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The systemic procedural injustice faced by victim-survivors in police responses to rape and 'serious' sexual offences: A comprehensive study of four forces in England and Wales.

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Abstract

Drawing on a large multi-method study in England and Wales, this paper outlines key challenges to procedural justice faced by victim-survivors in contemporary police responses to rape and 'serious' sexual offences. It draws on an innovative dataset – involving 'real-time' police ethnographic observations and review of police video footage, combined with supporting stakeholder focus groups and interviews – to provide a multifaceted, holistic examination of police responses. We identify significant variation in the quality of police responses to victim-survivors, which include concerning practices such as insensitive and inconsiderate treatment, cynical attitudes, and investigations being influenced by rape myths. Without reform, we conclude the policing system provides limited opportunity for dignity, respect, equity, safety or voice; all known to be important for procedural justice and victim-survivor justice more broadly. Steps towards improving the experience and treatment of victim-survivors must address these systemic issues over focusing on the actions of individual officers.

Keywords

Sexual violence, rape, policing, police responses, victim-survivors, procedural justice, criminal justice

Introduction

Police responses to sexual violence in England and Wales have long been criticized by researchers, campaigners, and the government. Despite extensive reform efforts spanning decades, victim-survivors are still being repeatedly let down by poor experiences and institutional failures, substantially eroding public trust (Centre for Women's Justice [CWJ] *et al.*, 2020; HM Government, 2021; Hohl and Stanko, 2024). Elsewhere some of us have identified the importance of procedural justice for understanding and improving police practice in the context of sexual violence (Hohl *et al.*, 2022). However, no study has yet at scale empirically examined the 'baseline' of police practice when responding to victim-survivors in reference to procedural justice (although see Hohl and Stanko, 2024 for a review), nor more specifically in reference to a survivor-centred understanding of procedural justice (see Johnson *et al.*, 2024).

¹ Smith and Johnson are joint first authors, other authors listed in alphabetical order.

More generally, to date, academic research seeking to capture policing responses to victim-survivors in the context of rape and ‘serious’ sexual offences (hereafter RASSO²) has been limited to individual forces or particular stages of the investigation. Methods have also focussed on surveys and recounted experience via interviews with police, support practitioners, or victim-survivors themselves. Novelty, this paper draws on an innovative dataset concerning four police forces in England and Wales – involving ‘real-time’ ethnographic observations and police video footage review, combined with supporting stakeholder focus groups and interviews – to provide a multifaceted examination spanning across the police response to victim-survivors: from when a case first comes to police attention through to a charging decision being made (i.e. the entire ‘victim journey’). Accordingly, this paper outlines key findings from the most comprehensive study to date of police responses to victim-survivors of sexual violence.

In part 1 we contextualise our research within existing literature. Part 2 outlines the innovative methodology which combined 324 hours of ethnographic police observations, 17 police focus groups, 15 support practitioner interviews and focus groups, 8 senior police manager interviews, analysis of 14 hours of body-worn video [BWV], and analysis of 34 hours of victim-survivor police interviews [ABEs]. Part 3 thematically presents our key findings, where we identify significant variation in the quality of police responses to victim-survivors, including concerning practices such as insensitive and inconsiderate treatment, and challenges relating to police attitudes and organisational activity being influenced by cynicism and rape-myths. Without reform, we conclude the contemporary policing system provides limited opportunity for procedural justice (Johnson et.al., 2024) and victim-survivor justice (e.g. McGlynn and Westmarland, 2019) more broadly.

Policing Responses to Sexual Violence

Several reviews, alongside academic research, have highlighted chronic failures with English and Welsh criminal justice responses to RASSO (e.g., HM Government, 2021; Angiolini, 2024; Stern, 2010). A key concern has been the low proportion of reports resulting in a conviction, leading advocacy organisations to state that rape has been effectively decriminalised (CWJ *et al.*, 2020). The attrition of rape cases has remained alarmingly high, with research highlighting the police stage is central to this because of police decision-making and victim-survivor withdrawal (see Hohl and Stanko, 2015; Daly and Bouhours, 2010; Kelly *et al.*, 2005). These studies suggest a key cause of withdrawal is poor victim-survivor experiences of the police investigation (see also Lovett *et al.*, 2022 on ‘telling not reporting’) – with many survivors coming to regret their involvement, and saying they would not report sexual violence to the police again (see e.g. Brooks-Hay, 2020; Hohl *et al.*, 2023). This adds further evidence to the already substantial body of literature which recognises the criminal justice process as resulting in ‘secondary victimisation’ or ‘re-traumatisation’ for victim-survivors, with experiences of violation, harm and distress driven in large part by the problematic ways in which they are treated during the criminal justice process (e.g. Campbell et al, 2001; Feeney *et al.*, 2018).

Following a series of high-profile cases, attention to poor policing practice and organisational responses to sexual violence has recently come to the fore – fomenting extensive statutory initiatives and academic research seeking reform. Notably, the HM Government’s Rape Review (2021) found that

² This phrasing is commonly used by police forces in England and Wales.

survivors' rights were not consistently upheld during investigations, and police engagement was often inappropriate, disrespectful and unempathetic. A key theme running through policing sexual violence research is that of entrenched problematic attitudes, described variously as: rape myths, victim-blaming, ideal victim models, hierarchies of victimisation, cultures of cynicism, trivialising sexual violence, and a focus on victim-survivor credibility (at the expense of scrutinising the suspect). These studies primarily use interviews or surveys with police (e.g. Aborisade *et al.*, 2024; Gekoski *et al.*, 2023; Ricciardelli *et al.*, 2021; White and McMillan, 2021), victim-survivors (e.g. Lorenz and Jacobsen, 2024; Feeney *et al.*, 2018), or support practitioners (e.g. Henry *et al.*, 2018). Mirroring understanding of how rape-myths operate societally, policing's institutional orientation towards sexual violence is understood to be both a cause and consequence of wider gendered and intersectional inequalities; primarily in terms of viewing women as unreliable witnesses, but also intersecting with other societal stereotypes (Smith, 2021). For example, Phipps (2009) suggested that working-class women are seen as less credible, Ellison *et al.* (2015) noted that mental ill-health is viewed as suspicious, while racially minoritised victim-survivors are portrayed as dramatic (Thiara and Roy, 2020). Research in the UK and internationally also highlights a lack of resources and specialist training for policing RASSO, impeding practice development and driving officer burnout and 'empathy fatigue' (Sondhi *et al.*, 2024; Aborisade *et al.*, 2024; White and McMillan, 2021).

