</sup> As stated earlier, we cannot claim that our sample is representative of all survivors, and barriers to survey participation - which might include not feeling able to revisit the trauma, language barriers, or generally feeling disenfranchised from the system - *may* have had a disproportionate effect here, making our Ethnic Minority subsample less typical of Ethnic Minority rape survivors generally than our other subgroups were.<sup>33</sup>

As shown in chart 7.2 below, Ethnic Minority respondents were significantly more likely than White respondents to agree to some of these statements: that survivors of rape and sexual assault are fully supported by the CPS (22% versus 7%), the courts (25% versus 7%), and that they can get justice by reporting to the police (29% versus 12%).

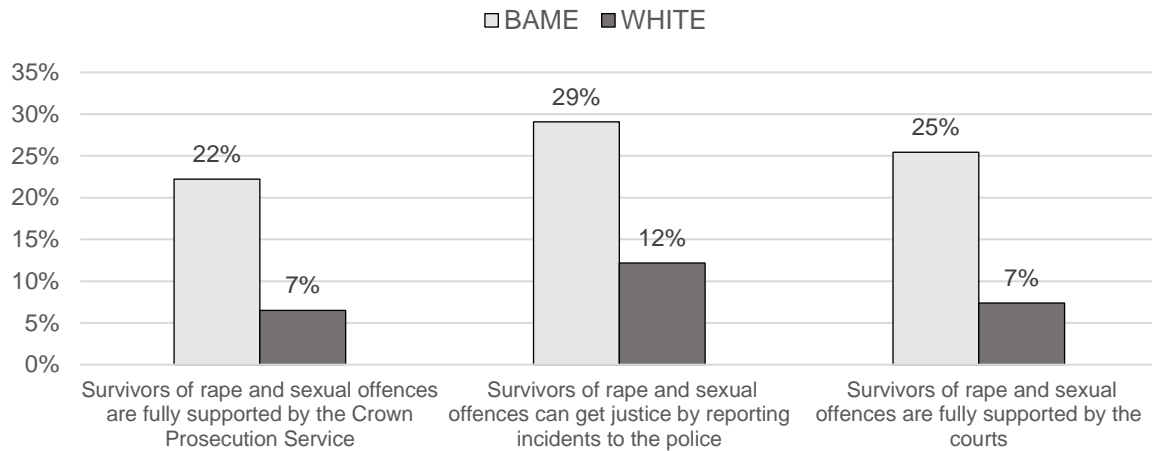
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<sup>31</sup> The request for information also included a sixth statement, 'Survivors should have confidence that rape and sexual assault complaints will be fairly investigated' but the result of this followed quite a different pattern from the other five statements, with 54% strongly agreeing and 11% agreeing (i.e. a reversal of the predominantly negative views that were reflected in the other statements about the police). On reflection, we think this statement was too ambiguous: it seems likely that 'should' might have been interpreted as meaning in principle (rather than in practice, as intended) and so for this reason we omitted the statement from our analysis.

<sup>32</sup> For example, the Centre for Justice Innovation report, *Building Trust How our courts can improve the criminal court experience for Black, Asian, and Minority Ethnic defendants* (2017), found in a bespoke analysis of representative data from the Crime Survey for England and Wales, that: among those born in England and Wales, people from ethnic minorities are less likely than those who are White to agree that the criminal justice system is fair. A majority of BAME people (51%) believe 'the [criminal justice system] discriminates against particular groups and individuals', compared with 35% of the British-born white population. Available at: <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/building-trust.pdf>

<sup>33</sup> We are planning to carry out further work on this dataset in conjunction with the Equalities and Human Rights Commission. This will look at barriers to justice amongst victims of violence in relation to protected characteristics.

### 8.2. Proportion of BAME and White respondents agreeing to attitude statements



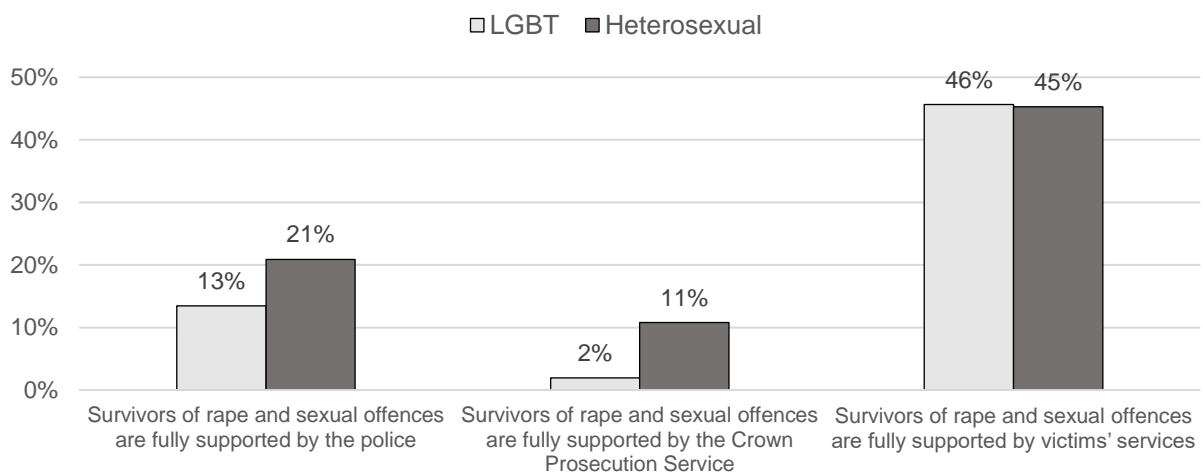
(Number of respondents: 54-55 BAME and 351-353 White.)

### Sexuality

Around 104 Lesbian, Gay, Bisexual and Trans (LGBT) respondents answered the attitude questions, compared to around 297 respondents who identified as straight/heterosexual. There were no statistically significant differences in relation to the statements about the courts, support services and getting justice by reporting to police. For all of these statements, results were very similar (e.g. 46% of LGBT and 45% of heterosexual respondents agreed that sexual offence survivors are fully supported by victims' services).

