



HM Government

# **Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales**

Appendix D: Literature review

**Author: Jo Lovett, Child & Woman Abuse Studies Unit, London Metropolitan University**

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# Executive Summary

## Introduction

This literature review was commissioned to inform the current Serious Sexual Violence and Rape Review. The aim was to provide a thorough review of research currently in the public domain regarding the progression of adult rape and serious sex offences in the criminal justice system in England and Wales. Four priority areas were identified to be focused on in the literature review:

1. *Increase in the police outcome 'evidential difficulties, suspect identified – victim does not support prosecution' for rape and rape-flagged cases.*
2. *Drivers of variation in 'referral to charge (RTC)' volumes by Police Force Areas (PFA) and Crown Prosecution Service (CPS) region for rape and rape-flagged cases.*
3. *Changes in CPS charging outcomes, particularly the decline in charge rate, for rape-only flagged offences.*
4. *The low proportion of rape-only prosecutions resulting in conviction.*

## Methodology

A search strategy was implemented to identify systematically relevant literature relating to the four priority areas for the review. This consisted of conducting keyword searches in a range of academic databases and search engines, hand searching key journals on violence and abuse, and forward and backward citation tracking (i.e. following up references that either are cited by sources included in the review or which cite these sources). A small number of additional sources were proposed by colleagues connected with the end-to-end review, and these were also screened for possible inclusion. This process has led to the inclusion of a total of 30 studies, 25 studies from England and Wales, and 5 from other countries (New Zealand, Scotland, the United States and one meta-analysis of data from five countries). Annex 1 contains further details of the search methods and search terms used.

All items located through the searches have been screened to ensure they meet the following inclusion criteria: English language; published 2009–2019; empirical studies; focusing on adults; focusing on rape/sexual assault; addressing one or multiple phases of the criminal justice processing of cases. Peer-reviewed items and literature based on data from England and Wales have been prioritised, although a limited number of non-academic reports and international sources have been included where they have specific relevance to the review. Annex 1 includes a flow chart illustrating the identification and selection process.

Quality and relevance to the priority areas of all items has been assessed through a Weight of Evidence (WoE) approach, drawing on Gough et al. (2013). This approach was selected as it provides a common assessment structure suitable for considering a variety

of methodologies, both quantitative and qualitative, thus promoting consistency. The three key components outlined by Gough et al. (2013) and used in the assessments applied here are: the study's relevance to the review question; the appropriateness of its methods in the context of this specific review; and the quality of the execution of these methods. These three individual assessments were then combined into a final measure, which provided the overall WoE score (High, Medium, or Low). Overall, 14 studies were graded High and 16 Medium.

### **Main findings for each priority area**

Emerging themes from each priority area are highlighted below. Some studies contain findings relevant to more than one priority area. Where this is the case, the item's main summary is repeated within each section, but the findings reported are specific to that priority area. Annex 2 summarises which priority areas each of the included items appears within.

#### **Priority Area 1: An increase in cases where the victim does not support prosecution**

This outcome is part of the framework introduced by the Home Office in 2014, with 2015/16 the first full year for which all police forces were able to provide data on this. No academic literature from the UK was located that specifically addresses the group of cases categorised as: 'evidential issues, suspect identified, victim does not support prosecution'. Data on this is contained in the Rape Monitoring Group digests for all force areas, but there is no commentary or analysis of possible explanatory factors. The material that informs this Priority Area therefore relates more broadly to victim withdrawals. The bulk of the literature here includes flow or snapshot studies, with a small number focusing on factors affecting police perceptions of rape cases. As defined by Daly and Bouhours (2010), flow studies track cases through all the stages of the criminal justice system (police, prosecution, and court) and usually present an overall rate of conviction from report to the police to final court outcome. Snapshot studies analyse attrition at one or more stages of the legal process and provide the proportion or number of cases that proceeded past the police or past prosecution or resulted in conviction in court.

In flow studies, around half of all reported cases are lost through victim withdrawals, suggesting this is a major point of attrition. The reviewed literature points to the greater likelihood of withdrawal in cases of rape in the context of domestic violence, acquaintances cases and where the victim-survivor has a mental health issue/psychosocial disability, while historical cases and those involving younger males were less likely to withdraw/not engage. Studies also highlighted the importance of the police-victim/survivor relationship and the role of specialist support, including Sexual Assault Referral Centres (SARCs), Independent Sexual Violence Advisors (ISVAs), advocacy and Rape Crisis Centres in mitigating victim withdrawals. One study (Lovett & Kelly, 2009) included a category of 'victim declined to complete the initial process' as a layer of attrition, which entailed things like not giving a statement or communicating with police. Here, too, intimate partners/domestic violence appeared to be a factor in their lack of engagement. The majority of victim withdrawals occur at an early stage, suggesting that the early investigation is a crucial phase.

## **Priority Area 2: Drivers of variation in ‘referral to charge (RTC)’ volumes between PFA and CPS region**

The published academic material does not address variations in RTC levels between PFA areas and CPS regions. In most of the literature, attrition linked to police decision-making at the investigative stage of the CJS process is framed in terms of police NFA – effectively the opposite of police referral to charge. Flow studies form the basis of most findings for this priority area. It is suggested that police NFA accounts for biggest proportion of attrition among cases not affected by victim withdrawal. Key themes in the literature on factors increasing the likelihood of police NFA are: inconsistencies in victim’s account, previous allegations; and victim-survivor mental health issues/psychosocial disorders. Evidence supporting the victim’s account makes an outcome of police NFA less likely.

In exploring the reasons for a decrease in RTC, the most recent CPS annual VAWG report points to the impact of levels of digital data adding to investigation time and an increase in the number and proportion of administratively finalised cases (where the police have not responded to either early investigative advice or requests for more information).

## **Priority Area 3: Changes in CPS charging outcomes, particularly the decline in charge rate**

The majority of relevant findings here are derived from flow studies that include the charging /prosecution stage within a broader investigation of case processing within the criminal justice system. The literature suggests that the likelihood of CPS charging is increased: when the suspect has a criminal record; in historical cases; in cases where there is a specialist rape investigation unit; and where the victim-survivor is receiving specialist support. A charge is less likely where: the victim’s account is perceived to be inconsistent; the victim-survivor has mental health issues/psychosocial disorders; and in acquaintance or intimate partner rapes. The HMCPSP thematic review of Rape and Serious Sexual Offences (RASSO) Units (2016) identifies various issues in relation to CPS charging, including incorrect application of the Code for Crown Prosecutors and inadequate casework in some cases and a lack of specialist prosecutors and/or dedicated units; these issues also had implications for victim-survivors. Research by Rumney et al. (2019) indicates that specialist units can have an impact on charging levels even in cases involving victims with additional vulnerabilities, suggesting they may offer more careful investigation and better levels of victim care.

## **Priority Area 4: The low proportion of rape-only prosecutions resulting in conviction**

The literature on the prosecution/trial stage of the CJS encompasses flow studies, mock juror studies, trial observation studies and a small number focusing on the implementation of key areas of legal reform and policy, such as the use of special measures for complainants and section 41 of the Youth Justice and Criminal Evidence Act. The literature suggests that convictions are more likely where tried cases are historical or involve BME suspects. Convictions are less likely in cases of rapes in the context of domestic violence, acquaintance rapes and where the victim-survivor has multiple vulnerabilities and/or mental health issues. There is some evidence to suggest that cases where the victim received specialist support may be more likely to result in conviction. The use of rape myths at trial to undermine credibility may also be a factor affecting conviction levels. A number of studies, including mock juror and trial observational research, addressed the impact of rape myths on the court process, but findings linking these to outcomes in real cases were tentative.

## **Gaps in literature**

This review is concerned with challenges linked to case progression and processing at each level of the criminal justice system. A general observation is that there are limited recent flow studies that are large-scale and focusing on multiple areas in England and Wales.

### **Priority Area 1**

There is quite a lot of literature on victim withdrawals generally, but nothing has been identified that deals with the specific category of victims not supporting a prosecution where an offender has been identified. There is very little on how the complainant is dealt with in terms of their interaction with police. Studies comparing this outcome between cases where an offender has and has not been identified are also absent.

### **Priority Area 2**

There are several experimental studies on police decision-making, but few that have analysed decision-making in relation to real cases. Where case file analysis has included a focus on police-decision making, there is limited integration of police perspectives beyond what is in the case files.

### **Priority Area 3**

Flow studies and institutional reports document charging levels, and some of the factors associated with cases charged/not charge. However, there is little detailed exploration of the factors involved in CPS decision-making either through case file analysis, interviews with prosecutors or experimental studies. There is limited literature from England and Wales other than that produced by institutions such as the CPS and HMCPSP that explores this phase specifically.

### **Priority Area 4**

There are very few studies that focus on the views and experiences of rape complainants during the court/trial phase, and few in-depth studies on the practices of defence and prosecutors.

## Annotated bibliography

Priority area 1: Increase in the police outcome ‘evidential difficulties, suspect identified – victim does not support prosecution’ for rape and rape-flagged cases

**Source 1: Brooks, O. and Burman, M. (2017) Reporting rape: Victim perspectives on advocacy support in the criminal justice process. *Journal of Criminology and Criminal Justice*, 17(2): pp. 209–225.**

**Source type:** Peer-reviewed journal article

**Aims:** To look at the role of advocacy from the under-researched perspective of rape victims and consider the wider implications of advocacy for the criminal justice response to rape.

**Design and methods:** This article is based on data gathered during an evaluation of S2R, which was conducted over a 12-month period from February 2014. Findings draw on qualitative semi-structured interviews conducted with a small number of victims who used the service. A qualitative research strategy was adopted, and interviews were used to ascertain victims’ experiences of receiving advocacy support, and the impact this had on their experience and engagement with the criminal justice. Recruitment of study participants was facilitated by advocacy workers.

**Location:** Scotland

**Data from:** 2014–15

**Sample details:** Self-selecting sample of 9 adult female rape victims who used the Support2Report (S2R) advocacy service

**Summary:** This article draws upon a study evaluating an innovative advocacy model introduced in Scotland to assist reporting rape to the police. The service was launched as a new model of 24-hour advocacy support in 2013 to assist rape victims at the initial stage of reporting to police. Its objectives were to improve the support available to victims of rape, improve their experience of the criminal justice process and reduce levels of rape attrition. S2R is based in Glasgow Rape Crisis Centre and is staffed by advocacy workers, whose role is similar to that of an ISVA. Findings from interviews with nine victims highlight the importance of advocacy that is independent of statutory and criminal justice agencies. However, it is argued that this does not mitigate the need for specialisation or reform in the criminal justice response to rape and, further, that the distinction between advocacy at an individual and societal level represents a false dichotomy.



**Findings:** Not only did advocacy support improve victims' experience of the criminal justice process and assist sustained engagement in this process, in some cases it also facilitated making a report of rape to the police in the first instance. Supporting victims of sexual violence throughout the criminal justice process reduces the likelihood of withdrawal from the process. Independence of the advocacy worker from both the investigation and prosecution process, and continuity of support throughout the process are key elements.