Procedural Justice and Sexual Violence

Elsewhere some of us have identified the promising but under-utilised framework of procedural justice for examining and improving police responses in the context of sexual violence (Hohl *et al.*, 2022). Procedural justice is a dominant paradigm in policing research and practice related to police legitimacy. Across various iterations of the theory, it emphasizes the symbolic power of the police; with the way in which police act towards individuals or particular social groups inferring their social status – how they are perceived and valued – in society (e.g. Sunshine and Tyler, 2003; Bradford, 2012). Accordingly, citizens' sense of being fairly treated and valued through their interactions with police is interconnected to public trust and confidence in policing. Tyler (2017) emphasizes the subjective dimensions of procedural justice, where policing interactions can be experienced as procedurally fair or unfair - just or unjust – but commonly the theory is operationalised through constituent principles, such as *respect, neutrality, voice and trustworthiness* (e.g. Goodman-Delahunty, 2010).

More recently, Johnson *et al.* (2024) proposed a feminist rethinking of procedural justice for RASSO victim-survivors, building on pioneering feminist justice scholarship which emphasises the meaning of justice for victim-survivors extends beyond case outcomes, and includes aspects such as respectful treatment, good communication, feeling heard and vindicated, prevention, and recognition of harm (e.g. Brooks-Hay *et al.*, 2019, Westmarland and McGlynn, 2019, Daly, 2017, Herman, 2005). Therein, procedural justice is recontextualised and translated into principles of *dignity and respect, fairness and equity, voice, safety, and trustworthiness of the police*, to collectively speak to the significance of recognition and the humanity, rights and interests of all victim-survivors of sexual violence. However, no research at scale has yet holistically examined policing responses to sexual violence in reference to a survivor-centred understanding of procedural justice; a lacuna which the present study seeks to address.

Methodology

The data in this paper forms part of a wider project, Operation Soteria, which was funded by the Home Office and used a ‘pillar’ approach to improve rape investigations with each of the six ‘pillars’ having a distinct focus (Hohl and Stanko, 2024). Soteria began in 2021 and has been running for three years at the time of writing. The project engaged in research with 19 forces across England and Wales to reform RASSO investigations nationally across England and Wales. This paper deals with findings from Pillar 3 work in Year One (September 2021 – August 2022), which comprised in-depth analysis of four forces. Using a multi-method design, the research examined current police practice from first response through to charging decisions.

Our ‘pillar’s’ research design involved six data collection streams (see Table I for summary and Appendix A for more detail) devised to build a holistic picture of the ‘baseline’ of policing responses to victim-survivors, across all stages of the police ‘victim journey.’ Data collection methods were selected to capture the complexities of ‘victim engagement’ in ‘real time’ – exploring what victim-survivor treatment and contact looked like as it was taking place (rather than relying on recounted experiences or self-reporting e.g. via officer interviews or case files). Across each stream, data collection templates were prepared to increase data consistency which embedded prompts relating to procedural justice, established best practice and police officer approach to victim-survivors (both ‘front’ and ‘backstage’). Additionally, we sought input from third-sector partners and senior police leaders who could provide oversight of the system-level challenges of current police responses, and their impact on victim-survivor experiences.

Data were collected over consecutive three-month periods in each force between September 2021 – August 2022. This involved working closely with four forces, as well as stakeholders from the third sector, National Police Chiefs Council, College of Policing, and Home Office. Each participating force was serving as a ‘pathfinder’ force in conducting the research and piloting any recommendations. Forces comprised a mix of large metropolitan and smaller rural police forces, spread geographically across England and Wales. The forces also represented varied investigative performance – for example, some were among the lowest charge rates for sexual offences while others had some of the highest nationally.

The methodology was developed following a 2021 pilot in a fifth police force, which drew on six police focus groups and two ISVA focus groups (see Hohl *et al.*, 2022). Ethical approval was granted by the host institution University (Ref: 82610) and each participating force produced a Data Sharing Agreement with the university. Consent to participate varied depending on the data stream, with individual participant consent for focus groups or interviews, and organisational consent for BWV / ABE reviews and ethnographic observations (see Appendix I). Data collection was dynamic in response to changing demands on the project and the access provided by each force (see Table I).

Table I. Overview of data collection streams

Data Stream	Sampling	Data Collection
Ethnographic Observations	40 shifts (324 hours) across 14 investigation teams in four forces.	Observers made field notes using an ethnographic reflexive approach (e.g., Eriksson <i>et al.</i> , 2012; see also Walling-Wefelmeyer <i>et al.</i> , forthcoming).