However, in contrast and as shown in chart 8.3, LGBT respondents were significantly less likely to agree with and more likely to disagree that survivors are fully supported by the police, and the CPS (with 13% compared to 21%, and 2% compared to 11%, agreeing respectively).

### 8.3. Proportion of LGBT and heterosexual respondents agreeing to attitude statements



(Number of respondents: 103-104 LGBT respondents and 296-297 straight/heterosexual respondents)

## **Age**

There were three statistically significant differences depending on whether the survivor was aged under 35 or 35 years and over at the time of responding (around 218 and 188 respondents respectively): the younger group were significantly more likely to *disagree* that survivors of rape and sexual offences are fully supported by the police (71% compared to 61%), the CPS (78% compared to 69%) and the courts (78% compared to 67%).

## **Differences by outcome of case**

We analysed the data by four subsamples based on case outcome: those who reported compared to those who did not (around 279 and 133 respondents respectively) and those whose cases were charged versus those whose cases were not charged (around 109 and 128 respondents respectively). Here, there were only significant differences in relation to the attitudes towards the police and victims' services. Those who reported were more likely to agree that survivors of rape and sexual offences are fully supported by police (23% versus 11%). This most likely reflects the greater exposure of those who reported to the police.

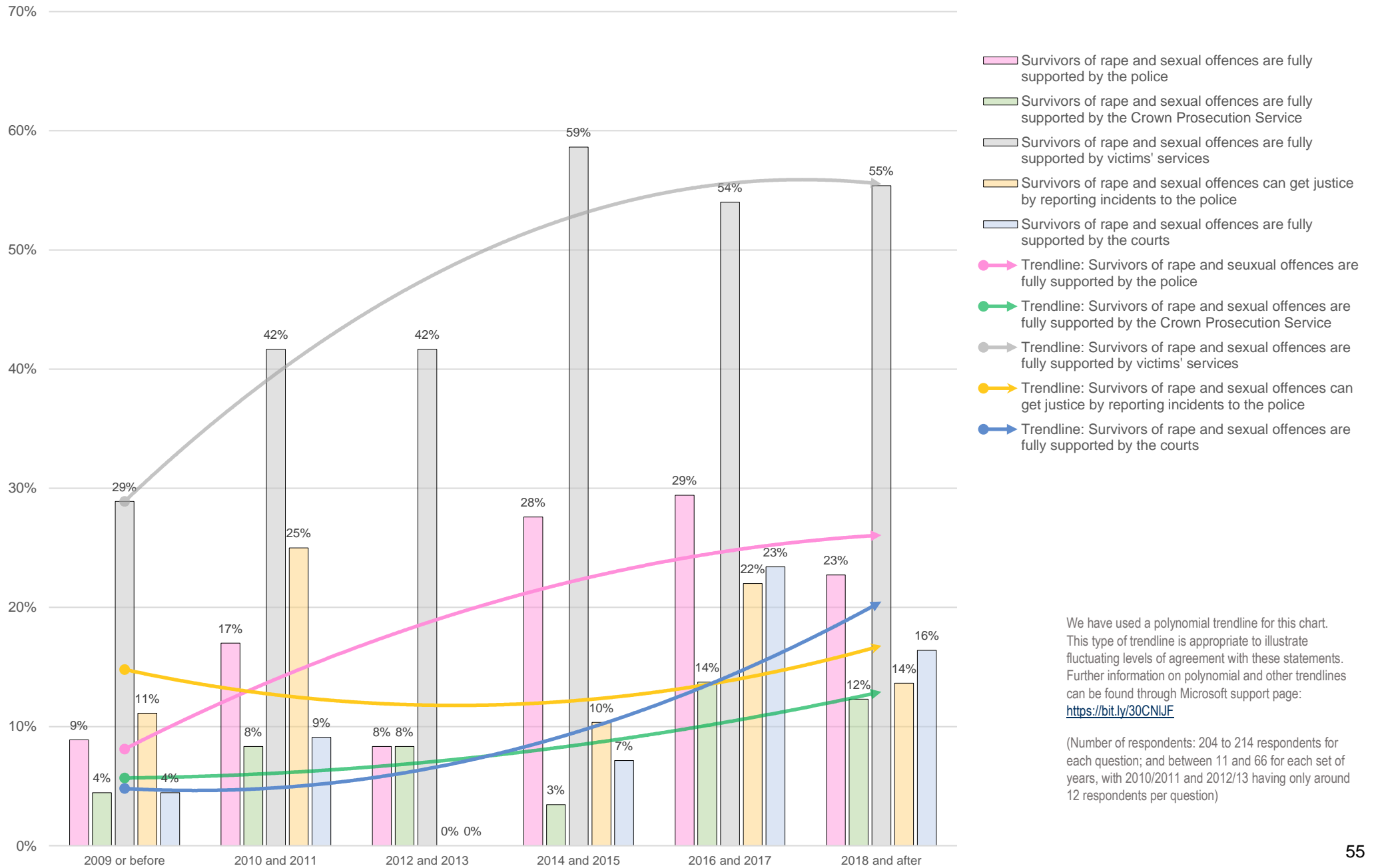
Similarly, for those whose cases were charged compared to those whose cases weren't, the 'charge' group were significantly more likely to agree and less likely to disagree that survivors are fully supported by the police (31% versus 14% and 52% versus 78% respectively). They were also significantly more likely to agree that they were fully supported by victims' services (56% versus 42%). There were no significant differences in relation to the statements about the CPS or the courts.

## **Recency of reporting**

Encouragingly, there were slight upward trends in attitudes across four out of five of these measures by year of reporting (see chart 8.4): those reporting later were generally more likely to agree than those reporting earlier that survivors of rape are fully supported by the police, CPS, courts and victims' services. However, it must be remembered that for all the agencies apart from victims' services, it was still only a minority (and in most cases, a small minority) agreeing with these statements.