**Limitations:** This was a small sample, albeit with a particularly sensitive and difficult to reach population.

**WoE:** Medium

**Source 2: Ellison, L., Munro, V., Hohl, K. and Wallang, P. (2015) Challenging criminal justice? Psychosocial disability and rape victimization. *Criminology and Criminal Justice*, 15(2): pp. 225–244. See also PA2 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To explore some of the challenges posed to the criminal justice system by rape complainants with psychosocial disabilities (PSD), focusing particularly on the context of rape allegations, where critics suggest that a number of the barriers in relation to disclosure and credibility are faced by those with mental health concerns.

**Design and methods:** Quantitative analysis of pre-existing dataset (see Hohl & Stanko, 2015)

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2012

**Sample details:** All allegations of rape made to the force in the period, excluding males and those where sex of victim not recorded (n = 587)

**Summary:** This article draws upon rape allegation data collected by the Metropolitan Police Service in April and May 2012, to explore some of the challenges that are posed to the criminal justice system by rape complainants with what the authors term PSD. PSD is used here to cover a broader spectrum of conditions, including within a social rather than a medical model of the conditions and experiences labelled as 'mental illness', recognising that internal and external factors in a person's life situation can affect their need for support. It refers to those who have experience of mental health issues and/or who identify as mental health service users, but is distinct from intellectual disability. Although the insights that can be generated from these data are limited, they provide a valuable snapshot into contemporary patterns of rape victimisation and attrition in England and Wales. The article also highlights the need for more sustained critical research and reflection on the treatment of complainants, and the adequacy of police and prosecutor training and practice in this area.

**Findings:** Rape allegations involving complainants with recorded PSD are significantly and substantially more likely to suffer from attrition. The significantly higher rate of attrition

at all stages in the MPS data was not attributable to complainants with recorded PSD withdrawing from the process any more frequently than other complainants. However, in PSD cases, police officers were significantly more likely to note slow progress in the investigation due to capacity/staffing issues (20% vs 14%), difficulties in contacting the victim (28% vs 21%) and poor cooperation on the part of the victim (39% vs 30%).

**Limitations:** The key variable of interest is an indicator of either the complainant having disclosed to the police what the police consider to be a PSD, the police obtaining evidence of a victim PSD or the police recording the impression that the complainant has a mental health issue. This may be both under-inclusive in that not all complainants with a PSD will disclose or display symptoms to the police and over-inclusive in that it may include complainants without a PSD whom the police nonetheless perceive to have a 'mental health problem'. These discrepancies need to be kept in mind when interpreting the findings and, to the extent that having a PSD may not impact on the attrition process in the same way as being recorded as having a PSD, the analysis requires an additional measure of caution. Also, since the original data collection did not focus specifically on PSD, the dataset made available to the authors does not provide detail on the nature and severity of the PSD, and does not specify whether the PSD is past or ongoing.

**WoE:** Medium

**Source 3: Hester, M. and Lilley, S. (2017) Rape investigation and attrition in acquaintance, domestic violence and historical rape cases. *Journal of Investigative Psychology and Offender Profiling*, 14(2): pp. 175–188. See also PA2, PA3 and PA4**

**Source type:** Peer-reviewed journal article

**Aims:** To look at the attrition trajectories of rape cases involving acquaintance rape, rape in the context of domestic violence by intimate (ex)partners, and in the context of historical child sexual abuse

**Design and methods:** Mixed methods: flow study based on case file analysis of closed cases and tracking to outcome, alongside interviews with victim-survivors and CJS professionals. In two of the police force areas, supervised access was provided to the police database, and cases were examined from when they were recorded on the initial police log, through crime reports and information on outcomes held on the police national computer. In the third area, police summaries of cases were made available. In all three areas, only closed cases were included.

**Location:** England, 3 unnamed force areas

**Data from:** May and November 2010, interviews conducted in 2015

**Sample details:** 87 female and male rape cases reported to three police force areas during May and November 2010, only closed cases and those pending at the outset but closed during the research period were included. Convenience samples of victim-survivors and professionals

**Summary:** This paper looks at the progression of rape cases through the criminal justice system, from report to court, exploring the different attrition trajectories for cases that can be characterised as involving acquaintance, intimate domestic violence, and historical child sexual abuse contexts. Using police data from three police forces in England covering 87 cases, interviews relating to 15 victim/survivors and interviews with criminal justice professionals, the paper explores investigative processes and victim engagement across rape cases and their different trajectories through the criminal justice system. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, such as relationship between victim and offender, vulnerability of victim, and evidential issues, were all seen to play some part in the attrition and trajectories of the cases discussed here, but were relevant to different degrees depending on whether the cases involved acquaintance, intimate domestic violence, or historical child sexual abuse. If we are to more effectively deal with the 'justice gap' that exists in rape cases, an important aspect is to understand the differences between these groups of cases and the particular circumstance and needs of the victims in these different contexts.

**Findings:** The sample was broken into 3 main groups: acquaintance rapes (37%), intimate partner rapes in context of domestic violence (31%), historical child sexual abuse (30%). These different types of rape cases tend to have different attrition trajectories, so there is a need to understand how these different types of cases progress and the particular circumstances and needs of the victims and contexts of the rapes that they involve. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, in particular relationship between victim and offender, vulnerability of victim, and evidential issues were all seen to play some part in the attrition and trajectories of the cases discussed here, but are relevant to different degrees depending on which relationship type was concerned. Victim withdrawals occurred in over half of the sample. Acquaintance rapes had high rates of victim withdrawal and were crimed less frequently than the other case types. They were significantly more likely to be recorded by the police as drunk, and many involved victims who had been drinking and did not always know whether anything untoward had taken place. Interviews suggested acquaintance rapes were complex cases and highlighted the need for specialised support alongside criminal justice intervention. Domestic violence rapes were deemed some of the most serious cases by the police and resulted in the greatest proportion of arrests. However, these were also most likely to be withdrawn in the early stages of the criminal justice process due to fear and threats. Those in historical cases were significantly less likely to withdraw from the case ( $p < .05$ ) faced by the victims from the perpetrators.

**Limitations:** The sample was not large compared to other flow studies and the quality of the police data did not allow further items to be analysed using regression. There was also an over-representation of historical cases in the interview sample, which had higher conviction rate, meaning most went on to court and conviction.

**WoE:** High

**Source 4: Hohl, K. and Conway, M. (2017) Memory as evidence: How normal features of victim memory lead to the attrition of rape complaints. *Criminology & Criminal Justice*, 17(3): pp. 248–265. See also PA2 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To provide a review of the literature on human memory and criminal justice conceptions of memory evidence; to develop a conceptual model of the pathways through which typical features of victim memory, such as inconsistencies in the victim account, lead to attrition; and to test the model using a large, representative sample of rape complaints made to the London Metropolitan Police Service (MPS).

**Design and methods:** Secondary analysis of existing dataset (see Hohl & Stanko, 2015), development of conceptual model and testing through statistical analysis

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2012

**Sample details:** All female and male rape complaints reported in the period (n = 679)

**Summary:** The complainants' memory of the rape is commonly the key and frequently the only evidence in the investigation and prosecution of rape allegations. Details, specificity and consistency in the victim's recollection are central criteria that criminal justice agents – police, prosecutors and juries – use to assess the credibility of the victim account. However, memory research has shown these to be poor indicators of the accuracy of a memory. In this article we develop a conceptual model of the pathways through which normal features of the human memory result in complaints of rape dropping out of criminal justice process without a full investigation, prosecution or conviction, with a particular focus on the role of inconsistencies in the victim account. The study provides initial, tentative evidence from a large, representative sample of rape complaints and discusses implications for criminal justice policy. The results provide evidence in support of the hypothesis that inconsistencies in the victim account increase the odds of attrition.

**Findings:** While inconsistencies, lack of detail, errors and omissions in the victim account undermine its credibility in the eyes of legal agents and put the complaint at risk of attrition, the modern view of human memory considers all of these typical features of a normal memory. There is no statistically significant difference in attrition through victim withdrawal between cases with and without inconsistencies. However, in cases with inconsistencies noted in the case file more than twice as many victims retract the complaint stating their allegation was false (corresponding to seven out of 28 retracted complaints in the overall sample of 679 cases). Multivariate logistic regression analyses did not yield statistically significant changes once the control variables and interaction effects were taken into account. Overall, these findings suggest that the presence of inconsistencies in itself does not lead to victim withdrawal of cooperation (formal or informal), and that the association between inconsistencies in the victim account and attrition is largely mediated through police rather than victim decision making to discontinue the process.

**Limitations:** This initial empirical study only tested the association between inconsistencies in the victim account and attrition, leaving much of the conceptual pathway model untested. Additional elements, such as qualitative analysis of interviewing technique and follow-up interviews with the victim, or interviews or surveys of police officers,

prosecutors, would be required to better understand the nature and origins of inconsistencies in the victim account. Inconsistencies in the victim account are an imperfect measure of victim memory. The dataset does not allow distinguishing between inconsistencies that result from memory errors of omission and commission and those resulting from deliberate omissions and inaccuracies. Poor rapport between the interviewing officer and the complainant, a lack of trust in the police or courts, feelings of guilt or shame and fear of negative consequences may lead a complainant to feel unable or unwilling to give a full and accurate account. Furthermore, inconsistencies may originate from poor interviewing technique rather than memory errors.

**WoE:** Medium

**Source 5: Hohl, K. and Stanko, E. (2015) Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. *European Journal of Criminology*, 12(3): pp. 324–341. See also PA2 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To provide an updated picture of factors associated with the attrition of rape complaints in England and Wales

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data collection from:** April–May 2012

**Sample details:** Sub-sample excluding male victims and those where victim sex not recorded (n = 587) drawn from original sample of all rape allegations reported to the MPS April–May 2012 (n = 679)

**Summary:** This article presents unique evidence on the factors that influence the attrition of rape allegations in the English criminal justice system. The study is based on a large, representative sample of rape allegations reported to the London Metropolitan Police, the UK's biggest police force. The dataset contains unprecedented detail on the incident, the victim, the suspect and the police investigation. The results lend support to the influence of some rape myths and stereotypes on attrition. These findings suggest that further central factors include the ethnicity of the suspect as well as what police officers and prosecutors perceive as evidence against the truthfulness of the allegation: police records noting a previous false allegation by the victim, inconsistencies in the victim's account of the alleged rape, and evidence or police opinion casting doubt on the allegation.

**Findings:** Victim withdrawal accounts for almost half of the attrition in the sample. The central factor in victim withdrawal is the police–victim relationship. The odds of victim withdrawal increase by 308% if the victim ceases cooperation with police and becomes difficult to contact. Withdrawing cooperation is thus an early warning sign and precursor to withdrawing the allegation altogether. Haven – specialist referral centres for victims of rape and sexual assault – attendance halves the odds of withdrawal (44% lower odds of withdrawal than victims who did not attend a Haven). Multivariate logistic regression analyses show that Haven attendance also has an indirect positive effect: victims who

attended Havens have 4.5 times higher odds of having their statement video-recorded, which in turn significantly reduces the odds of withdrawal, even after controlling for Haven attendance. However, Haven attendance does not significantly reduce the odds of attrition for victims with mental health problems.

Furthermore, police success in identifying the suspect reduced the odds of withdrawal by 42%, and cases investigated by the Child Protection Unit (CPU) have nearly 72% lower odds of suffering attrition through victim withdrawal than cases investigated by Sapphire teams (sexual assault investigation units) or standard local police. Part of this effect is mediated through the victim–CPU relationship: the odds of problems of cooperation and communication are reduced by 64% if the CPU investigates. Multivariate regression analysis shows that the lower attrition rate in cases investigated by the CPU is not explained by differences in the profile of cases allocated to the CPU or victim age.