	<p>Purposive and opportunity sampling – range of shifts selected in conversation with force, to reflect force structure and shift patterns.</p>	<p>Iteratively conducted across the four forces.</p>
<p>Body-Worn Video [BWV] footage</p>	<p>16 cases (14 hours) reviewed across three forces.</p> <p>Availability of BWV was variable across forces.</p> <p>Purposive and opportunity sampling – we requested at least 10 cases in each force (see Appendix I).</p>	<p>A pro forma captured:</p> <p>(1) contextual information (e.g. police callout details, people present, location, offence, duration of video)</p> <p>(2) research prompts (e.g. how officers introduced themselves, how the victim-survivor appeared to cope with the interaction, and whether there were any communication issues).</p> <p>Additionally, reviewers provided a free-form account of events, including some direct quotations.</p>
<p>Achieving Best Evidence video [ABE] interviews</p>	<p>31 interviews (34 hours) reviewed across three forces.</p> <p>Due to technical issues sharing the recordings, one force could not provide ABEs for review. However, in the ethnographic observations, researchers sometimes viewed ABEs (not included in this sample) which were used to triangulate the findings across all four forces.</p> <p>Purposive and opportunity sampling – we requested to view ABE interviews with at least 10 victim-survivors in each force (see Appendix I)</p>	<p>A pro forma captured:</p> <p>(1) contextual information (e.g. people present, location, nature of the offence, duration of interview)</p> <p>(2) prompts about each stage of the interview (e.g. introduction, initial free account, follow-up questions)</p> <p>Further prompts related to areas relevant to the literature (e.g. victim-survivor opportunities for voice, and respectful treatment).</p> <p>Reviewers sometimes provided direct quotations in their reflections.</p>
<p>ISVA focus groups and support practitioner interview</p>	<p>Six online focus groups (27 participants, mainly Independent Sexual Violence Advisers [ISVAs]) and eight online interviews (primarily service managers) across four forces.</p> <p>Purposive and self-selecting sample –</p>	<p>Semi-structured approach using a topic guide developed from the literature and iteratively from earlier stages of the project.</p>

	<p>Regional support service commissioners identified the main support organisations in the area. These were invited to participate, and they self-selected practitioners to represent their organisation. Services were asked to include specialist ISVAs who support marginalised or minoritised groups where possible.</p>	<p>Interviews were held when the seniority of the participant meant that a focus group was not appropriate.</p>
Police focus groups	<p>16 online focus groups (69 officers) across three forces.</p> <p>In Force P, we ran informal consultations on the findings which were not viewed as research data. Due to the valuable insights, we adapted the ethics approval to make them focus groups in subsequent forces.</p> <p>Purposive and self-selecting sample – the force liaison invited officers from a range of teams that reflected local structures. Participants were primarily investigating officers, alongside some first responders, dispatchers, and call-handlers.</p>	<p>Semi-structured approach using a topic guide developed from the literature and iteratively from earlier stages of the project.</p>
Senior police interviews	<p>Eight online interviews with senior leads, across four forces.</p> <p>Purposive sample – all senior leads (those with a strategic role in RASSO for the force) were invited for interview.</p>	<p>Semi-structured approach using a topic guide developed from the literature and iteratively from earlier stages of the project.</p>

Data Analysis

All data were stored and analysed in NVivo 12. Data were cross-checked throughout the project via weekly research meetings to identify and test emerging themes (see Braun and Clarke, 2006, for more on thematic analysis). This process informed the established ‘baseline’ project findings which were presented to police stakeholders with recommendations to support reform efforts. Once data collection was complete, individual streams underwent open and axial coding by at least two researchers to identify themes to inform potential academic papers, before a whole-project codebook was developed collaboratively for the purposes of this paper using the approach by Roberts *et al.*

(2019). This meant that data from multiple sources were triangulated to scrutinise and/or contextualise key findings (see also Brewer and Hunter, 1989) across the ‘victim journey’. All data streams were coded by response stage (e.g. ‘coming to police attention;’ ‘frontline response response;’ ‘investigation’) and combined into nodes. The nodes were then analysed, using an inductive approach to identify key themes and situate these in the broader context of the field and dataset, but with a priori reference to key principles of survivor-centred procedural justice (Johnson *et al.*, 2024), again to ensure a multifaceted, iterative and consistent engagement with the data. While having multiple researchers collaborate using this analytic approach is time-consuming, it draws together a range of perspectives, reduces inconsistencies and counteracts individual biases (Olson *et al.*, 2016).

Findings were presented to senior management in each police force, as well as victim-survivors from local expert-by-experience panels. This ‘sense-checked’ the data, similar to Lincoln and Guba’s (1985) notion of member checks. These consultations were not used as research data because of the large number of existing studies with victim-survivors and the fast pace of the project meant there was not sufficient resource to ensure ethical engagement with victim-survivors as participants³.

Limitations

The project data have several limitations. This includes the unavoidable variability in sampling approaches across forces reducing data standardisation, and the inductive analysis guiding this paper being conducted subsequentially (during coding) and therefore being limited by the pre-existing data structure. This reduced the compatibility of the data streams ‘joining up’ when creating a thematic codebook, with each data source only being able to provide particular ‘snapshots’ of cases or viewpoints. Each data stream method also has its own limitations; for example, the risk of social desirability bias influencing officer responses in the focus groups and or subjective/interpretive inconsistencies between researchers during ethnographic observations (e.g. Miles and Huberman, 1994). Moreover, the ABE and BWV footage comprise secondary data sources, collected for purposes different to our research objectives and where officers had some control over the data created (i.e. which interactions were captured). We sought to mitigate these by sense-checking and cross-referencing emergent themes across data sources and force contexts, however these limitations still stand, meaning the findings identified, while significant, remain partial and are not generalisable.

Results

Given the expansive nature of the methodology, here we summarise key thematic findings relevant to procedural justice and the treatment of victim-survivors, identified across the different phases of the police response and different data streams. Crucially, across all forces, we noted significant variation in the quality of police responses to victim-survivors (also Smith *et al.*, 2024 describing a ‘post-code lottery’), demonstrating that policing RASSO is complex and varied. Whilst we outline pockets of good practice, the challenges to achieving procedural justice for victim-survivors which we focus on here were extensive, and concerning practices commonplace.