There was no upward trend for the statement, 'survivors of rape and sexual offences can get justice by reporting incidents to the police'.

### 8.4. Attitudes to the criminal justice system by year of reporting: including trendlines



We have used a polynomial trendline for this chart. This type of trendline is appropriate to illustrate fluctuating levels of agreement with these statements. Further information on polynomial and other trendlines can be found through Microsoft support page: <https://bit.ly/30CNIJF>

(Number of respondents: 204 to 214 respondents for each question; and between 11 and 66 for each set of years, with 2010/2011 and 2012/13 having only around 12 respondents per question)



## Level of support

We also compared the attitudes of those survivors who had an ISVA or had accessed victims' support services (around 168 respondents) with those who had not accessed such professional support (around 143 respondents).

Those who had an ISVA or support service were significantly more likely to agree that rape and sexual offence survivors are fully supported by the police (23% compared to 13%) and, perhaps unsurprisingly, that survivors are fully supported by victims' services (61% compared to 29%). There were no other significant differences in relation to the other statements. The finding in relation to the police may relate to reporting and exposure to the police: 93% of the ISVA/support service group had reported the offence, compared to only 54% of those who did not access such support.

## Conclusion to section 8: rape survivors' attitudes to the criminal justice system

The responses to the attitude questions indicated a lack of faith in the criminal justice system among rape survivors who responded to our request for information, most of whom had experienced that system first hand. Just 5% strongly agreed and a further 9% agreed that survivors could obtain justice by reporting to the police, with three quarters disagreeing. Agreement that the police, CPS and courts were fully supportive of survivors was also disappointingly low. However, there were indications that confidence in the support given is improving: those reporting more recently were generally more likely than those reporting earlier to agree that survivors are fully supported by the police, the CPS, victims' services and the courts.

The Ethnic Minority survivors in our sample were more positive about some aspects of the system than White, although care must be taken with interpreting this because of the very low sample size and fact that this finding diverges from other data. Other notable findings were that confidence in the police and CPS was particularly low amongst LGBT respondents and that younger respondents were particularly likely to *disagree* with all of the statements about support bar the statement on victims' services. This suggests that some groups may have a particularly negative attitude to the criminal justice system and more might be done to build confidence with them. Conversely, the lack of differences across groups in their attitudes towards victims' services suggests that such services may be meeting the needs of most demographics.

## 9. Key research findings

### **Rape survivors have low levels of confidence in the criminal justice system's handling of rape complaints**

Our findings show most rape survivors lack confidence in the criminal justice system. This was the case for survivors who had reported incidents to the police as well as those survivors who had not reported incidents. Three quarters of respondents disagreed that rape survivors can get justice by reporting rape incidents to the police. We found rape survivors have a lack of confidence that rape survivors are fully supported by the police, CPS, or courts. There is evidence that survivors who reported incidents in more recent years may feel more supported by the police, CPS, courts and victims' services, but are not more likely to feel they can get justice by reporting.

We found many survivors chose not report incidents to the police due to feeling rape complainants are poorly treated. Some survivors have heard negative things about both the trial and the police investigation from friends, police officers and the media. There is evidence that this lack of confidence may have impacted on survivors' decisions to report incidents to the police: nearly 90% of survivors who had not reported an incident said they did not feel it would be investigated and/or prosecuted successfully because of their gender, sexuality, or lifestyle. We also heard that survivors who had reported an incident to the police would not, and have not, done so again.

### **Many rape survivors experienced poor treatment from individual criminal justice practitioners at some stage in the process**

We found many survivors felt they experienced treatment which fell short of the sensitive and fair treatment we would hope for. Fewer than half of all survivors said they were treated sensitively, fairly or with respect at the reporting stage and only 42% agreed that the police treated them fairly and with respect during the police investigation.

Some survivors told how officers made them feel supported, heard and believed. For some, even if there was no prosecution, they appreciated how they were treated. Most survivors who attended court said that the judge and prosecution lawyers treated them fairly and with respect. By contrast, few survivors agreed that defence lawyers treated them fairly or with respect.

Many survivors told us about poor treatment by individual criminal justice practitioners. We heard about interactions that were insensitive to the trauma that survivors were experiencing and about the negative emotional impact of these interactions. Some survivors explained how they were told to not expect a criminal justice outcome and were warned about harsh treatment in court.

### **Being believed is one of the most important things to survivors, but many feel their credibility is tested through each stage of the criminal justice process**

Being believed is one of the most important things for rape survivors. This supports ONS Crime Survey evidence that 25% of survivors did not tell the police about rapes

or sexual assaults because they did not think the police would believe them.<sup>34</sup> Throughout the criminal justice process, survivors talked about how their credibility was repeatedly tested. We found evidence that survivors' fears about not being believed is inhibiting the reporting of rape. Many survivors felt that complaints which solely relied upon their testimony would not have enough evidence to proceed. Nearly all survivors who did not report to the police said it was important that they did not think they would be believed.

When some survivors reported incidents to the police, several told us about how they did not feel believed, but felt interrogated, were called a liar, or they felt the incident was minimised. Survivors described how individual officers made them feel disbelieved. In addition, most survivors had concerns about the requests to access their personal records and many felt they were under suspicion or were treated like a criminal. Survivors said officers had told them they would not be believed by a jury. After the CPS told one survivor they would not prosecute, they told us they felt devastated and it was 'like nobody believed me and that I'd made it all up.'

### **Survivors had serious concerns about the use of digital disclosure requests and how they felt that their privacy had been violated**

Earlier this year, the Information Commissioners' Office investigation into the extraction of mobile phone data by police forces in criminal investigations found mobile phone extraction practices and rules 'risk negatively affecting public confidence in the criminal justice system'.<sup>35</sup> Last year, the Victims' Commissioner found one in five survivors withdrew complaints due, at least in part, to disclosure privacy concerns, including concerns about digital downloads, or requests for GP, hospital, school, and employment records.<sup>36</sup> This report presents further evidence that requests for survivors' mobile phones and other personal records are negatively affecting their confidence in criminal investigations.