Withdrawal is also less likely when the suspect is a ‘credible criminal/unrespectable man’: having a prior police record halves the odds of withdrawal. The status of ‘criminal’ acquired through a prior police record is the deciding factor, not the prior record of sexual violence. The availability of supporting evidence or of evidence that casts doubt on the victim’s account and police officers noting doubts in the case file do not appear to have a statistically significant effect on a victim’s decision to withdraw (however, the latter is highly predictive of police-driven attrition).

Turning to the role of victim and incident characteristics in explaining withdrawal, the key factor is the victim’s relationship to the suspect. A current or previous intimate partnership with the suspect or previous consensual sex with the suspect (outside a relationship) nearly doubles the odds of withdrawal. Victims with other vulnerabilities, such as having a mental health problem or learning difficulty, being young but not underage, or having an alcohol or drug addiction, are no more or less likely to withdraw their allegations than women without any of these vulnerabilities. Higher odds of attrition for women with vulnerabilities are explained by police and court decisions, not by victim withdrawal.

**Limitations:** Data only related to a two-month period, which could have been subject to particular trends

**WoE:** High

**Source 6:** Lilley Walker, S., Hester, M., McPhee, D. and Patsos, D. (2019) Rape, inequality and the criminal justice response in England: The importance of age and gender. *Criminology & Criminal Justice*, pp.1–19. DOI: 10.1177/1748895819863095. See also PA2, PA3 and PA4

**Source type:** Peer-reviewed journal article

**Aims:** To examine the way in which the intersection of gender and age impacts upon case trajectories and outcomes

**Design and methods:** Flow study combining data gathered in 2 studies through police case file analysis

**Location:** England, 2 police force areas in South West and North East

**Data from:** 2010–2014

**Sample details:** 14+ years, female and male, incidents involving victims-survivors aged 14 years and over at the time of report and concluded cases only, 585 reported rape cases

**Summary:** This article draws upon quantitative and content analysis of 585 reports of rape recorded within two police force areas in England in 2010 and in 2014 tracking individual incidents to eventual outcome to examine the impact, if any, of intersecting inequalities on trajectories of rape cases reported to police. The data were collected as part of a wider ESRC-funded Justice, Inequality and Gender-Based Violence research project which examined victim-survivor experiences and perspectives on justice. Building on existing distinctions between types of rape case based on the relationship between victim-survivor and accused, the results suggest age and gender are significant factors in how sexual violence, and the criminal justice system, is experienced. While younger women and girls were disproportionately affected by certain types of sexual violence case and more likely to come into contact with the criminal justice system compared to men and older women, they were not necessarily more likely to achieve a conviction. The findings also confirm that some of the most vulnerable victims-survivors of sexual violence, especially those with poor mental health, are still not achieving criminal justice. Victims-survivors from Black and minority ethnic groups or lesbian, gay, bisexual, transgender, transsexual, queer groups are underrepresented within the criminal justice system, implying these groups are not seeking a criminal justice response in the same way as 'white' heterosexual victims-survivors.

**Findings:** In over a quarter of all incidents reported (26%), the complainant was recorded as having mental health issues (MHI) ranging from anxiety, depression and post-traumatic stress disorder (PTSD) to self-harm, eating disorders, borderline personality disorder, schizophrenia and dementia. Most of these were women (90%) and younger (62%). Cases receiving specialist support e.g. Rape Crisis/ISVA were 49% less likely to withdraw from the process ( $p < .01$ ). Cases involving younger male complainants were less likely to drop out of the system due to victim retraction/nonengagement and more likely to result in conviction for rape, but those involving older male complainants, which tended to be acquaintance rapes, were less likely to.

**Limitations:** The nature and severity of the MHI was not recorded consistently within, and across, the police data systems, and it is possible that the data are under-inclusive as not all complainants with an MHI will disclose symptoms to police. It is unclear from the data if the MHI was disclosed by the victim-survivor or observed by police.

**WoE:** High

**Source 7:** Lovett J. and Kelly, L. (2009) *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries*. London: Child and Woman Abuse Studies Unit. See also PA2, PA3 and PA4

**Source type:** Academic research report

**Aims:** To analyse the similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures

**Design and methods:** Mixed methods, including flow study based on case file analysis, interviews with key informants, creation of timeline and map of the legal process in each country in the study

**Location:** England, unnamed metropolitan area

**Data from:** 2005

**Sample details:** 100 cases from England & Wales (899 across the whole study)

**Summary:** In virtually all countries where major studies have been published, substantial increases in reporting have not been matched by rises in prosecutions, resulting in a falling conviction rate. This study built on two previous Daphne projects to examine similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures. The research design combined two strands: the first updated time series national level data on reporting, prosecution and conviction for 33 European countries for the years 2001–2007; the second involved quantitative content analysis of 100 case files in Austria, Belgium, England & Wales, France, Germany, Greece, Hungary, Ireland, Portugal, Scotland and Sweden. This was supplemented by: interviews with key informants; mapping the legal process/procedure; and creating a timeline to document social and legal responses to sexual violence, with project partners responsible for the collection and collation of data from their respective countries.

**Findings:** Findings revealed that England and Wales have the highest volume of reports in Europe, but only the fourth highest reporting rate. This study included a category of the victim declining to complete the processes necessary – this is a form of non-cooperation which ensures that the evidence needed for a case to proceed is not present, including refusing to give a statement, undertake a forensic examination, or not communicating with police/prosecutors. Most victim withdrawals occurred in the early to mid stages of the investigation (38% of all reported cases). This consisted of cases where victims declined to complete the initial processes necessary for progressing the investigation, withdrew or retracted their complaints. Three quarters of these cases involved suspects who were well known to the victim and half involved current/ex-partners. At least 16 of these cases involved ongoing or previous domestic violence. While there was a relatively high rate of reporting of rapes in relationships, especially in the context of domestic violence, few victims in these cases felt able to continue to support the prosecution.

**Limitations:** The main limitation of this sample in relation to the comparative study is that it is drawn from a slightly later timeframe to other countries. There were also several areas where the police data for England were inconsistent, particularly the relationship and employment status of victims and suspects and previous offending by suspects.

**WoE:** High



**Source 8: Mayor of London Office for Policing and Crime (2019) *The London Rape Review: A review of cases from 2016*. London: MOPAC. See also PA2, PA3 and PA4**

**Source type:** Institutional report

**Aims:** To examine reported rape in London, with a specific focus on how key factors related to the victim/survivor, suspect and offence, as well as the subsequent investigation by the police, may affect different outcomes for victims/survivors and the progression of rape cases through the criminal justice system.

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data from:** 2016

**Sample details:** All crime records with an initial classification of rape of a female or male reported to the MPS included to maintain comparability with methodology of previous London rape reviews. Cases were excluded if: the initial classification was attempted rape; the classification later changed to a non-sexual violence offence; the case was transferred out of the MPS to another police force; or the record was identified as a duplicate of another (n = 501 cases)

**Summary:** A total of 501 allegations of rape in April 2016 were examined as part of this review. This research builds on previous reviews of rape in the MPS conducted between 2005 and 2012.

**Findings:** Victim-survivor withdrawal was the most common form of attrition in the sample of classified cases (58%), followed by no further action by police (29%). Victims-survivors who withdrew did so soon after reporting, and the majority within the police investigation stage (only 8 cases withdrew following CPS submission). Of those who withdrew, 18% did so within 30 days of reporting, 48% within 90 days, and 77% within 180 days. Victims-survivors' reasons for withdrawal were complex and often interrelated. There were typically multiple reasons given for withdrawal, the most common being: stress and trauma caused or exacerbated by the investigation, particularly because of having to talk in detail about the incident; a desire to move on from what had happened, often intensified by feeling surprised and overwhelmed by the process of official police investigation; concern for their own safety, or for the perpetrator's own situation, particularly in cases with a domestic abuse overlap where the victim's priority often was to put an end to the harmful behaviour, rather than a prosecution; the act of reporting in and of itself being enough, with reasons for reporting focusing on wanting to get the incident off their chest or seeing reporting as their civic duty (in terms of providing relevant information and intelligence); and not having wished to report the rape in the first place, particularly in cases where the report was made within the context of the Domestic Abuse, Stalking and Honour Based Violence (DASH). The strongest predictors of victim withdrawal were procedural characteristics. For example, withdrawal was 6x less likely in cases where the victim-survivor participated in a video-recorded Interview. Victim, suspect and offence characteristics were less important in predicting withdrawal. However, being male (3x less likely) and reporting the rape via DASH (3x more likely) were significant predictors.

**Limitations:** These were mainly linked to missing data. Data were limited to what was on police CRIS report, so for example CPS decisions were not captured consistently. There

was also missing data as CRIS is an investigation aid not a research tool, and it is not clear if the absence of data is simply because it was not recorded or because it was not a factor in the case. There may be some sampling bias with selection of months (which were selected to continue approach of previous reviews).

**WoE:** High

**Source 9: Ministry of Justice, Home Office and Office for National Statistics (2013) *An Overview of Sexual Offending in England and Wales*. London: Ministry of Justice, Home Office and Office for National Statistics. See also PA4**

**Source type:** Government report in house

**Aims:** To provide an overview of sexual offending in England and Wales, highlighting the victim experience, the police role in recording and detecting the crimes, how the various criminal justice agencies deal with an offender once identified and the criminal histories of sex offenders.

**Design and methods:** Quantitative analysis of data largely from published government statistical releases (CSEW, police recorded crime, Police National Computer, LIBRA and CREST data on trials and sentencing)

**Location:** England and Wales

**Data from:** 2005–11

**Sample details:** All sexual offences against females and males including rape, attempted rape and sexual assault, sexual activity with a minor and other sexual offences, excluding kerb crawling and letting premises as a brothel between 2005 and 2011. For police recorded crime data are 2005/06 to 2011/12, for CSEW data from 2009/10 to 2011/12)

**Summary:** This report brings together, for the first time, a range of official statistics from across the crime and criminal justice system, providing an overview of sexual offending in England and Wales. Most of the information presented in this report has been previously published in other official statistics bulletins. The report highlights: the victim experience; the police role in recording and detecting the crimes; how the various criminal justice agencies deal with an offender once identified; and the criminal histories of sex offenders.

**Findings:** Between 2008/09 and 2010/11, the Home Office collected data on a voluntary basis from police forces on the number of individuals who, having made or confirmed a complaint regarding a rape, subsequently retracted their allegations, declined to complete the initial process or chose to withdraw support for the investigation or prosecution. Data show that, for 21 police forces in 2008/09 and 2009/10, in around 8% of cases where a rape has been recorded, the victim decided not to complete the initial process or later decided to withdraw their support for the investigation or prosecution. Females were more likely to withdraw from the process (9%) than males (6%). Victims were more likely to withdraw from the process if they were an adult (10%) than victims who were children (under 13s – 4%; under 16s – 7%).

**Limitations:** There are few insights on the CPS stage. The limitations of matching police recorded crime and prosecutions data when they are in different units (i.e. offences and offenders) are also noted.