Initial Response: losing agency

Victim-survivors faced challenges from the moment their case came to police attention because of a lack of control over the process. For example, ISVAs identified they were sometimes swept into a police

³ Elsewhere, we have undertaken such research, as outlined in Johnson *et al.* (2024) and Hohl *et al.* (2023).

investigation by unwanted third-party reports e.g. from a friend or mental health support worker (see also Lovett *et al.*, 2022). Forces lacked a clear plan for victim-survivors who did not want an investigation. Some officers described calling the victim-survivor for weeks after a report, or even contacting other potential witnesses such as family members previously unaware of the abuse. Others expressed frustration with victim-survivors who disengaged seeing this as impeding their perceived duty to investigate. These issues highlight that from the moment of contact with police, many victim-survivors lost their voice and agency – not being heard and mirroring the denial of autonomy that occurs during sexual violence (see Johnson *et al.*, 2024, McGlynn and Westmarland, 2019).

However, demonstrating the ‘double standards’ that victim-survivors faced, elsewhere investigators front-loaded telling victim-survivors about the difficulties of the investigation:

“I always tell them you’re going to be stripped bare through this process, and that they need to tell us everything as we can negate most things but if it comes out at court then it will be harder.” (Observations, Force Q)

While this was sometimes explained by officers as preparing victim-survivors for challenging aspects of the process, observers commented this was also informally framed amongst investigative teams as a ‘test’ of commitment and credibility. Combined, these examples emphasise the challenges to safety the initial phases of the investigation can engender with victim-survivors’ loss of control and jeopardising any sense of safety in engaging with the police (Johnson *et al.*, 2024).

Initial response: Inconsistent practice

Another challenge from the start related to inconsistent practice and problematic understanding amongst call-handlers and first responders, undermining the equity and fairness of the police process (Johnson *et al.*, 2024). For example, only one force provided call-handler training on RASSO and there were inconsistencies in practice guidance: Force Q had call-handler scripts to reassure victim-survivors, Force P and D provided vague evidential prompts, while Force R had “never been told what to ask” (Police Focus Group). Accordingly, several call handlers described a hierarchy of importance between ‘live’ over ‘historic’ cases, and ‘one-off’ rapes over ongoing domestic abuse.

Meanwhile, first responders described ‘panic’ about attending RASSO calls. There was also a strong sense that many response officers lacked knowledge about what to do (e.g. how to gather forensic samples) and what to say (e.g. asking for too much or too little detail about the incident), for some fostering an aversion to attending RASSO calls:

You’ll probably find there’s a lot more people trained than you think, [but] they just say they’re not... When a sexual offence job comes in, there’s almost like this panic of like ‘oh my god, what do I do.’ (Police Focus Group, Force Q)

“I’ve been on a night call out when a response officer has brought a client in, and she’s actually said to me, ‘what do I do?’. I’ve had to tell her what to do, right from the bagging and everything... it’s sad for the officer because they’ve been thrown in the deep end I suppose and, you know, it’s really sad for the client.” (ISVA Focus Group, Force S)

Initial Response: Not being heard

Body-Worn Video [BWV] review suggested that this lack of understanding or confidence created over-reliance on procedure by completing first response booklets rather than responding humanely to victim-survivors. For example, one victim-survivor cried and said she thought she was going to die, to which the officer responded by asking her religion (BWV Review, Force R). Resultantly, victim-survivors appeared frustrated that they did not feel heard:

Victim: "You don't help me because you don't understand"

Officer: "There is a process we have to go through... If we don't go through these questions, we don't get to save other people." (BWV review, Force Q)

Elsewhere, BWV from first responders showed open cynicism and hostility towards some victim-survivors:

"The victim-survivor stated that she had numerous physical and mental health issues, as well as a learning disability... The interaction is fraught and unproductive. They [response officers] endeavour to get her to respond to their booklet questions, and often become frustrated by the victim's refusal to answer. In increasingly frustrated tones, they make comments such as "open your ears, you've got two of them." (BWV Review Notes, Force Q)

These interactions were often difficult to watch, and failed to recognise the humanity of survivors, or the seriousness of sexual violence and its harmful effects (Johnson *et al.*, 2024; McGlynn and Westmarland, 2019). In one case, male officers attended the victim-survivors' house and she asked to speak to a woman over ten times. The officers explained that no trained female officers were available and suggested the victim-survivor should "forget the fact that we are blokes... we've been called worse [than women]" (BWV Review, Force Q). The conversation became increasingly hostile, with the victim-survivor saying, "you don't listen... you think I'm a daft c*nt" and "I want you out of my house now", but the officers replied "no" and continued to ask questions. Not only did this highlight the lack of autonomy offered to the victim-survivor, but also poor communication skills and limited understanding about why a victim-survivor might feel uncomfortable or unsafe when alone with two men in her bedroom.

Interviews: Poor preparation

Key challenges also arose around victim-survivors giving evidence in a video-recorded ('Achieving Best Evidence [ABE]) interview which can be used in court if a case reaches trial. National guidance highlights the importance of preparation so that interviewers adapt their questions and the interview process for each victim-survivor. To this end, Force Q used a form that prompted questions about victim-survivors' needs (e.g., religious practices or medication routines). Observation and police focus group data suggested inconsistent knowledge and uptake of the form, but where it was used it increased interview accessibility and acknowledged the victim-survivor's life beyond the police investigation.

Elsewhere our data showed limited preparation or consideration of the victim-survivors' needs and interests (Johnson *et al.*, 2024). Observations showed officers having only brief phone calls with the victim-survivor about logistics (e.g., location, date, and time) rather than explaining the purpose, structure, or support options for interviews. In one call, an officer asked the victim-survivor to attend

an interview that day and they were heard asking “is that the ABC?” to which the officer responded “it’s the ABE” without further explanation of the acronym or process (Observations, Force P).

Despite national guidance stating preference for interviewers of a particular gender, sexual orientation, and racial or cultural background should be accommodated where practical; we did not see this raised with any victim-survivors. While we observed officers trying to accommodate such requests when made, the responsibility was on victim-survivors to be aware of their entitlement, rather than it being routinely explained and offered.