We found two thirds of survivors had some records requested by the police. Most survivors told us they had concerns about these requests. Only 22% of survivors agreed the police clearly explained how they would ensure they would only access mobile phone and other private data that was relevant and necessary, with the 58% disagreeing. Only 33% agreed the police clearly explained *why* any requests to access their mobile phone and other private data was necessary. Survivors told us these requests were intrusive, invasive, and violated their privacy, and they had concerns about how the information could be, or was, used against them in court. Many survivors told us that this practice seemed unfair as they had to hand over access to their personal data when the perpetrator did not.

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<sup>34</sup> Figure 5: Embarrassment was the most common reason for victims not reporting to the police, Adults aged 16 to 59 years, England and Wales, year ending March 2014 and year ending March 2017. ONS (2018) Sexual offending: victimisation and the path through the criminal justice system. Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffendingvictimisationandthepaththroughthecriminaljusticesystem/2018-12-13#reporting-sexual-assault-to-the-police>

<sup>35</sup> Information Commissioner's Office (2020) *Mobile phone data extraction by police forces in England and Wales*. Available at: [https://ico.org.uk/media/about-the-ico/documents/2617838/ico-report-on-mpe-in-england-and-wales-v1\\_1.pdf](https://ico.org.uk/media/about-the-ico/documents/2617838/ico-report-on-mpe-in-england-and-wales-v1_1.pdf)

<sup>36</sup> Victims' Commissioner (2019) 'The reasons why victims of rape and sexual violence withdraw from the criminal process without seeking justice'. Available at: <https://victimscommissioner.org.uk/news/the-reasons-why-victims-of-rape-and-sexual-violence-withdraw-from-the-criminal-process-without-seeking-justice/>

## **Prompt, proactive communication is very important to survivors, though many told us they had to chase for updates and went long periods without hearing any information**

There is clear evidence about the need for better communication at every stage of the criminal justice process. During the police investigation, 82% of survivors said there were long periods where they heard nothing at all, 70% said they had to chase for information from the police, and only 25% said that they were given all the information they needed about the police investigation. In court, well under half agreed they were given all the information they needed about what would happen in court.

When survivors were given information by the police, fewer than half told us the information was easy to understand. Some survivors shared positive examples of officers who handled the investigation well by providing clear and regular updates. As well as the regularity of information, survivors told us that any communication should be sensitively delivered.

Most survivors told us they were not told clearly and promptly about police decisions not to take any further action: 58% said they were not told clearly and promptly about the reasons for the police's decision, and 14 out of 44 survivors said the CPS did not clearly and promptly give the reason for not prosecuting.

## **Survivors value highly the support given by victims' services and Independent Sexual Violence Advisers**

Survivors were more likely to agree that survivors are fully supported by victims' services, than agree the police, CPS, or courts fully support survivors. Around half of all survivors were told of their entitlement to be referred to support services, with just over half saying they used this entitlement. We heard survivors' accounts about difficulties in being referred to support and long waiting lists for ISVAs. Fifty nine percent of survivors said they felt supported by their support worker, such as an ISVA or case-worker, during the police investigation. Survivors told us how support workers and ISVAs helped them in chasing for updates. Others said that they would not have been able to go through the process without their ISVA.

We found evidence that when survivors receive support from victims' services, specialist sexual violence services, or ISVAs, they are significantly more likely to stay with the process. Survivors who had the support of an ISVA were less likely to decide to take no further action or withdraw their complaint. Those survivors who had an ISVA or support services were also significantly more likely to agree that rape and sexual offence survivors are fully supported by the police.

## **Police and CPS decisions to take no further action and not to prosecute can have devastating effects on survivors**

Survivors told us about the severe impacts of police and CPS decision-making. After decisions not to charge or not to prosecute, survivors described how they were 'totally destroyed' and 'broken'. Survivors told us that meetings to discuss CPS decisions can further retraumatise them. No survivors said their Victims' Right to Review appeal was upheld. These findings indicate a substantial need for improving the communication of police and CPS decisions. Some survivors told us that they would not go through the process again and would not report other rapes or sexual offences.

## **Survivors gave various reasons for not taking further action and withdrawing their rape complaints, such as fears of the criminal justice process and wanting to move on**

We received a small number of responses from survivors who said they withdrew their complaints, compared to the 41% of rape survivors who did not support further action during police investigations in 2019/20.<sup>37</sup> In this report, we examined the reasons that survivors gave for not taking any further action after reporting incidents to the police (i.e. those who only wanted to have it on record) and withdrawing complaints.

For these two groups of survivors, not continuing with the criminal justice process was prompted by similar concerns raised by survivors who stayed with the process. Some survivors looked ahead in the criminal justice process and pre-empted decisions by the police, CPS or juries – for example, that there would not be enough evidence to secure a conviction. Others explained how they had been treated poorly by police officers or had heard negative things about the investigation or trial. Some survivors said that they wanted to move on after the experience and prioritised their recovery. When seen in conjunction with survivors who did not report, or said they regret reporting, or would not, or have not, reported other incidents of sexual violence, this raises important questions about survivors' recourse to justice.

## **Survivors' experience of the courtroom and rape trials is traumatic, they often feel isolated and attacked in the courtroom**

Our findings show that around half of all survivors whose cases were prosecuted did not feel fully supported in court. Survivors were overwhelmingly likely to agree that the cross examination was traumatising and to disagree that the cross examination felt reasonable and not unduly harsh or invasive of their privacy. Survivors told us how they were subject to aggressive cross-examination which can be traumatising, with nearly two thirds agreeing that the cross examination included reference to their sexual history. While survivors often do not feel supported in court, most said that they felt supported by their support worker, e.g. ISVA or case worker, and most agreed they were treated fairly and with respect by the judge and prosecution lawyers.