**WoE:** High

**Source 10: Rumney, P. McPhee, D, Fenton, R. and Williams, A. (2019) A police specialist rape investigation unit: a comparative analysis of performance and victim care. *Policing and Society*. DOI: 10.1080/10439463.2019.1566329. See also PA3 and PA4**

**Source type:** Peer-reviewed journal article

**Aims:** To examine: whether rape investigations performed by officers in a specialist unit have different trajectories through the criminal justice system in comparison to those conducted by non-specialist officers; whether specialist unit investigations provide different standards of victim support compared to the non-specialist response; and how the specialist and non-specialist response is experienced and perceived by police officers

**Design and methods:** Mixed method including flow study based on police case file analysis and interviews with police officers

**Location:** England, Bristol plus unnamed comparator area, specialist and non-specialist police rape investigation teams

**Data from:** Not stated

**Sample details:** All cases of rape and attempted rape of females and males aged 14+ years reported to police in 2 calendar years, exclusion of particular case types not evident in comparator area, (n = 306 cases; 211 specialist unit, 95 non-specialist), 9 specialist/non-specialist police officers interviewed, recruited by snowball method

**Summary:** This article examines the workings of a specialist rape investigation unit (Bluestone) and compares its performance with a non-specialist investigative approach. This is the first study to examine the work of a specialist rape investigation unit in this way. The research finds that the specialist unit outperformed the non-specialist investigative approach in many, though not all performance measures, including charging and 'reached court' rates in rape cases, retention of cases characterised by complex victim vulnerability, allocation of Sexual Assault Investigation Trained (SAIT) officers, rate of referral to an ISVA and accuracy of crime recording. Further, police officer interview data suggest that team working and support, communication and a sense of common purpose were distinctive features of the specialist unit, when contrasted to experience of working in a non-specialist policing environment. These findings have policy and resource implications for the policing of rape and the need to achieve the best possible investigative standards in sexual offence cases, including the provision of appropriate care and addressing the needs of highly vulnerable victims. The article concludes by arguing that there is a growing body of evidence to suggest that investigative specialism is a crucial element in the police response to rape.

**Findings:** In relation to victim care, the specialist unit outperformed the comparator in two key areas: the allocation of SAIT officers to cases and ISVA referrals. Analysis of the withdrawal data indicates that an ISVA referral was a statistically significant factor in reducing victim withdrawal in cases investigated by Bluestone ( $p < 0.05$ ) and ISVA referral rates were significantly higher in the specialist unit compared to non-specialist cases (72.9% vs. 42.1%,  $p < 0.01$ ). However, there were higher rates of victim withdrawal for the specialist cases, which may be due to the higher proportion of victims with 3 or more vulnerabilities, which are known to have higher rates of withdrawal.

**Limitations:** The authors note the difficulty of finding a like-for-like comparator area, so some differences in case types resulting from local characteristics led to a number of cases being excluded. The findings are dependent on the presence and quality of information in case files and recording practices. Only a small number of interviews were conducted so they cannot claim to be representative, and victim perspectives were not included.

**WoE:** High

## International sources

**Source 11: Jordan, J. and Mossman, E. (2019) Police Sexual Violence File Analysis Report: Women Rape and the Criminal Justice Process. Wellington: Institute of Criminology, Victoria University of Wellington. See also PA2, PA3 and PA4**

**Source type:** Academic research report

**Aims:** To identify factors associated with the progression of sexual violation cases through the police investigative process, within the contemporary New Zealand policing context.

**Design and methods:** This mixed methods study involved a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of 2015, drawn from five selected Police Districts, interviews with specialist sexual assault support agencies and family violence agencies, advocates working with sexual assault victims/survivors, forensic medical clinicians and senior police officers. The data collection involved systematic recording of key variables obtained from the search of police sexual violation files, such as demographics of the victim and perpetrator, victim-perpetrator relationship, situational factors (e.g. scene location, presence of alcohol, drugs), victim characteristics (e.g., previous complaints, disabilities), and evidential issues (e.g. DNA, injuries, witnesses). This was supplemented by national data and information supplied by NZ Police relevant to this research such as statistics and background information, as well as changes to policy, training, and procedures. The principal lens used was how well police investigations appeared to be conducted and identifying which factors were central to police decision-making.

**Location:** New Zealand, 5 Police Districts

**Data from:** 2015

**Sample details:** The five districts were selected on the basis that they replicated as closely as possible those included in the 1997 study. The researchers identified 257

sexual violation files over a six-month period that met the study criteria: female; adult; and with selected police-designated outcomes (no offence/false complaint (n = 20); warning (n = 2); reported offence, i.e. where a report is taken relating to an offence but no arrest or prosecution is proceeded with (n = 74); and resulting in arrest/prosecution (n = 14)). Of these, to keep the task manageable 110 files were reviewed.

**Summary:** This study involves a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of the calendar year of 2015, drawn from five selected Police Districts. The analysis was designed to replicate an earlier analysis of police rape files from 1997 (Jordan, 2004). File data were retrieved and reviewed in 2017. The three key questions guiding this research were: (i) What factors are associated with the progression of sexual violation cases through police investigation process? (ii) What factors are identifiable from police sexual violation files as influential in the decision to proceed, or not to proceed, to further investigation? (iii) How do these findings compare with those evident in the 1997 study of police sexual violation files?

**Findings:** The most significant factor associated with cases not progressing to further police investigation arose from victims withdrawing their allegation or deciding after initial police contact to make no formal complaint. In 49 (39%) of the 110 cases (or 51% of those not proceeding to prosecution), the victim withdrew or declined to make a complaint. This category included several scenarios including where the victim: had made no complaint (the report was made by a third party, and victim declined to proceed) (n=9); had made the initial complaint but had then withdrawn (actively or passively) prior to a formal interview being completed (n=33); and had completed a formal interview but subsequently retracted their statement (n=7). Nine cases of victim withdrawal arose in contexts where someone else other than the victim had reported the sexual violation to Police. A further 10 cases of withdrawal arose in contexts where the sexual violation had been disclosed to police in the context of other offending being reported, most typically family violence offences (n=7). The most common reasons why victims withdrew were because: of mental health issues/wanting to avoid extra stress (n = 14); reluctant/ambivalent victim (n = 13); has moved on, wants to forget (n= 12); fearful of perpetrator (n = 11); doesn't want anyone to know (n = 9); does not want to go to court (n = 9); wants relationship with perpetrator to continue (n = 6).

**Limitations:** The time period for the file analysis was three months of 2015, so there is possible sampling bias in that the nature of the files in this period could differ from the remaining 9 months. Findings from this analysis are based on a relatively small sample of 110 files and caution is required in generalising findings more widely. Findings cannot be generalised to Police Districts not included in the analysis, or to male victims or non-adult victims. The prevalence of some descriptive variables (i.e. factors potentially impacting on case progression) is sometimes less than 20, so percentages need to be interpreted with caution. Descriptive data in files relies on the accuracy of police recording.

**WoE:** High

**Source 12: Murphy, S., Edwards, K., Bennett, S., Bibeau, S. and Sichelstiel, J. (2014) Police Reporting Practices for Sexual Assault Cases in Which “The Victim Does Not Wish to Pursue Charges”.** *Journal of Interpersonal Violence*, 29(1): pp. 144–156.

**Source type:** Peer-reviewed journal article

**Aims:** To fill the gap in knowledge regarding police reporting practices about the frequency with which police record that the victim chose to drop the case and how police document this phenomenon.

**Design and methods:** This research formed part of a larger study in New Hampshire examining adult female sexual assault case attrition across the criminal justice system. In this article, the authors focus specifically on the first point of victim contact with the criminal justice system—the police—and how victims’ decisions to withdraw at this early stage of the process are documented. The research was a collaboration among university researchers and practitioners from law enforcement, advocacy, the sexual assault response team and the sexual assault nurse examiner programme. The 2 research questions were: (1) To what extent do police incident reports indicate that victims wish to drop their case? (2) What are the reasons documented in police incident reports for victims’ desire to drop their case? Content analysis was used to analyse the police case files, with coders highlighting the words and phrases that addressed the question under study so as to identify and categorise police perceptions of why victims choose to drop their cases of sexual assault. After initially coding all police perceptions, the coders examined all data within a particular code; some codes were combined, while others were divided into subcategories. These categories were then used to independently code the narrative section of each incident report.

**Location:** United States, New Hampshire

**Data from:** 2008

**Sample details:** 12 communities selected by population size and urban/rural mix were chosen for the sample. Police incident report data were collected from all adult (18 years or older) female sexual assault cases, in the sample communities, which met the criteria of a sexual assault as defined by the state’s criminal statutes. Only cases from 2008 were included to enable collection of the most recent data on completed/closed cases. Of the overall sample of 125 adult female sexual assault cases, there were 41 cases in which police specifically reported that victims chose to not pursue their case. In these 41 cases, the mean victim age was 32.37 (SD = 11.95), and the mean suspect age was 32.37 (SD = 14.21), 7.5% of victims and 16.7% of suspects were non-White. 17.1% of suspects had documented criminal histories. With regard to victim–suspect relationship, 56.1% were acquaintances, 35.0% were intimate partners, 4.9% were strangers, 2.4% were family, and 2.4% were undocumented in the incident report. With regard to assault and case characteristics, 7.5% of the victims sustained physical injuries, 53.7% reported within 24 hours of the assault, and 19.5% of victims had a medical/forensic examination.

**Summary:** Prior research examining sexual assault case attrition has focused on the processing of cases across the justice system. Studies have examined arrest decision making and prosecutorial decision making in an attempt to better understand where and when cases drop out of the system. Less explored are police reporting practices during the initial stage of processing for cases in which the officer stated that the victim chose to drop her case. This gap in the literature is addressed here by reviewing law enforcement

incident reports at their onset, specifically reports of cases in which the officer reported the victim chose to drop the case. Results indicated that of the 125 cases of sexual assault reported to the police, 41 reports (32.8%) stated that the victim decided to no longer pursue charges. However, few police reports (30.2%) provided a clear rationale for why the victim decided to no longer pursue charges. Results of this study call for more standardised police reporting practices and point to the need for future research into the initial stage of law enforcement involvement in adult sexual assault cases.

**Findings:** In one third of cases (n= 41 of 125, 32.8%), police reported that victims no longer wished to pursue the case. The incident reports contained a variety of terms such as “victim declines to prosecute,” “victim chooses to terminate the case,” “victim does not want to press charges,” “victim does not want to pursue,” “victim does not want to go forward,” and “victim unwilling to cooperate.” These terms were used interchangeably and the authors state that they would benefit from clarity and consistency to inform better communication between police and victims and clarify whether there is any potential for further investigation. Only 30% of the reports contained explicit statements about why the victim chose to not pursue, no reason was stated in 32% of the reports, and implicit reasons appeared in 37% of the cases. Implied reasons for dropping the case largely focused on lack of evidence and victim credibility and included victim’s failure to respond to the officers’ attempt to make contact with the victim, so victim refusal to answer questions or have a medical examination, victim credibility issues from the perspective of the officer, lack of evidence, the victim sought other formal help for the sexual assault, and, in two reports, witnesses refused to provide a statement. Explicit statements included victims’ reasons that were specifically associated with the justice process, physical and psychological reasons associated with the assault, health issues unrelated to the assault, and a number of reasons associated with the suspect such as victims’ fear, an ongoing divorce, and wanting to pursue other charges against the suspect.