Interviews: Scheduling impeding chances to give best evidence

Paralleling officers ‘testing’ victim-survivor credibility during initial response stages, observers noted officers viewed willingness to comply with interview arrangements as indicative of how ‘serious’ a witness was about the investigation – regardless of access barriers such as caring responsibilities, or prior educational or work commitments. The scheduling of the interviews were also observed as being driven primarily by resourcing and investigative priorities, rather than considering the needs of the victim-survivor or whether arrangements permitted them to provide their ‘best evidence’ – undermining the fairness and equity of this investigative phase (Johnson *et al.*, 2024). For example, in Force S a victim-survivor who had been identified as a vulnerable adult was observed attending an intermediary assessment and interview without having previously met the intermediary, support worker, or interviewing officer. The victim-survivor quickly became overwhelmed and disengaged, which meant the interview was postponed. The investigating officer later explained the victim-survivor had not slept ahead of the interview and had significant mental health problems which meant they would have benefitted from meeting everyone before the day. The officer felt a prior meeting was not possible due to resources, but the observer noted:

“I can’t help but think that the resources of the officer, [support] worker, interviewer, and intermediary have been deployed twice anyway, and now the victim-survivor is more anxious, upset and scared about the process and her upcoming appointment in four days.” (Observations, Force S)

Other factors driving interview scheduling included a perceived urgency to record the interview where a suspect was in custody. This meant that victim-survivors were interviewed immediately following, or sometimes before, an intimate forensic medical exam and with limited sleep or time to process events. The impact of this was observed when a victim-survivors’ phone was downloaded, and two officers read messages between her and a friend about the rushed process:

“Officer 1: ‘Friend replies, say you need rest, and they can’t keep you like that’. Officer 2 says, ‘we said she could go home, this was while the phone download was being done’. Officer 1 continues to read the messages, ‘Friend says, they should give you some space to rest, they’re annoying me. Victim says, I’m f*cking exhausted and they want me to do a statement...’. Officer 1 jokes to officer 2, “you’ve not done very well on this. You’ve been treating her badly. You’re annoying her’ and they laugh. Officer 3 says, ‘she said she’s not slept at all, but she said she slept in the car’.” (Observations, Force P)

The joking highlights a lack of empathy or understanding about trauma and the impact of this pacing on the young woman (i.e. dignity and respect Johnson *et al.*, 2024, McGlynn and Westmarland, 2019).

In contrast, victim-survivors who reported a non-recent incident sometimes waited months for their interview only to have them cancelled last minute if another case took precedence:

“They are constantly having to respond to live cases (not just RASSO) and that puts all existing commitments on the backburner. They had to put a hundred ‘historic’ cases into a closed inbox folder for 12 months and not touch them because they did not have the staff to cover it.” (Observations, Force R)

Similarly, a shortage of intermediaries and interpreters meant that some victim-survivors had a prolonged wait of several months, further compounding intersectional inequalities.

Interviews: Unsupportive contexts

Another challenge was the availability of interview facilities, both in terms of support professionals and the technology to record ABEs. While officers were seen trying to arrange interviews as close to the victim-survivors’ home as possible, two forces had closed several interview suites. In Force R, a victim-survivor was driven to two different suites across the region, before having to attend a third some distance from home because they were broken. The lack of available support led to victim-survivors giving interviews with insufficient measures in place to provide their best evidence, again undermining the fairness of the investigation. For example, one victim-survivor was asked to continue with the interview despite the interpreter cancelling last minute:

“[Doing the interview] in a language she’d, she wasn’t comfortable with had a massive impact. So then, when [the investigation] closed, they said ‘we couldn’t find enough evidence’ and I don’t think they gave her the chance.” (ISVA Focus Group, Force R)

Despite the significance of the ABE for victim-survivors, the observations and ABE reviews demonstrated there was limited reassurance or guidance provided about the format of the interview. This clearly created challenges when the interview was underway, for example, when victim-survivors faced confusing and sensitive technical questions without explanation. Often, this occurred when interviewers needed to identify the specific biological mechanics of what happened so they could evidence which sexual offence had occurred, leading to repeated clarifications:

Interviewer: How was he masturbating?

Victim-survivor: Touching himself

Interviewer: How?

Victim-survivor: Er, with his hand?

Interviewer: What was he doing with his hand?” (ABE Reviews, Force S)

These interactions often made victim-survivors visibly hesitant, as if confused by what was being asked or assuming they were saying something wrong, and their demeanour subsequently became defensive. These examples speak to the ABE process as engendering challenges to victim-survivors’ sense of safety; of feeling safe and supported in recounting their experience (Johnson *et al.*, 2024). Another relevant example was police being told to limit interviews to 45 minutes as this was preferred in court, restricting the victim-survivors’ ability to freely narrate what happened without feeling shut down or silenced (also voice).

Some questioning clearly frustrated both the interviewer and victim-survivor. For example, despite earlier reassurances that it was ok not to remember, one ABE review showed communication breakdown after a lengthy exchange about why the victim-survivor could not provide specific timings:

“They are talking over each other. The officer asks her if she is “ok”. (Researcher note: This appears to have an aggressive edge rather than concern). The victim explains that she is getting frustrated: “It’s like I’m repeating myself, what do you want me to say? This is what happened”. The officer then states “You don’t even let me finish the question before you’re huffing.” (ABE Reviews, Force S)

Similarly, several interviews began with questions about whether the victim-survivor understood the difference between ‘truth and lies’:

Interviewer: “We had a little chat before we came into the room about the importance of telling the truth... I am satisfied that you understand the importance of telling the truth. Do you know the consequences of not telling the truth?”

Victim-survivor: “That you can get into trouble?”

Interviewer: “Yeah, well exactly, yeah. So, it is important that we are really truthful today.” (ABE Reviews, Force R).