Survivors are entitled to special measures in court, though not all were satisfied with the provision of special measures. Around two-thirds of survivors said they had a choice about which special measures they were like to use in court. Some survivors told us they would have preferred other special measures to be in place or were told at the last minute about changes to their special measures. Survivors were most likely to be screened off from the defendant or have their evidence pre-recorded before the trial, with around two thirds using each of these special measures. Far fewer survivors saw the public gallery closed when entering court or when they gave evidence, gave evidence by video live link, had an intermediary, or had the judges and barristers remove their gowns and wigs when they gave evidence. Survivors also told us the importance of being allowed to wait in the witness area before the trial and not to fear being confronted by the defendant.

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<sup>37</sup> Table 2.2: Outcomes assigned to crimes recorded in year to March 2020, by outcome group and offence group. Home Office (2020) Crime outcomes in England and Wales, year ending March 2020: Data tables. Available at: <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2019-to-2020>

**Survivors want to be treated sensitively, fairly, respectfully, to be believed, but also for criminal justice system professionals to better understand trauma, provide clear and timely information, and to offer better access to ISVAs and support services**

Throughout this report, survivors identified gaps between what should happen and what did happen in practice. Some survivors felt supported by compassionate, thorough, sympathetic, patient and kind criminal justice professionals. However, all too often this was not survivors' experience. Many felt discouraged from continuing to engage with the criminal justice process and indicated they had, or thought about, withdrawing. We heard survivors' accounts of not being treated sensitively, fairly or with respect at the reporting stage, during the police investigation, after CPS decisions and in court. Survivors identified the need for a trauma-informed response to rape complaints. Survivors also told us about the need for further training on domestic abuse, honour-based abuse and choosing the gender of investigating officers. We heard about the survivors' need for clearer and more information about progress in cases, criminal justice processes, survivors' entitlements and how to access ongoing support. Addressing as many as possible of these important survivor needs will help close the all-important gap between what should happen and what often does not happen in the criminal justice system's response to rape.

# Annexes

## 1. Respondents to our request for information

This section will describe the characteristics of the 491 rape survivors who responded to our request for information (our sample). It gives demographic information (age, gender and ethnicity and so forth), age when the incident(s) happened and breakdowns of the support these survivors received and how far they progressed through the criminal justice system.

As discussed in the methodology section (Annex 2), it is important to note that our respondents were self-selecting, insofar as they responded to our request for information publicised across a range of media. This means that we cannot claim that the views and experiences expressed are representative of all rape survivors. Although the sample is large in number, it only represents the views and experiences of this particular group of survivors. We have drawn a few comparisons with the population of sex offence victims in the Crime Survey for England and Wales and other sources. These give *some* indication of how typical or atypical this group of survivors was in comparison to all rape victims, but it is a very rough and is best used to highlight groups who appear to be over or under-represented, suggesting areas where our analysis is likely to have a bias or not reflect certain groups.<sup>38,39</sup>

### Gender

Ninety-two per cent of respondents said they were female, 8% male and 1% preferred not to say.<sup>40</sup> This compared with 88% of victims as female and 12% male in Police Recorded Crime statistics, year ending March 2017.<sup>41</sup> Ninety-eight per cent of our sample said that this was the gender they were assigned at birth, with 1% saying their gender was different to that assigned at birth.

### Age

As shown in chart A1, 35% were currently aged 25-34 and 26% were 35-44, with 14% each aged 20-24 and 45-54, and smaller proportions 19 and under and 55 and over.

ONS estimates of the prevalence of rape or assault by penetration (including attempts) among different age groups indicates 42% of victims are aged 16-19, 25% were 20-24, 21% were 25-34, 9% were 35-44, 3% were 45 to 54, and 0% 55-59 in year ending March 2017.<sup>42</sup>

Sixty-four per cent of our sample were raped when they were an adult (aged over 16), 28% when they were a child and 8% when they were both a child and an adult.

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<sup>38</sup> The other measure of how much notice we can take of particular findings is the size of the sample: when we are talking about a small or very small sub-sample of respondents (100 and under and 50 and under respectively), quantitative (percentage) findings should be treated with caution, as more tentative than those applying to larger sub-samples. Where the sample size dips below 50, no percentages are quoted.

<sup>39</sup> Please also note that all of the questions bar one (how far the case had progressed through the system) were voluntary: this means the size of the sample for each question varies throughout, depending on how many it applied to and how many people chose to answer it.

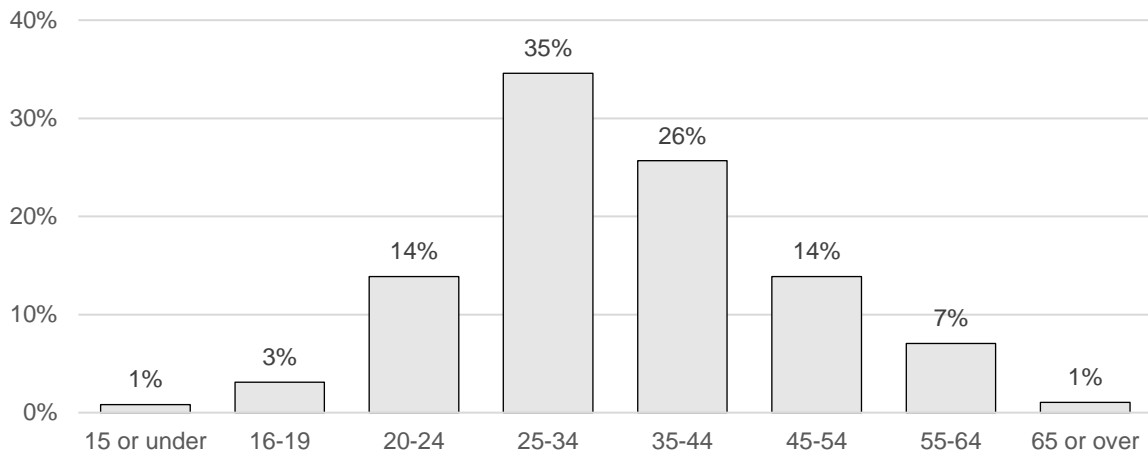
<sup>40</sup> As elsewhere in the report, percentages may not total 100 due to rounding.