**Limitations:** The findings were based on a sample of police departments in 12 communities in one northeastern state that is homogeneous in terms of race/ethnicity. The case files comprise police perceptions and the extent to which victims truly wished to drop the case, felt pressured to do so by police, or were inaccurately perceived by police as wishing to drop their case is unclear from these data. The file analysis was not accompanied by interviews of either law enforcement or victims that could have added greater detail and explanation. The study did not examine victim, perpetrator, or case characteristics in conjunction with police reporting practices, but did not explain why it did not.

**WoE:** High

**Source 13: St George, S. and Spohn, C. (2018) Liberating Discretion: The Effect of Rape Myth Factors on Prosecutors' Decisions to Charge Suspects in Penetrative and Non-Penetrative Sex Offenses. Justice Quarterly, 35(7): pp. 1280–1308. See also PA3**

**Source type:** Peer-reviewed journal

**Aims:** To investigate if extra-legal factors associated with rape myths influence prosecutors’ decision to file charges, and if this influence changes across variation in the certainty of conviction that is associated with offence severity.

**Design and methods:** This study is based on Spohn and Tellis' (2014) study of sexual assault case processing by police and prosecutors in Los Angeles. The authors collected quantitative data on a stratified random sample of sex crimes involving female victims 12 years or older that were reported to the Los Angeles Police Department and the Los Angeles County Sheriff's Department in 2008. From the completed case files—which included the victim's initial report, follow-up reports provided by the detective in the case, and the prosecutor's reasons for dismissing the charges—they were able to glean detailed information on victims, suspects, witnesses, evidentiary factors, and other circumstances of the incidents. The authors undertook bivariate and multivariate analyses. The dependent variable is a dichotomous measure of the prosecutor's decision to file charges (charged or rejected). The main independent variables are three scales of the number of (1) risky behaviours the victim engaged in, (2) victim credibility issues, and (3) real rape characteristics in the incident. Seven factors related to the real rape stereotype, including whether the suspect was a stranger and whether the victim reported promptly and resisted verbally or physically, were summed to form the real rape score (mean 3.10). Two tailed t-tests were used to investigate the bivariate relationships between the three primary independent variables—risky behaviour, victim credibility, and real rape factors—and the dependent variable, charged. They also created an evidence score to determine if the case is strong. Evidence is measured as the sum of 15 forms of evidence including witnesses, genital injuries, and six types of physical evidence. A similar score summing seven aggravating factors related to the presence and severity of injuries, number of suspects and crimes reported, and whether or not a weapon was used. Analyses also controlled for whether or not the victim cooperated.

**Location:** United States, Los Angeles

**Data from:** 2008

**Sample details:** The study includes all cases of rape, attempted rape, and sexual battery that were referred to the prosecutor for charging (N = 517). Several exclusions were made, including 4 statutory offences, 19 cases in which penetration was unknown, 18 cases where there was missing information on the victim's age and/or the suspect's race, which resulted in a final sample size of 476 cases. Of these, 327 (68.7%) involved penetration, and 180 (37.8%) resulted in charges being filed. About half of the victims in these cases were Hispanic, while 18% involved black victims and 33% involved white, Asian, or other race victims. Almost 52% of cases involved Hispanic suspects, 24% black and almost a quarter white, Asian or other race suspects.

**Summary:** In sexual assault cases, prosecutorial charging decisions may be influenced by legal factors like offence seriousness, convictability and extra-legal rape myths. Data on sexual assaults in Los Angeles are used to test for the effects of victim behaviour, victim credibility, and "real rape" stereotypes on the decision to file charges. The 'liberation hypothesis' (the idea that extra-legal factors, like rape myths, are more likely to influence case processing decisions when there is a lack of strong evidence or aggravating factors) is also tested by examining whether rape myths influence the charge decision more in less serious non-penetrative cases than in penetrative cases. Results show that victim credibility and behaviour, but not consistency with real rape stereotypes, affect charging decisions, even after controlling for legally relevant factors, and they influence prosecutors' charging decisions equally in penetrative and non-penetrative cases. Rape myths also influence the charging decision indirectly via victim cooperation. The authors conclude that



rape myths are incorporated into the criminal justice system's definition of and response to sexual violence, so cannot be addressed by changing case screening policies.

**Findings:** The unwillingness of victims to cooperate emerged as one of the strongest predictors of the prosecutor's decision to file charges, indicating that it is a primary source of case attrition. Even cases of sexual assault that have sufficient evidence to indicate a high likelihood of conviction are being rejected by prosecutors because victims refuse to cooperate. Further investigation into the relationships between victim cooperation and the rape myth factors indicated that only experiencing an assault consistent with the real rape stereotype affected this decision, with victims most likely to cooperate when they experienced more stereotypical assaults. This finding suggests that victims who experience stereotypical "real" rapes are disproportionately more likely to cooperate with the prosecution. The effect of victim credibility issues on the victim's willingness to cooperate was mediated by evidence strength and whether the offence included penetration. More evidence may decrease the importance of victim credibility in police officers' assessment of sexual assault allegations as genuine or false. If police officers treat victims more negatively when they have credibility issues, or when they report weak cases and cases that deviate from real rape stereotypes, then victims may decide to cease cooperating. Therefore, in addition to the direct effects on prosecutor's decision to file charges, rape myths may influence this decision indirectly, through their effect on police officer behaviours and decisions, and officer-victim interactions that influence victims' willingness to cooperate.

**Limitations:** As cases in only one jurisdiction were examined, the results may not be generalisable to other jurisdictions, especially those operating under a different case screening standard. Additionally, combining White, Asian, and Other race victims and suspects into aggregated groups may have masked variation in how sexual assault cases involving victims and suspects of these races are assessed by prosecutors.

**WoE:** Medium

## Priority area 2: Drivers of variation in 'referral to charge (RTC)' volumes by Police Force Areas (PFA) and Crown Prosecution Service (CPS) region for rape and rape-flagged cases

**Source 1: Crown Prosecution Service (2019) *Violence against women and girls report 2018–19*, [online] <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2019.pdf>. See also PA3 and PA4**

**Source type:** Institutional report

**Aims:** The report aims to be transparent about the data the CPS holds and to enable stakeholders to hold them to account.

**Design and methods:** Statistical analysis of data from the CPS Case Management System, CPS Witness Management System and its associated Management Information System

**Location:** England and Wales

**Data from:** 2018–19

**Sample details:** All rape cases dealt with by CPS in 2018–19 (in addition to other forms of VAWG)

**Summary:** The CPS Violence against Women and Girls (VAWG) report for 2018–19 is an analysis of the key prosecution performance issues in each VAWG strand – domestic abuse, stalking, harassment, rape, sexual offences, forced marriage, so-called ‘honour-based’ abuse, female genital mutilation, child abuse, human trafficking for sexual exploitation, prostitution and pornography. Each section of the report provides key data, commentary and case studies, as well as an outline of CPS activity over the past year and the steps the CPS plans to take in the coming year to continuously improve. The data section of the report provides further detailed data by each VAWG strand.

**Findings:** The report identifies a reduction in the number of referrals from the police to the CPS from 4,370 in 2017–18 to 3,375 in 2018–19 – a decrease of 22.8%. The report links these trends to a number of possible factors: an increase in the volume of digital data which takes time to investigate, and so may result in cases taking longer to reach the CPS; an increase in the number of consultations between the police and prosecutors pre-charge, with action plans put in place to set out what further work is needed for a charging decision to be made, which can result in charging decisions taking longer; and an increase in the number and proportion of cases where the police have not responded to either early investigative advice or requests for more information (administratively finalised). The proportion of administratively finalised (cases where the police do not respond to CPS requests for additional evidence or reasonable lines of enquiry within three months) increased from 21.7% to 28.6% – an increase of 6.9%. The average number of consultations per case increased from 1.98 in 2017–18 to 2.47 in 2018–19.

**Limitations:** The data used is held within three separate databases, based on defendants, offences and complainants or witnesses, and data cannot be correlated between the separate databases.

**WoE:** Medium

**Source 2:** Barrett, E. and Hamilton-Giachritsis, C. (2013) *The Victim as a Means to an End: Detective Decision Making in a Simulated Investigation of Attempted Rape. Journal of Investigative Psychology & Offender Profiling*, 10(2): pp. 200–218.

**Source type:** Peer-reviewed journal article

**Aims:** To explore how a detective’s perception of a victim influences decision making during the investigation of sexual assault

**Design and methods:** This was an exploratory study featuring simulation, whereby participants are asked to react to a series of stimuli as if dealing with them in real life. The exercise involved a report of attempted rape and was based on a real case that had been developed for use as a police training exercise in a different force area. Participating officers were interviewed individually on police force premises. Each was asked to imagine

he or she was the Senior Investigating Officer (SIO) in charge of investigating a report of attempted rape and was asked to read material from the investigation presented in sets of one, two or three documents. Officers took as much time as needed to read and digest the reports and then answered the interviewer's questions: (a) What are your thoughts at this point? (b) What do you think has happened? (c) What are your thoughts about the offender, if any? (d) What would your actions be, as SIO? Interview transcripts were analysed using a general inductive approach, facilitated by the qualitative data analysis software NVivo.

**Location:** England, South

**Data from:** Not stated

**Sample details:** Volunteers from the pool of detectives in the Criminal Investigation Department in a medium-sized police force in the South of England were sought via email from a senior officer in charge of criminal investigations. 22 participants, 20 of whom were male, ranged in age from 28.9 to 49.2 years ( $M = 41.7$ ,  $SD = 6.7$ ). Six were Inspectors, nine were Sergeants and seven were Constables. On average they had 20.9 years police experience ( $SD = 8.1$ , range 8.2 to 33.0) and varying levels of experience of investigating serious crimes ( $M = 13$  years detective experience,  $SD = 7$  years), including sexual assaults.

**Summary:** Police decision making in rape cases is poorly understood, despite high levels of attrition for rape and sexual assault cases, with up to 75% lost at the investigation stage. A qualitative analysis was undertaken of the comments of 22 British detectives as they conducted a 'virtual investigation' of an allegation of attempted rape of an adult woman. Material was 'drip fed' to detectives in a simulation exercise, and officers were asked to express their thoughts as they processed each document in the 'investigation' to evaluate detective decision making. It was anticipated that this method would shed light both on the dynamic nature of detectives' thinking during an investigation and on variations in perception of the same material by different officers. It was found that the alleged rape victim was perceived primarily as a source of information to progress enquiries, with her welfare needs taking second place. Although some police officers revealed sceptical attitudes to rape allegations, the investigative approach that all took was professional and pragmatic, 'investigating' the report as true and focusing on corroborating the victim's account. The balance between the needs of the victim and the needs of the investigation is discussed, with implications for rape survivor support.