This occurred with several adult witnesses who had no communication or cognitive difficulties, contradicting national guidance (Ministry of Justice, 2022). By starting with these conversations, an immediate sense of distrust was created and reminded the victim-survivor that their credibility was under scrutiny rather than putting them at ease to give their best evidence – again undermining the fairness of the process (Johnson *et al.*, 2024).

In the focus groups, police described fearing being accused of influencing the victim-survivor, with empathy or explanation of questions viewed as potentially directing the victim-survivor’s answers:

“You’re constantly thinking, I can’t give any kind of acknowledgement, I can’t show any emotion... because we will be massively criticised by the defence if we show any kind of bias towards a victim.” (Police Focus Group, Force Q)

However, some officers did successfully de-escalate frustration by showing empathy and explaining that repetition was part of the interview process. A handful of interviewers were seen conveying recognition to victim-survivors whilst adhering to investigative standards, using phrases such as ‘I know this is difficult’ and ‘let’s take a moment because you’re distressed, and I understand that’.

Investigation: Poor communication

Through the rest of the police investigation, particular issues of poor communication and cynicism about victim-survivors were pervasive. Focus groups and observations demonstrated some officers recognised the importance of empathetic communication and keeping victim-survivors informed about the case, but others viewed this as something which could be deprioritised if time or resources were limited. Despite entitlements to timely updates on key developments, set out in the Victims Code of Practice [VCOP] (Ministry of Justice, 2024), an ISVA service in Force Q estimated that only 30% of their clients were updated in line with VCOP requirements. In other forces, police commented that

“we never adhere to [VCOP]” (Police Focus Groups, Force R). This meant that after an initial flurry of activity, victim-survivors experienced a sudden drop in communication:

“They [the victim-survivor] come in for the exam, they come in for their interview, phone gets taken, you know, what, whatever other lines of enquiry are snatched at that point, and then it’s almost like radio silence.” (ISVA Focus Group, Force S)

The nature of police communication was also challenging, often coming ‘out of the blue’ with little understanding of the potential impact on the victim-survivor:

“A text message, or impromptu phone call on a Saturday morning when the victim’s doing their laundry... they’ve got childcare commitments... they’re going into hospital next week.” (ISVA Focus Group, Force P)

This was particularly difficult for neurodivergent victim-survivors, who often benefit from pre-planned communication and more time to process information. Specialist ISVAs in multiple forces therefore noted that challenges with police communication were exacerbated for minoritised and marginalised victim-survivors. They highlighted the role of ISVAs as a consistent mediator and supporter, and most police officers repeatedly noted the benefits of communicating with the victim-survivor with ISVAs present. In two forces, though, ISVAs tended to be viewed as a hindrance:

“I’ve straight up had an officer tell me that working with ISVAs slows the process and they don’t like to do it.” (ISVA Focus Group, Force R)

In these forces, victim-survivor requests that communication should go via the ISVA were frequently ignored, further removing a sense of choice and influential voice during the investigation process (see Books-Hay *et al.*, forthcoming).

There were also significant delays in investigative updates and processes, and multiple handovers between investigating officers, which ISVAs told us created significant distress for victim-survivors, eroding trust and making them feel inconsequential. For example, commenting on a voicemail from an officer to a victim-survivor explaining why he had not been in contact:

“To actually say ‘I’m sorry I haven’t got around to yours yet. I am busy with other people’ is appalling.” (ISVA Focus Group, Force Q)

Observers noticed victim-survivors distress was such that interactions could become pressurised and traumatic; for example, a victim-survivor emailed graphic images of self-harm to one officer in Force P. Generally, observers noted limited access to appropriate support services created a vacuum for much-needed emotional support for victim-survivors, which officers were left to address without sufficient training, sometimes compounding impersonable interactions to avoid “emotional labour” (Police focus group). Combined, communication during the investigation phase posed significant challenges to treating victim-survivors with dignity and respect; failing to meet minimum service standards or sufficiently recognise or respond to the harms of sexual violence (Johnson *et al.*, 2024).

Investigation: Rape Myths and Cynical Attitudes

Some ISVAs felt the quality of police communication and frequency of updates depended on a perceived hierarchy of victimisation: “It depends on the survivor, the... worthiness or how valuable they think this case is going to be” (ISVA Focus Group, Force P). This hierarchy depended on several factors such as the recency of the alleged incident(s), the relationship between the victim-survivor and suspect, and the victim-survivors’ perceived willingness to support the investigation.

Indeed, a hierarchy of victimisation linked to rape myths was evident across all four force observations, demonstrating significant challenges to fairness and equity during the investigation (Johnson *et al.*, 2024, also Hohl *et al.*, 2022; Gekoski *et al.*, 2024). In two forces this was particularly explicit, with reports frequently dismissed as “false allegations” which lead to a suspect having “his life ruined” (Observations, Force R). One officer said:

“‘You have lots of victims who are actually fake’. The officer tells me there is a massive grey area in the figures as ‘we get a lot of complaints that aren’t genuine’.” (Observations, Force P)

Multiple officers also alleged victim-survivors have ulterior motives when reporting to the police, for example child custody, rehousing, or financial compensation. Others described victims as having “regretful sex” (Observations, Force P) and then making a false report: “He said that there are other women who cheat on their boyfriends, but claim it was rape when their boyfriends ask questions” (Observations, Force R).

While other officers present sometimes challenged these assumptions, these challenges tended to be ignored and came from isolated individuals in Forces P and R, and sometimes involved having to contradict senior officers. This was particularly true regarding understanding of how trauma or coercive control might affect a victim-survivor’s behaviour; e.g. one strategic lead expressed:

“As a Gillick-competent adult with the ability to make decisions, if you decide that you want to stay with the person who beats the crap out of your every week, that’s your choice.” (Senior Police Interview, Force R)

We also observed how discussion around rape myths led to some cases being prioritised over others. In at least one force, there was explicit instruction from managers to ‘triage’ cases which were ‘unlikely to go to court’ to reduce caseloads:

“Cases could stick around for months or even years so they’re now trying to weed out the cases that ‘aren’t going anywhere’. They only do VRIs for cases that are ‘strong’... He said that lots of cases are related to alcohol. If juries see women flirting with the suspect before the alleged assault happened, they won’t convict. He said that there was also a problem with ‘drunken regret’.” (Observations, Force R)

According to police, classifications regarding case strength often involved “gut instinct” (Observations, Force S), with little self-reflection about whether this was rooted in misconceptions about rape or wider societal stereotypes.