<sup>41</sup> Figure 5: Sexual offences recorded by the police, by sex of victim, police recorded crime (35 forces), year ending March 2017. ONS (2018) Sexual offences in England and Wales: year ending March 2017 Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017/#which-groups-of-people-are-most-likely-to-be-victims-of-sexual-assault>

<sup>42</sup> Table 14: Age of victim at time of rape or assault by penetration (including attempts) experienced since age 16 by adults aged 16 to 591, by sex of victim, year ending March 2017 CSEW. ONS (2018) Sexual offences: appendix tables. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/sexualoffencesappendixtables>

A1 Respondents by age group



(Number of respondents = 483)

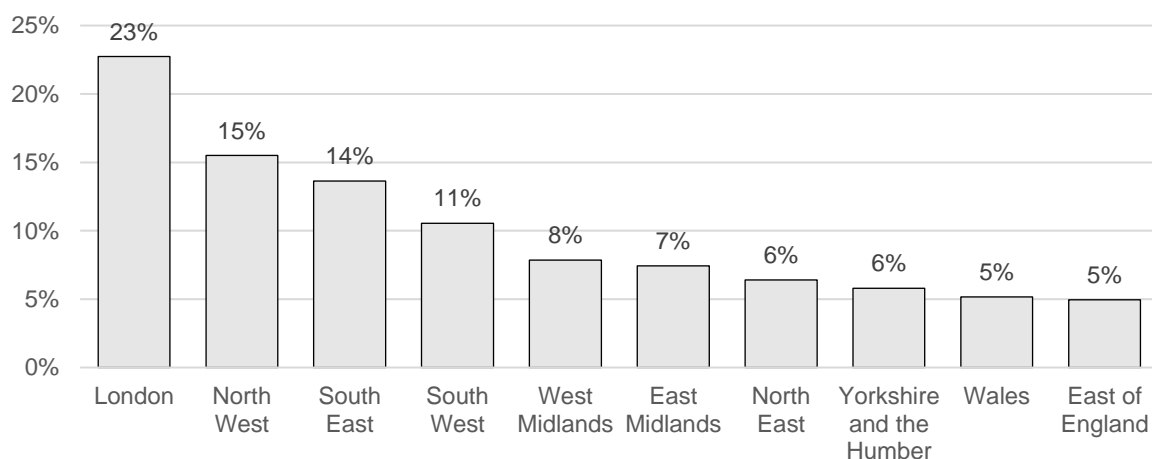
### Ethnicity

Eighty-five per cent of our sample described their ethnicity as White, 6% Mixed/Multiple Ethnic Group, 4% as Asian/Asian British, 3% Black/African/Caribbean/Black British, 1% said 'Other' and 1% preferred not to say. Similarly, in the CSEW 2017, 87% of those who were raped or sexually assaulted in the last year were White, and 13% all other ethnic groupings.<sup>43</sup>

### Region

As shown in the chart below, 23% of respondents lived in London, with 77% spread across the rest of England and Wales. This means that a high proportion of those who were responding to the questions about reporting to the police were referring to the Metropolitan police (19%), with no more than 4% reporting to any one of the other police forces.

A2 Respondents by region of England and Wales



(Number of respondents = 484)

<sup>43</sup> Table 10: Prevalence of sexual assault in the last year among adults aged 16 to 59, by personal characteristics and sex, year ending March 2017 CSEW. ONS (2018) Sexual Offences in England and Wales: year ending March 2017 - Appendix Tables.



London (at 23%) appears to be over-represented in our data, since it accounted for 12% of female victims of rape or assaulted by penetration (including attempts) in the CSEW 2017.<sup>44</sup> For the other regions of England and Wales, the proportions were roughly similar to the CSEW.

## Religion

Sixty-one per cent of our sample said they did not have a religion, 28% were Christian, 2% were Muslim and 1% said they were each of Buddhist, Hindu and Jewish, with 3% specifying another religion and 2% preferring not to say.

## Sexuality

Seventy-two per cent were straight or heterosexual, 16% bisexual, 8% gay or lesbian. Two per cent answered 'other' and 2% preferred not to say.

## Support received by survivors

A majority of survivors, 59%, said they received support following the rape, but 41% did not receive support.

We asked respondents how important the support they received from various sources was. Highlighting the value of professional help, chart A3 shows that trained a counsellor/psychologist was rated highest, with 71% of the 218 respondents who received such support valuing this as very important. The high number of respondents receiving this kind of support perhaps implies that this group were likely to be quite advanced in processing the rape, which perhaps ties in with feeling able to tell their stories despite the attendant trauma.

Independent Sexual Violence Advisers (ISVAs) were also very highly valued, with 65% out of 150 respondents rating their adviser as very important. The most common source of support was a friend (250 respondents), rated as *unimportant* by only 3%. Only 80 people rated the support of a partner, suggesting that a majority of our respondents were single,<sup>45</sup> or, perhaps, that this was something they were not easily able to share with a partner. Non-specialist services in the community, the GP, school and social services, were rated by only a minority and were rated least highly (with 40%, 26% and 13% rating these as very important respectively).<sup>46</sup>