**Findings:** Two key themes were found: the victim as a source of information and the role of the police in victim welfare. These officers viewed the victim primarily as a source of information, and although most showed some awareness of victim welfare, for many this concern was (at least in part) in the context of their attempts to secure information from the victim. Many felt that victim welfare was something that should be undertaken by another person or agency. Implicit in their comments, and made explicit by some officers, was the concept of a 'balancing act' between the needs of the victim and the needs of the investigation, but notably the victim was referred to less and less as the 'investigation' proceeded. A priority for officers was seen as establishing that the allegation was credible. Officers' approach to this 'investigation' can best be characterised as pragmatic and professional. However, approximately one in five at some point expressed sceptical attitudes about sexual assault reports and of particular concern were comments about the scale of false allegations. Several officers referred to unfounded allegations of rape being

a regular event, with one officer, for instance, suggesting that ‘the majority’ of rapes he had dealt with being ‘very grey’ and ‘a large number’ having not happened. Variation did not appear to be related to rank, age, years of experience or gender.

**Limitations:** It is impossible to replicate the complexity and scope of a real investigation, so potentially important factors, such as input from colleagues, time pressures and victim response, are neglected. Also, what participants say they would do is not necessarily what they would actually do in a real investigation.

**WoE:** Medium

**Source 3: Ellison, L., Munro, V., Hohl, K. and Wallang, P. (2015) Challenging criminal justice? Psychosocial disability and rape victimization. *Criminology & Criminal Justice*, 15(2): pp. 225–244. See also PA1 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To explore some of the challenges posed to the criminal justice system by rape complainants with psychosocial disabilities, focusing particularly on the context of rape allegations, where critics suggest that a number of the barriers in relation to disclosure and credibility are faced by those with mental health concerns.

**Design and methods:** Quantitative analysis of pre-existing dataset (see Hoh & Stanko, 2015)

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2012

**Sample details:** All allegations of rape made to the force in the period, excluding males and those where sex of victim not recorded (n = 587)

**Summary:** This article draws upon rape allegation data collected by the Metropolitan Police Service in April and May 2012, to explore some of the challenges that are posed to the criminal justice system by rape complainants with what the authors term PSD. PSD is used here to cover a broader spectrum of conditions, including within a social rather than a medical model of the conditions and experiences labelled as ‘mental illness’, recognising that internal and external factors in a person’s life situation can affect their need for support. It refers to those who have experience of mental health issues and/or who identify as mental health service users, but is distinct from intellectual disability. Although the insights that can be generated from these data are limited, they provide a valuable snapshot into contemporary patterns of rape victimisation and attrition in England and Wales. The article also highlights the need for more sustained critical research and reflection on the treatment of complainants, and the adequacy of police and prosecutor training and practice in this area.

**Findings:** Rape allegations involving complainants with recorded PSD are significantly and substantially more likely to suffer from attrition. Unlike other research, the significantly higher rate of attrition at all stages in the MPS data was not attributable to complainants with recorded PSD withdrawing from the process any more frequently than other

complainants. It follows, therefore, that the higher attrition must be due to a police or CPS decision to drop the case. Complainants with recorded PSD are significantly more likely than those without recorded PSD to experience additional, circumstantial vulnerabilities, that their credibility is explicitly doubted by police officers in the majority of cases and that police officers are significantly more likely to judge such complainants to be uncooperative and difficult to contact. In this context, it is perhaps unsurprising that complainants with a recorded PSD in the present study were nearly three times (2.92) more likely to have their case no-crimed than victims without recorded PSD. This may suggest that police and prosecutors are being inappropriately influenced by stereotypes and prejudices about mental illness, and misconceptions regarding the impact of PSD on victim perception, credibility and reliability, or being pushed towards dropping cases out of a concern about complainant welfare.

**Limitations:** The key variable of interest is an indicator of either the complainant having disclosed to the police what the police consider to be a PSD, the police obtaining evidence of a victim PSD or the police recording the impression that the complainant has a mental health issue. This may be both under-inclusive in that not all complainants with a PSD will disclose or display symptoms to the police and over-inclusive in that it may include complainants without a PSD whom the police nonetheless perceive to have a 'mental health problem'. These discrepancies need to be kept in mind when interpreting the findings and, to the extent that having a PSD may not impact on the attrition process in the same way as being recorded as having a PSD, the analysis requires an additional measure of caution. Also, since the original data collection did not focus specifically on PSD, the dataset made available to the authors does not provide detail on the nature and severity of the PSD, and does not specify whether the PSD is past or ongoing.

**WoE:** Medium

**Source 4: Hester, M. and Lilley, S. (2017) Rape investigation and attrition in acquaintance, domestic violence and historical rape cases. *Journal of Investigative Psychology and Offender Profiling*, 14(2): pp. 175–188. See also PA1, PA2 and PA4**

**Source type:** Peer-reviewed journal article

**Aims:** To look at the attrition trajectories of rape cases involving acquaintance rape, rape in the context of domestic violence by intimate (ex)partners, and in the context of historical child sexual abuse

**Design and methods:** Mixed methods: flow study based on case file analysis of closed cases and tracking to outcome, alongside interviews with victim-survivors and CJS professionals. In two of the police force areas, supervised access was provided to the police database, and cases were examined from when they were recorded on the initial police log, through crime reports and information on outcomes held on the police national computer. In the third area, police summaries of cases were made available. In all three areas, only closed cases were included.

**Location:** England, 3 unnamed force areas

**Data from:** May and November 2010, interviews conducted in 2015

**Sample details:** 87 female and male rape cases reported to three police force areas during May and November 2010, only closed cases and those pending at the outset but closed during the research period were included. Convenience samples of victim-survivors and professionals

**Summary:** This paper looks at the progression of rape cases through the criminal justice system, from report to court, exploring the different attrition trajectories for cases that can be characterised as involving acquaintance, intimate domestic violence, and historical child sexual abuse contexts. Using police data from three police forces in England covering 87 cases, interviews relating to 15 victim/survivors and interviews with criminal justice professional, the paper explores investigative processes and victim engagement across rape cases and their different trajectories through the criminal justice system. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, such as relationship between victim and offender, vulnerability of victim, and evidential issues, were all seen to play some part in the attrition and trajectories of the cases discussed here, but were relevant to different degrees depending on whether the cases involved acquaintance, intimate domestic violence, or historical child sexual abuse. If we are to more effectively deal with the 'justice gap' that exists in rape cases, an important aspect is to understand the differences between these groups of cases and the particular circumstance and needs of the victims in these different contexts.

**Findings:** The sample was broken into 3 main groups: acquaintance rapes (37%), intimate partner rapes in context of domestic violence (31%), historical child sexual abuse (30%). These different types of rape cases tend to have different attrition trajectories, so there is a need to understand how these different types of cases progress and the particular circumstances and needs of the victims and contexts of the rapes that they involve. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, in particular relationship between victim and offender, vulnerability of victim, and evidential issues were all seen to play some part in the attrition and trajectories of the cases discussed here, but are relevant to different degrees depending on which relationship type was concerned. There were most arrests in domestic violence cases (36%), while historical cases were significantly less likely to result in arrest (29%,  $p = .05$ ). Forty-five cases resulted in arrest (51%), although only about half of these were referred to the CPS for charging decisions (26%). Mental health problems were notable in historical cases, but individuals recorded by the police as having mental health problems tended not to have their cases progressed to charge, although the police conferred with the CPS in some instances.

**Limitations:** The sample was not large compared to other flow studies and the quality of the police data did not allow further items to be analysed using regression. There was also an over-representation of historical cases in the interview sample, which had higher conviction rate, meaning most went on to court and conviction.

**WoE:** High

**Source 5: Hine, B. and Murphy, A. (2019) The influence of 'High' vs. 'Low' rape myth acceptance on police officers' judgements of victim and perpetrator responsibility, and rape authenticity. *Journal of Criminal Justice*, 60: pp. 100–107.**

**Source type:** Peer-reviewed journal article

**Aims:** To assess the relationship between police officers' rape myth acceptance and their judgements of victim and perpetrator responsibility, as well as rape authenticity, in a large UK sample. This study represents a follow-up analysis to two previous studies assessing the attitudes and judgements of officers separately (Murphy & Hine, 2018, and Hine & Murphy, 2017 respectively). Specifically, this study assesses whether officers' judgements varied based on 'high' versus 'low' levels of rape myth acceptance, across hypothetical rape vignettes which varied on three specific rape myth-related factors: victim-perpetrator relationship, victim reputation, and initial point of resistance.

**Design and methods:** Vignette study with between-subjects design with four factors: victim-perpetrator relationship (with four levels: stranger, acquaintance, partner or ex-partner); victim reputation (with two levels: 'good' versus 'bad'); initial point of resistance; and level of rape myth acceptance using the Acceptance of Modern Myths About Sexual Aggression (AMMSA) scale (with two levels: 'high' versus 'low'). 5 follow-up questions assessed victim responsibility, perpetrator responsibility and authenticity of rape.

**Location:** England, London, Metropolitan Police Service

**Data from:** Not stated

**Sample details:** All police and community support officers (c.33,600) in MPS were invited, 2.4% (n = 808) participated in full. Sample profile (min = 19 yrs., max=63 yrs., M=38.12 yrs., SD=9.52, 513 men, with wide range of experience and ranks) largely representative of both the MPS and the general police population nationwide.

**Summary:** Previous studies suggest that officers' level of rape myth acceptance (RMA) is predictive of their case decision making and judgements towards victim-survivors. However, few studies have directly assessed the relationship between RMA and responsibility and authenticity judgments. In this study, 808 UK police officers categorised as 'high' or 'low' in rape myth acceptance made judgements of victim and perpetrator responsibility, and case authenticity, towards one of 16 vignettes depicting a hypothetical rape scenario varying on victim-perpetrator relationship, victim reputation, and initial point of resistance.

**Findings:** Officers 'high' in RMA allocate higher victim responsibility, lower perpetrator responsibility and give lower rape authenticity ratings than those 'low' in RMA. Further, officers 'high' in RMA gave particularly negative judgements in scenarios where rape myth related information was present, either in isolation, or in combination. For example, officers with 'high' rape myth acceptance judged partner scenarios to be significantly less authentic than stranger, acquaintance, and ex-partner scenarios. Results therefore suggest that there is a direct relationship between the attitudes and judgements of officers in the UK, and that those 'high' in RMA may judge victims differently when rape myth-related information is present. The potential implications for training and selection are discussed.

**Limitations:** Participants were officers from the Metropolitan Police Service – only 1 of the UK's 43 forces – and only 2.4% of the total force. This limits the generalisability of results, although demographic characteristics of this sample are said to be congruent with MPS overall, and forces nationwide. Scenarios in this study contained varying information relating to only three rape myths, and it could be argued that other important myths are worthy of study in this population, although were specifically chosen due to their important extra-legal influence on rape cases, as evidenced by previous research. Results from this study do not assess judgements towards real-life cases or victim-survivors, nor do they illuminate patterns of officer behaviour or case processing, so arguments made here regarding the relationship between officers' attitudes and their actions are in part theoretical. Whilst officer sex was included as a covariate in this study, officer rank and years of service were not available for inclusion within the statistical models. 'High' versus 'low' rape myth acceptance groups designated via median split, with relatively low cut-off point for 'high' group, so should be treated with caution.

**WoE:** Medium

**Source 6: HM Crown Prosecution Service Inspectorate (2016) *Thematic Review of the CPS Rape and Serious Sexual Offences Units*. London: HMCPSI. See also PA3 and PA4**

**Source type:** Institutional report

**Aims:** The purpose of this review was to examine and compare the structure of the units designated in each Crown Prosecution Service (CPS) Area to handle rape and serious sexual offence (RASSO) casework and assess the quality of the casework delivered.