Cynicism about the victim-survivor was also presented as a necessary part of ‘balanced’, ‘evidence-led’, and ‘neutral’ investigations, as well as preparing the victim-survivor for court:

“The officer tells me that if the victim has things in her past that a defence is going to try to use to discredit her then she would need to know. She tells me that it really needs to

be a balanced investigation, investigating both the suspect and the victim and treating them the same.” (Observations, Force R)

They also cited the difficulty of convincing the CPS and juries of a suspect’s guilt, with repeated (and incorrect) assertions that a conviction is not possible where cases are centred on the testimonies of the victim-survivor and suspect:

“[The officer] talks generally about the fact that in so many cases... If he’s of good character and so is she, it’s really down to one word against another. ‘If we can’t be sure, how can we expect a jury to be sure’.” (Observations, Force P)

Charging Decisions: Failing to centre victims

Finally, victim-survivors faced challenges at the end of the police investigation, especially where it was not referred to the CPS. We did not examine case decision-making, but the wider project found evidence of rape myths and a misplaced focus on ‘corroboration’ (Allen, *et al.*, in press; Hohl *et al.*, 2022). When a case is discontinued (marked NFA) the VCOP states that police should inform the victim-survivor and provide reasons within one working day. In two forces, though, ISVAs told us about NFA decisions that were made without being communicated months before the victim-survivor asked for an update.

Echoing police earlier police communications failing to treat victim-survivors with sufficient respect and dignity, NFA decisions were also given abruptly and with little acknowledgement of the potential impact on the victim-survivor. For example, an ISVA recalled a victim-survivor’s distress following a police officer leaving a Friday night voicemail to say their case was discontinued and that he was on holiday for two weeks. The NFA letters themselves were criticised by ISVAs for using wording described as ‘appalling’, ‘clinical’, ‘harsh’ and ‘retraumatising:’

“The letters are awfully cold and the language is very robotic...and then you’ve got victim-blaming as well.” (ISVA Focus Group, Force P)

Most NFA explanations used broad terms such as ‘evidential difficulties’ or ‘insufficient evidence;’ ISVAs noted this vagueness made it harder for victim-survivors to feel their case was sufficiently investigated or to request a review of the decision (Victims’ Right to Review [VRR]). Police in focus groups reported favouring broad explanations because they reduced VRRs – a desired outcome, despite VRRs being afforded as part of the VCOP. Some officers recognised the benefits of having an ISVA join NFA meetings to provide support to a victim-survivor, but ISVAs in all four forces noted that they were sometimes excluded, demonstrating concerning inconsistencies (also Brooks-Hay *et al.*, forthcoming).

Discussion

Altogether, our findings demonstrate inconsistent and concerning organisational practices which are inimical to procedural justice for RASSO victim-survivors, and conceptualisations of justice more broadly. Our findings demonstrate a lack of voice and agency afforded to victim-survivors during the police process. Despite the importance of ‘voice’ (McGlynn and Westmarland, 2019; Johnson *et al.*, 2024), opportunities to meaningfully participate or be heard were limited throughout the process. Similarly, there was evidence of insensitive and undignified treatment, conveying a lack of recognition

of the value of victim-survivors, the harms of sexual violence, and the potential impact of the police response. We found extensive evidence of rape myths and cynicism embedded in police interactions and organisational practices, which also failed to centre victim-survivor rights and interests, contrary to police guidance and minimum service standards (VCOP; Ministry of Justice, 2024). Combined, these dynamics caused significant distress and created a constraining context for victim-survivors (Johnson *et al.* 2024) which impeded their ability to provide their best evidence and, by extension, access a fair investigation. Across our findings we observed police practice disproportionately impacting minoritised and marginalised victim-survivors, further compounding justice inequalities (see also CWJ *et al.*, 2020; Thiara and Roy, 2020; Smith, 2021; Ellison *et al.*, 2015; Phipps, 2009).

Due to the breadth and depth of challenges addressed in this paper, attempts to understand or explain the underpinning police practices have remained out of scope. However, the observations and focus groups often highlighted the significant challenges to organisational justice facing officers - resonating with research that has identified chronic under-resourcing and de-professionalisation driving unmanageable caseloads, high staff turnover, insufficient training and competency, and officer empathy fatigue, disillusionment and burnout (e.g. Foley *et al.*, 2024; Sondhi *et al.*, 2024). Moreover, most police officers we spoke to wanted to provide a good service for victim-survivors and recognised the importance of procedural justice. Some were observed working hard to provide sensitive and dignified responses, and others expressed frustration at having limited time to engage with victim-survivors. However, observers noted supportive responses were typically driven by individuals and often came at personal cost in terms of stress and time management; one example that sticks with us is an officer regularly using their annual leave to write to victim-survivors and apologise for their harmful experiences with the force (Force R). Similarly, while individual attitudes of some officers were problematic, our findings also showed others proactively challenging the cynical treatment of victim-survivors. However, it felt these officers were again doing this against the policing tide, reinforcing that meaningful reform must address the systemic barriers to procedural justice in order for lasting change to occur.