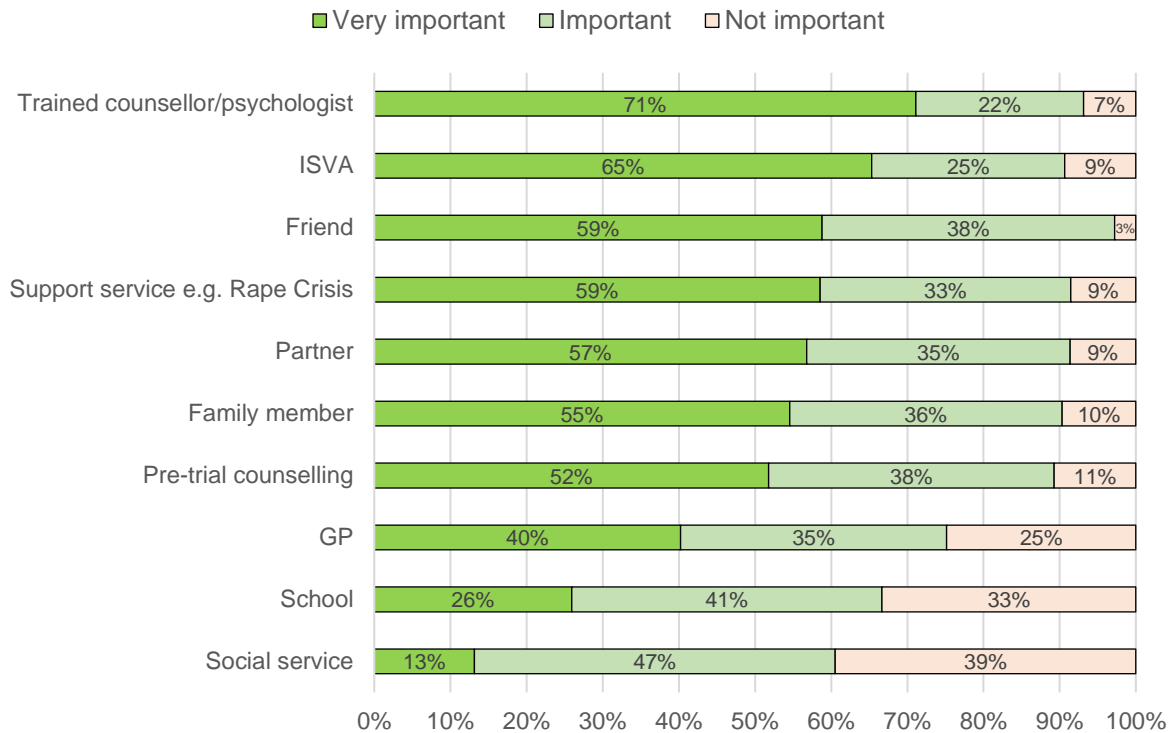
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<sup>44</sup> Table 11: Prevalence of sexual assault in the last year among adults aged 16 to 59, by household and area characteristics<sup>1</sup> and sex, year ending March 2017 CSEW. ONS (2018) Sexual Offences in England and Wales: year ending March 2017 - Appendix Tables.

<sup>45</sup> We did not ask about respondents' relationship status.

<sup>46</sup> The sample sizes were very low for some of these services, at 56, 54 and 38 respondents receiving pre-trial counselling and support from school and social services, respectively.

### A3 Importance of different sources of support



(Number of respondents = between 250 and 38)

## 2. Methodology

### Designing and promoting the request for information

Survivors' experiences are important across the whole scope of the Government's End-to-End Review of the criminal justice system's handling of adult rape and serious sexual offences. The Victims' Commissioner decided to do this research to ensure that the review does not miss important points about what matters to survivors and how well their needs are being addressed. We wanted to hear from as many survivors as possible and decided to put out an open call – a 'request for information' – through an online survey.

We worked with End Violence Against Women, Imkaan, Rape Crisis England & Wales, and Survivors Manchester to design the scope of the survey and its key questions. We also sought feedback from officials in the Ministry of Justice, Home Office and Her Majesty's Inspectorate of Constabulary, Fire & Rescue Service.

The request was structured to give all survivors an opportunity to share their experiences. The request focused on: case outcomes, demographics; support from victims' organisations, ISVAs, and informal support; reporting rape to the police; reasons for not reporting; withdrawing rape complaints (reasons for deciding to take no further action after reporting the incident, and withdrawing support for the investigation or prosecution); the police investigation; police decisions to take no further action; Crown Prosecution Service decisions

to not prosecute<sup>47</sup>; and, court processes. Questions on non-reporting and withdrawal were informed by a survey of rape survivors and their decision to report or not to report by Dr Olivia Smith, who kindly shared her survey instrument with us. These parts of the request for information correspond closely with Dr Smith's survey.

The request included a combination of 52 closed and open text box questions. The only question that required an answer was about survivors' overall engagement with the criminal justice system.<sup>48</sup> We included this to route respondents to groups of questions that were relevant to their experience. If survivors did not want to answer any of the questions, we provided space at the end of the survey to write anything they chose to about their experience, the criminal justice system, or any other topic. We told survivors that we would not include any details relating to the assault given in response to this question in the published report and we have not done so. Respondents answered no more than around 30 questions. Most respondents would be asked to answer between 20 to 30 questions, with three groups of survivors answering around 10.

At the start of the survey we provided details about the research, how survivors' responses would be used, contact details to follow up with the Office of the Victims' Commissioner, biographies of the Victims' Commissioner and the two researchers, and information about specialist sexual violence organisations and other sources of available support for rape survivors. At the end of the survey we asked for survivors' consent to include anonymised quotations in the report. All quotations included in the report are from survivors who gave consent.

The request for information was launched on 12 June 2020 and responses were collected on SmartSurvey. Our office used social media to promote the request and worked with victims' organisations to distribute links and information about the request to members of their networks, including survivors, ISVAs, and other support workers. We received some correspondence and enquiries from survivors about the survey. The request was closed on 24 July.

## **Analysis of responses and reporting**

We received 377 completed responses and 521 partial responses. We identified that some partial responses included answers to nearly all questions, but respondents had not selected 'Finish Survey' on the online survey. After analysing how many questions were answered by the partial response group, we developed a criterion to identify those respondents who answered several, though not all, questions and did not select 'Finish Survey'.<sup>49</sup> We identified 114 partial responses that were included in the final dataset. The final sample included 491 responses.

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<sup>47</sup> The request does not include questions on victims' views of CPS' decisions to prosecute. In relation to the CPS, the request focuses on victims' views of the CPS decision not to prosecute, victims who withdraw from supporting prosecution and those where the case is taken to court.