**Design and methods:** The inspection team visited six CPS Areas and interviewed operational staff and leads within the CPS, as well as leads within police forces, counsel and members of the judiciary. In addition, inspectors visited a further Area to observe the co-located model and received information from the RASSO unit heads in the remaining Areas not visited during fieldwork, as well as representatives of the third sector. Fifteen files from each of the fieldwork Areas were reviewed against agreed criteria.

**Location:** England and Wales, all RASSO units

**Data from:** April–September 2014

**Sample details:** 90 cases finalised during April to September 2014

**Summary:** The focus of this inspection was to review the current arrangements for handling RASSO casework and the ability of the current CPS RASSO units to deliver fair and successful outcomes in the most efficient and effective way. The report describes the quality of casework and examines and compares the structure of the designated units in each CPS Area to handle RASSO casework

**Findings:** Finds that the volume of rape referrals during 2014–15 has risen by 5.3% from the previous year, an increase of 309 referrals.



**Limitations:** The findings are based on a relatively small number of files in selected CPS areas due to the volume of material contained and the resource implications of reviewing them.

**WoE:** High

**Source 7: Hohl, K. and Conway, M. (2017) Memory as evidence: How normal features of victim memory lead to the attrition of rape complaints. *Criminology & Criminal Justice*, 17(3): pp. 248–265. See also PA1 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To provide a review of the literature on human memory and criminal justice conceptions of memory evidence; to develop a conceptual model of the pathways through which typical features of victim memory, such as inconsistencies in the victim account, lead to attrition; and to test the model using a large, representative sample of rape complaints made to the London Metropolitan Police Service (MPS).

**Design and methods:** Secondary analysis of existing dataset (see Hohl & Stanko, 2015), development of conceptual model and testing through statistical analysis

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2012

**Sample details:** All female and male rape complaints reported in the period (n = 679)

**Summary:** The complainants' memory of the rape is commonly the key and frequently the only evidence in the investigation and prosecution of rape allegations. Details, specificity and consistency in the victim's recollection are central criteria that criminal justice agents – police, prosecutors and juries – use to assess the credibility of the victim account. However, memory research has shown these to be poor indicators of the accuracy of a memory. In this article we develop a conceptual model of the pathways through which normal features of the human memory result in complaints of rape dropping out of criminal justice process without a full investigation, prosecution or conviction, with a particular focus on the role of inconsistencies in the victim account. The study provides initial, tentative evidence from a large, representative sample of rape complaints and discuss implications for criminal justice policy. The results provide evidence in support of the hypothesis that inconsistencies in the victim account increase the odds of attrition.

**Findings:** While inconsistencies, lack of detail, errors and omissions in the victim account undermine its credibility in the eyes of legal agents and put the complaint at risk of attrition, the modern view of human memory considers all of these typical features of a normal memory. Findings provide tentative, initial empirical support for an association between police case files explicitly noting the presence of inconsistencies in the victim account and significantly higher attrition through police officer and prosecutor decisions to discontinue the case. Police officers explicitly noted inconsistencies in the victim account in 11% of cases; a lower percentage than one might expect. When inconsistencies are noted in the case file, attrition is particularly evident in relation to no criming, with the odds of the case being no-crimed increasing from 2.5 if the victim is not intoxicated to 13.9 if the victim had

consumed alcohol prior to the attack. There are also notable effects on referral to CPS – only half as many cases with inconsistencies are referred to the CPS for charge (10%, compared to 19% without inconsistencies noted).

**Limitations:** This initial empirical study only tested the association between inconsistencies in the victim account and attrition, leaving much of the conceptual pathway model untested. Additional elements, such as qualitative analysis of interviewing technique and follow-up interviews with the victim, or interviews or surveys of police officers, prosecutors, would be required to better understand the nature and origins of inconsistencies in the victim account. Inconsistencies in the victim account are an imperfect measure of victim memory. The dataset does not allow distinguishing between inconsistencies that result from memory errors of omission and commission and those resulting from deliberate omissions and inaccuracies. Poor rapport between the interviewing officer and the complainant, a lack of trust in the police or courts, feelings of guilt or shame and fear of negative consequences may lead a complainant to feel unable or unwilling to give a full and accurate account. Furthermore, inconsistencies may originate from poor interviewing technique rather than memory errors.

**WoE:** Medium

**Source 8: Hohl, K. and Stanko, E. (2015) Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. *European Journal of Criminology*, 12(3): pp. 324–341. See also PA1 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To provide an updated picture of factors associated with the attrition of rape complaints in England and Wales

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data collection from:** April–May 2012

**Sample details:** Sub-sample excluding male victims and those where victim sex not recorded (n = 587) drawn from original sample of all rape allegations reported to the MPS April–May 2012 (n = 679)

**Summary:** This article presents unique evidence on the factors that influence the attrition of rape allegations in the English criminal justice system. The study is based on a large, representative sample of rape allegations reported to the London Metropolitan Police, the UK's biggest police force. The dataset contains unprecedented detail on the incident, the victim, the suspect and the police investigation. The results lend support to the influence of some rape myths and stereotypes on attrition. These findings suggest that further central factors include the ethnicity of the suspect as well as what police officers and prosecutors perceive as evidence against the truthfulness of the allegation: police records noting a previous false allegation by the victim, inconsistencies in the victim's account of the alleged rape, and evidence or police opinion casting doubt on the allegation.

**Findings:** A police decision to take no further action rather than to refer the case to the CPS for prosecution accounts for 67% of attrition in non-withdrawn cases and is the biggest attrition point on the criminal justice agent decision pathway to attrition. The availability of evidence and incident characteristics that lend the allegation credibility, alongside a suspect who is a 'credible criminal' and a complainant who is a 'credible victim', are key. Independent evidence is the most important factor: availability of evidence casting doubt on the victim's account multiplies the odds of a 'no further action' decision by 10. Conversely, evidence supporting the victim's account reduces the odds of attrition at this stage by 72% (however, not statistically significant). Inconsistencies in the victim's account increase the odds of a police 'no further action' decision by 295%. The odds of attrition at this stage are halved if the victim physically resisted the assault, but increase by 470% if the victim delayed reporting of the rape. A suspect who is a credible criminal further helps the case: a prior police record reduces the odds of attrition by 70%, regardless of the type of the offence. Who the victim is matters, too. All complaints by a victim with a previous false allegation that have not been no-crimes resulted in police 'no further action' in the sample; history of consensual sex (2.2), victim mental health problems (1.5) and voluntary alcohol consumption prior to the assault (2.1) all significantly increase the odds of attrition through a 'no further action' decision. Victim support in the form of Haven attendance and a video-recorded statement each decreases the odd by nearly 60 percent. Child sex abuse cases – victims under 13 – are nearly 4 times less likely to suffer attrition at this stage.

**Limitations:** Data only related to a two-month period, which could have been subject to particular trends

**WoE:** High

**Source 9:** Lilley Walker, S., Hester, M., McPhee, D. and Patsos, D. (2019) Rape, inequality and the criminal justice response in England: The importance of age and gender. *Criminology & Criminal Justice*, pp.1–19. DOI: 10.1177/1748895819863095. See also PA1, PA3 and PA4

**Source type:** Peer-reviewed journal article

**Aims:** To examine the way in which the intersection of gender and age impacts upon case trajectories and outcomes

**Design and methods:** Flow study combining data gathered in 2 studies through police case file analysis

**Location:** England, 2 police force areas in South West and North East

**Data from:** 2010–2014

**Sample details:** 14+ years, female and male, incidents involving victims-survivors aged 14 years and over at the time of report and concluded cases only, 585 reported rape cases

**Summary:** This article draws upon quantitative and content analysis of 585 reports of rape recorded within two police force areas in England in 2010 and in 2014 tracking individual

incidents to eventual outcome to examine the impact, if any, of intersecting inequalities on trajectories of rape cases reported to police. The data were collected as part of a wider ESRC-funded Justice, Inequality and Gender-Based Violence research project which examined victim-survivor experiences and perspectives on justice. Building on existing distinctions between types of rape case based on the relationship between victim-survivor and accused, the results suggest age and gender are significant factors in how sexual violence, and the criminal justice system, is experienced. While younger women and girls were disproportionately affected by certain types of sexual violence case and more likely to come into contact with the criminal justice system compared to men and older women, they were not necessarily more likely to achieve a conviction. The findings also confirm that some of the most vulnerable victims-survivors of sexual violence, especially those with poor mental health, are still not achieving criminal justice. Victims-survivors from Black and minority ethnic groups or lesbian, gay, bisexual, transgender, transsexual, queer groups are underrepresented within the criminal justice system, implying these groups are not seeking a criminal justice response in the same way as 'white' heterosexual victims-survivors.

**Findings:** In over a quarter of all incidents reported (26%), the complainant was recorded as having mental health issues (MHI) ranging from anxiety, depression and post-traumatic stress disorder (PTSD) to self-harm, eating disorders, borderline personality disorder, schizophrenia and dementia. Most of these were women (90%) and younger (62%). Incidents involving victims-survivors with MHI were significantly less likely than those without to be deemed a crime (83%,  $p < .01$ ). Cases where victim-survivors had MHI were more likely to result in no further action (NFA, 59%) compared to those without (56%). Exploring attrition pathways, 33% of all cases not considered a crime by police involved victims-survivors with MHI. One possible reason may be that police find some victims-survivors with MHI difficult to understand or confused and their stories are seen as inconsistent. Cases receiving specialist support e.g. Rape Crisis/ISVA were significantly more likely to be deemed a crime ( $p < .01$ ) and 42% less likely to result in NFA ( $p < .05$ ).

**Limitations:** The nature and severity of the MHI was not recorded consistently within, and across, the police data systems, and it is possible that the data are under-inclusive as not all complainants with an MHI will disclose symptoms to police. It is unclear from the data if the MHI was disclosed by the victim-survivor or observed by police.

**WoE:** High

**Source 10:** Lovett J. and Kelly, L. (2009) *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries*. London: Child and Woman Abuse Studies Unit. See also PA1, PA3 and PA4

**Source type:** Academic research report

**Aims:** To analyse the similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures

**Design and methods:** Mixed methods, including flow study based on case file analysis, interviews with key informants, creation of timeline and map of the legal process in each country in the study

**Location:** England, unnamed metropolitan area

**Data from:** 2005

**Sample details:** 100 cases from England & Wales (899 across the whole study)

**Summary:** In virtually all countries where major studies have been published, substantial increases in reporting have not been matched by rises in prosecutions, resulting in a falling conviction rate. This study built on two previous Daphne projects to examine similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures. The research design combined two strands: the first updated time series national level data on reporting, prosecution and conviction for 33 European countries for the years 2001–2007; the second involved quantitative content analysis of 100 case files in Austria, Belgium, England & Wales, France, Germany, Greece, Hungary, Ireland, Portugal, Scotland and Sweden. This was supplemented by: interviews with key informants; mapping the legal process/procedure; and creating a timeline to document social and legal responses to sexual violence, with project partners responsible for the collection and collation of data from their respective countries.