Conclusion

Our findings identify significant variation in the quality of police responses to victim-survivors, meaning that there was a 'luck of the draw' over whether victim-survivors experienced good practice. We have addressed the extensive concerning challenges encountered across the victim journey, including insensitive and inconsiderate communication, cynical attitudes, unsupportive contexts impeding victim-survivor participation in investigations, and police practice being influenced by rape myths. Such poor and inconsistent treatment demonstrably undermines trust in the police (Hohl *et al.*, 2024; Johnson *et al.* 2024), and without recognition, transparency and accountability for the extent of institutional failings for victim-survivors, public confidence in the policing response to RASSO will continue to decline.

Although contemporary, many of our findings reflect the existing literature and identify challenges that have been highlighted for decades (e.g. Brooks-Hay *et al.*, 2019; Feeney *et al.*, 2018; Kelly *et al.*, 2005). However, where previously these challenges have typically been shown at individual stages of the criminal justice system, or relied on recounted perspectives, this study draws on multiple data sources, including those which engage with police interactions and practices in 'real-time,' spanning across

different parts of the investigatory process - thus providing novel substantive evidence. Moreover, feminist scholarship outlines the nuanced, personal and 'kaleidoscopic' nature of justice for victim-survivors (McGlynn and Westmarland 2019; Daly, 2014), extending beyond binarized understandings of justice, and recognises that experiences of injustice are layered and cumulative (Herman 2005). Therefore, our systematic methodology and engagement with procedural justice permits us to articulate the *systemic procedural injustice* that victim-survivors currently face, despite extensive preceding efforts to improve policing responses.

Without reform, the policing system will continue to provide limited opportunity for dignity, respect, equity, safety or voice; all crucial for achieving procedural justice and victim-survivor justice more broadly. Given the scale of the injustice identified here, meaningful change cannot be achieved only by responding to problematic individual attitudes or actions but must also transform institutional practices. As such, the paper augments calls for wide-reaching policing reform (e.g., Angiolini, 2024; Casey, 2023; HM Inspectorate of Constabulary, Fire and Rescue Services [HMICFRS], 2022) including addressing resourcing and organisational cultures that reinforce the status quo and continue to provide such harmful disservice to victim-survivors. Operation Soteria has begun to do this by working closely with police to propose foundational reforms to the way police engage with victim-survivors across the police response – from 'on the ground' interactions through to decision-making and strategic planning – seeking throughout to embed best practice procedurally. However, these efforts have not been met with increased funding or resources in many forces. It is yet to be seen if policing can and will respond to these systemic issues, as opposed to continuing with individualising narratives of incompetence and 'bad apples'.

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Appendix A: Detailed methodology

Observations

Each force had a unique structure, so observations were conducted across different units to reflect the various teams investigating RASSO. For example, two forces had broadly generalist units, one had a specialist rape team, and another split RASSO investigations between domestic abuse and CID.

After establishing the force's shift patterns, observers ensured range were covered (e.g. 'earlies' and 'lates'). Each observation usually lasted around eight hours, and researchers accompanied officers during a range of activities (e.g. interacting with victim-survivors, decision-making discussions between officers, and administrative work). In-situ interviews and documentary analysis (e.g., reading case files and watching ABE videos) were undertaken during quieter moments.

Gaining consent was complex. Organisational consent was provided, then participant information sheets were cascaded to each team via the duty sergeant (see Plankey-Videla, 2012). Researchers also sought verbal consent from the team on arrival and before any individual interactions. Ahead of direct engagement with victim-survivors, officers asked for consent for the researcher to observe, emphasising that they were focused on police practice. A participant information sheet was available for victim-survivors if they wanted more information. No victim-survivors under 16 or lacking capacity to consent were observed. Further information about the methodology and ethical considerations are outlined in Walling-Wefelmeyer et al. (forthcoming).

BWV & ABE reviews

The BWV review comprised nine cases from Force Q, six from Force R, and one from Force S (totalling 16 reviews). Force P did not consent to sharing BWV footage and Force S has a policy of not using BWV for RASSO first response. The ABE review sample comprised eight cases from Force P, nine from Force R, and 14 from Force S (totalling 31 reviews). Force Q did not provide any ABEs in time for review.

Forces were asked to provide at least ten examples of BWV and ABE videos each, featuring at least one victim-survivor who was Black or racially minoritised, male, neurodivergent, and experiencing mental ill-health (existing literature suggests these victim-survivors face particular challenges). We also asked for the sample to cover a range of outcomes and victim-survivor/suspect relationships. The BWV sample did not need to correspond with the ABE sample. Most forces could not easily identify cases with specific characteristics and then share BWV or ABEs from that case, meaning the sample was more opportunistic than our initial purposive request.

Each force had its own data-sharing processes and researchers had to complete a series of inductions before they could access BWV and/or ABEs via a force laptop or online log-in. In one force, access to the BWV could only be authorised by the officer who recorded the video, but many had moved roles, and it was difficult to contact them even when senior police leads attempted to get access on our behalf. Additionally, much BWV footage was sporadic, and each interaction often featured several files because multiple officers were present, officers were turning their camera off and on, or due to a 20-minute maximum length for each video file.

Focus groups and interviews with police and support practitioners

We ran interviews with strategic police leads across all four forces (two in Force P, one in Force Q, three in Force R, and two in Force S). Questions were provided to participants in advance and focused on understanding strategic challenges and resourcing decisions across the force.

In Force P, we ran police consultations throughout the fieldwork and found these so insightful that we amended the ethics application and ran focus groups in subsequent Force Preas. We ran six focus groups (with 25 officers) in Force Q, seven (32 officers) in Force R, and three (12 officers) in Force S. The smaller number in Force S reflects the force size and that we were reaching data saturation. Each force had a different structure, meaning that RASSO was investigated by different teams with varying levels of specialism. While specific role detail has been removed to maintain anonymity, police focus group participant roles included: call handler, dispatch, response, investigator and analyst.

Interviews with strategic support service leads also ran across three forces. There were two focus groups (11 participants) with support practitioners in Force P, one (4 participants) in Force Q, two (8 participants) in Force R, and one (4 participants) in Force S.