<sup>48</sup> Question 26: "We want to make sure that we only ask questions that are relevant to your experience. The next question is the only compulsory one (each of the other questions can be skipped if you don't wish to answer them). Your answer to this question will help us to understand your experience with different parts of the criminal justice process. *What was the outcome of reporting the incident to the police?* If more than one person assaulted you and there were different outcomes for different perpetrators (e.g. one person who assaulted you pleaded guilty before a trial and one was tried in court) please choose the option for the perpetrator who went the furthest in the system, so the statement best matching what happened to them appears lowest in the list below."

<sup>49</sup> The minimum criterion was: respondents answered the filter question (11), support received question (9), and any other question after question 11.

We further prepared the dataset by: i) re-categorising responses which had selected an outcome category that different from qualitative responses in open text boxes, e.g. where survivors said they did not report, but described reporting the incident; ii) creating new variables to enable quantitative analysis, e.g. whether survivors had been supported by an ISVA, and simplifying age and ethnicity categories.

We prepared descriptive statistics and charts using responses to closed questions. We prepared crosstabulations for several questions where there were more than 50 respondents in each subgroup. We tested for statistically significant differences between independent samples using a quick calculation tool. Where two groups are compared in the report, differences are only reported if they are statistically significant.

We also thematically analysed responses to open text questions, identifying recurring themes, issues and concerns across the responses. To support this analysis, we reviewed answers to the last question – where survivors could tell us anything else they wished – to check whether any additional themes or issues needed to be included in the final report.<sup>50</sup> To further assist with the thematic analysis, we also reviewed a sample of correspondence sent to the Office of the Victims' Commissioner from April 2019 regarding rape survivors' experience of the criminal justice system.

To exemplify the key themes in the responses, we have included anonymised quotations in the report. We have only included quotations from respondents who said they reported incidents in 2015 or after and who gave consent to their use. The reason for quoting only recent responses was to focus most attention on the recent and current picture. The only exception to this is for a subgroup of the sample in the section on 'Rape survivor attrition', as we did not ask about the date that survivors 'put the incident(s) on record but took no further action'.

The report was reviewed by academics on the Victims' Commissioner Advisory Group during early September.

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<sup>50</sup> Question 51: 'Lastly, you are welcome to use the box below to tell us anything else you would like to say. We do not need to know the details of the assault(s)/abuse(s) because this request for information is about finding out how the criminal justice system dealt with the offence(s), but you are welcome to share your story if you would like. We understand that details of what happened are highly sensitive and painful to recall, so please leave this blank if you would prefer – this is simply an opportunity to give your account if you feel it would be helpful. We regret that we are unable to act on individual cases. We will not include any quotations about details of the assault(s)/abuse(s) in our published report.'

### 3. Rape survivors' entitlements under the Victims' Code<sup>51</sup>

Under the Victims' Code, survivors of sexual violence are entitled to receive an enhanced service from the different agencies involved in the criminal justice system. This is because sexual offences are categorised as serious crimes and a victim of a sexual offence is automatically considered as an intimidated witness. An intimidated witness is a witness who may feel fear or distress about giving evidence in court.

A survivor of sexual violence can expect the following under the Victims' Code:

- To be given information about the criminal justice system and their role in it.
- To be given a needs assessment to work out what support they need.
- To be referred to specialist organisations who may provide support and other services.
  
- At interview:
  - be accompanied by a person of their choice, unless the police can provide the survivor with good reasons to refuse that person
  - have any interviews with them conducted without unjustified delay
  - have the number of interviews limited to those that are strictly necessary for the purposes of the investigation
  - have the interview, where necessary, conducted in premises designed or adapted for that purpose
  - have the same person, where possible, conduct all the interviews (unless to do so would prejudice the proper handling of the investigation)
  - be offered the opportunity to have a person of the same sex conduct the interview (any request will be met where possible unless to do so would prejudice the proper handling of the investigation).
  
- To be informed, within one working day, about key events in their case, including if the suspect/defendant:
  - is arrested
  - is interviewed under caution
  - is released with no further action taken
  - is released on police bail, and any bail conditions, or if police bail conditions are changed or cancelled
  - is charged or not charged (and the reasons for this)
  - is given an out of court disposal, such as a caution
  - is proceeded with on a different charge or if proceedings against him are stopped (for example, if proceedings are discontinued or if the CPS decide to offer no evidence)
  - pleads guilty.
  
- Where the CPS informs the survivor of a decision not to be charged, to be offered a meeting with the CPS (or, if the CPS decides a meeting is not appropriate, the reason for that decision).

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<sup>51</sup> Adapted from p.40, p.52 and p.68 of 'From Report to Court – A handbook for adult survivors of sexual violence', produced by Rights of Women. Available here: <https://rightsofwomen.org.uk/wp-content/uploads/2019/03/From-Report-to-Court-2018.pdf>

- To be informed of other key information, such as the date, time, location and outcome of any court hearings that relate to their case, usually within one working day.
- To be given information about giving evidence and what help the Witness Care Unit can offer.
- To ask for special measures to be used during the trial to help a survivor to give evidence.
- To make a Victim Personal Statement and to have this taken into consideration if the defendant is found guilty. This can be made at any time prior to sentence even, even if the survivor does not provide a witness statement.
- To meet with the CPS prosecutor and be given the opportunity to ask questions about the court process.
- To be offered a visit to the court to familiarise themselves with it and to be offered options which will allow them to enter the court and wait in a different area from the defendant (where possible).
- To be informed of any appeal lodged by the offender against conviction or sentence.
- To opt into the Victim Contact Scheme and, if they wish, make a Victim Personal Statement or representations to the Parole Board about the offender's release from prison and any conditions attached to that release.
- To be given information on applying to the Criminal Injuries Compensation Scheme for compensation.

The Code of Practice for Victims of Crime was first published in 2005 and last updated in 2015. It can be read here [www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime](http://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime)



## Rape survivors and the criminal justice system

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