**Findings:** Findings revealed that England & Wales have the highest volume of reports in Europe, but only the fourth highest reporting rate. Police discontinued in 16% of cases. Decisions tended to focus on the genuineness of complaints (7% of allegations were designated false) and evidential issues, including failure to identify/locate the suspect (6%), and concerns that the allegation did not amount to a sexual assault (3%).

**Limitations:** The main limitation of this sample in relation to the comparative study is that it is drawn from a slightly later timeframe to other countries. There were also several areas where the police data for England were inconsistent, particularly the relationship and employment status of victims and suspects and previous offending by suspects.

**WoE:** High

**Source 11: Mayor of London Office for Policing and Crime (2019) *The London Rape Review: A review of cases from 2016*. London: MOPAC. See also PA1, PA3 and PA4**

**Source type:** Institutional report

**Aims:** To examine reported rape in London, with a specific focus on how key factors related to the victim/survivor, suspect and offence, as well as the subsequent investigation by the police, may affect different outcomes for victims/survivors and the progression of rape cases through the criminal justice system.

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data from:** 2016

**Sample details:** All crime records with an initial classification of rape of a female or male reported to the MPS included to maintain comparability with methodology of previous London rape reviews. Cases were excluded if: the initial classification was attempted rape;

the classification later changed to a non-sexual violence offence; the case was transferred out of the MPS to another police force; or the record was identified as a duplicate of another (n = 501 cases)

**Summary:** A total of 501 allegations of rape in April 2016 were examined as part of this review. This research builds on previous reviews of rape in the MPS conducted between 2005 and 2012.

**Findings:** No further action by police (29%) was the second most common form of attrition in the sample. The case was submitted to the CPS in 14% of cases. Procedural characteristics – particularly those related to evidence – were the most important predictors of police NFA. If other evidence cast doubt on the case, police NFA was 7 times more likely and if there were no forensic opportunities police NFA was 5 times more likely. Cases where the victims/survivors were under 18 years old were significantly less likely to end in police NFA. Victim/survivor mental health was a significant predictor of police NFA on its own; however, this relationship could be explained by victim/survivor inconsistency in testimony. On average, case progression took over 18 months from the date of reporting to trial outcome. The average length of time between a rape being reported and the police making the decision to take no further action was 213 days (range 0 to 795 days). The average time from reporting to CPS submission was 345 days (range 1 to 972 days), indicating that cases submitted to the CPS take over 100 more days, on average, of police investigative time before being ready for submission.

**Limitations:** These were mainly linked to missing data. Data were limited to what was on police CRIS report, so for example CPS decisions were not captured consistently. There was also missing data as CRIS is an investigation aid not a research tool, and it is not clear if the absence of data is simply because it was not recorded or because it was not a factor in the case. There may be some sampling bias with selection of months (which were selected to continue approach of previous reviews).

**WoE:** High

**Source 12: Sleath, E. and Bull, R. (2017) Police perceptions of rape victims and the impact on case decision making: A systematic review. *Aggression and Violent Behavior*. 34: pp. 102–112.**

**Source type:** Peer-reviewed journal article

**Aims:** To synthesise the research that has examined police officers' attitudes about rape victims to (i) establish whether there is evidence that police officers hold more negative attitudes about rape victims than other populations, focussing on attributions of blame and credibility and rape myth acceptance; and (ii) determine how such attitudes have an impact on police decision making.

**Design and methods:** Systematic review, sources located using keyword searches of key bibliographic databases, follow-up searches using other search engines, hand searching of reference lists and forward citation tracking.

**Location:** International English-speaking literature

## Data from: 2006–16

**Sample details:** Limited to English-language speaking from 2000–16. Inclusion criteria: the study must examine and include (i) a police officer sample; (ii) a quantitative or qualitative assessment of one of the following attitudes (a) blaming (or responsibility) (b) credibility, or (c) rape myth acceptance; and (iii) original data as opposed to a review or meta-analysis. 24 studies of police perceptions of rape victims located.

**Summary:** Police officers are frequently perceived to hold negative attitudes about rape victims. Twenty-four articles published between 2000 and 2016 were included following a systematic search of the available literature. The findings highlight that some police officers do hold problematic attitudes about rape victims e.g., blame, rape myth acceptance, although they are frequently noted to be at a low level. Furthermore, characteristics of the victim, e.g., alcohol intoxication and emotional expression, can affect attributions of victim credibility. Assessments of victim credibility were related to police investigative decision making e.g., recommendations to charge the perpetrator, perceptions of guilt. However, the impact of rape victim blaming and rape myth acceptance is less clear. Given that the literature was predominantly vignette-based, it is unclear how these judgements have an impact in real rape investigations.

**Findings:** 24 studies identified. Most used quantitative methods to assess the perception of victims or acceptance of rape myths, only 5 studies used qualitative methods. The predominant methodology to examine perceptions of victims was use of a vignette of a rape scenario, followed by questions regarding blame and/or credibility, as well as questions that related to police decision making, e.g., decisions to authorise the case, perceptions of guilt. The present review has demonstrated that police officers do hold negative attitudes about rape, particularly in relation to blaming and rape myth acceptance (RMA). However, a number of the studies do emphasise that these levels are very low, particularly in relation to blame and RMA has been shown to be at a low level across some myths, however, some types of myths demonstrate far higher levels of acceptance. Male officers (i) attribute lower levels of credibility, and (ii) hold higher levels of rape myth acceptance in comparison to females. Very limited literature on how attributions of blame and acceptance of rape myths may affect case processing decisions. The two studies that examined the impact of RMA found significant relationships between RMA and case decisions, however these relationships became non-significant when other variables were included e.g., perceptions of guilt, knowledge of interview techniques. These findings tentatively suggest that although blaming attitudes and RMA may be present in police populations, they may not be the key determinant in affecting the processing of cases by police. However, attributions of responsibility and credibility of the victim were found to be related to police decision making showing larger and more consistent effect sizes, meaning as attributions of responsibility increased, the likelihood of charging decreased. Receiving specialist training did reduce the size of this relationship but not to a large extent (nor was this statistically tested). Victim credibility was particularly important in relation to police decision making about cases. The evidence shows that the more a victim was deemed to be credible, the higher likelihood that the police officers would charge the perpetrator of rape cases, although this also depended on case characteristics (i.e. more likely to find some cases credible than others). An element of rape myths or stereotypes affects police officers' judgements of credibility.

**Limitations:** Only a limited number of current studies were included. There was considerable gender imbalance of participants, with a substantially larger number of male

participants, which means findings related to gender should be treated with caution. The article involves comparison of studies from different countries where there may be different attitudes to sexual violence. There are known issues with some of the RMA scales used in particular studies. Police officers were responding to theoretical cases of rape and, as with any use of vignettes, this may not reflect the way in which the participants would respond in real life.

**WoE:** Medium

**Source 13: Williams, E. and Stanko, E. (2009) Reviewing rape and rape allegations in London. In M. Horvath and J. Brown (eds.) *Rape: Challenging contemporary thinking*. Cullumpton: Willan, pp. 207–225. See also PA4**

**Source type:** Book chapter

**Aims:** The aim is to explore in detail the contexts of rape for those victims who come to the attention of the police and to examine any subsequent implications these contexts have on the outcome of a criminal allegation of rape.

**Design and methods:** Flow study based on case file analysis

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2005

**Sample details:** All 677 allegations of rape of a female or male recorded on Metropolitan Police CRIS system

**Summary:** This chapter takes a close look at rape allegations reported to the police in London. The aim is to explore in detail the contexts of rape for those victims who come to the attention of the police and to examine any subsequent implications these contexts have on the outcome of a criminal allegation of rape. It also adds a new dimension. The authors argue that the vulnerability (i.e. situations of disadvantage in terms of 'social believability') of the victims who do report rape to the police contributes significantly to the outcome of the allegation in the criminal justice process. 4 main categories of vulnerability: victims under 18; victims drinking/misusing drugs; victims with mental health issues; victims whose assailant was an intimate partner.

**Findings:** This study includes additional phases in the police stage ('classification as a crime' and 'crimed to charge'). Attrition is greatest between classification of cases as crime and the point of CPS charge – 75% of cases drop out by this point. Cases involving alcohol consumption and mental health issues are most subject to attrition at the classification stage, and mental health issues at each subsequent stage.

**Limitations:** Data were limited to what was on police CRIS report, which only represents a snapshot on the case, and there was much missing information. The researchers did not speak to investigating officers.

**WoE:** High



## International sources

**Source 14: Jordan, J. and Mossman, E. (2019) *Police Sexual Violence File Analysis Report: Women Rape and the Criminal Justice Process*. Wellington: Institute of Criminology, Victoria University of Wellington. See also PA1, PA3 and PA4**

**Source type:** Academic research report

**Aims:** To identify factors associated with the progression of sexual violation cases through the police investigative process, within the contemporary New Zealand policing context.

**Design and methods:** This mixed methods study involved a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of 2015, drawn from five selected Police Districts, interviews with specialist sexual assault support agencies and family violence agencies, advocates working with sexual assault victim/survivors, forensic medical clinicians and senior police officers. The data collection involved systematic recording of key variables obtained from the search of police sexual violation files, such as demographics of the victim and perpetrator, victim-perpetrator relationship, situational factors (e.g. scene location, presence of alcohol, drugs), victim characteristics (e.g., previous complaints, disabilities), and evidential issues (e.g. DNA, injuries, witnesses). This was supplemented by national data and information supplied by NZ Police relevant to this research such as statistics and background information, as well as changes to policy, training, and procedures. The principal lens used was how well police investigations appeared to be conducted and identifying which factors were central to police decision-making.

**Location:** New Zealand, 5 Police Districts

**Data from:** 2015

**Sample details:** The five districts were selected on the basis that they replicated as closely as possible those included in the 1997 study. The researchers identified 257 sexual violation files over a six-month period that met the study criteria: female; adult; and with selected police-designated outcomes (no offence/false complaint (n = 20); warning (n = 2); reported offence, i.e. where a report is taken relating to an offence but no arrest or prosecution is proceeded with (n = 74); and resulting in arrest/prosecution (n = 14)). Of these, to keep the task manageable 110 files were reviewed.

**Summary:** This study involves a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of the calendar year of 2015, drawn from five selected Police Districts. The analysis was designed to replicate an earlier analysis of police rape files from 1997 (Jordan, 2004). File data were retrieved and reviewed in 2017. The three key questions guiding this research were: (i) What factors are associated with the progression of sexual violation cases through police investigation process? (ii) What factors are identifiable from police sexual violation files as influential in the decision to proceed, or not to proceed, to further investigation? (iii) How do these findings compare with those evident in the 1997 study of police sexual violation files?

**Findings:** There were 45 files (36% of weighted cases) where doubts were noted about the reliability of the victim's testimony. This was key to decision making regarding case progression in 28% of cases (the same as for victim withdrawal/no complaint). In the majority of these cases, the files are categorised as reported – insufficient evidence to

proceed; just 2 out of these 45 files proceeded to prosecution. In both cases the victim's testimony was considered unreliable due to poor recall resulting from alcohol or drug use, however, in both cases there was strong corroborating evidence, and whilst in one case the perpetrator was found unfit to stand trial, the other resulted in the perpetrator being convicted by a jury.

The largest category of files where unreliable testimony was indicated stemmed from detectives' perceptions due to inconsistencies and discrepancies in the victim's account (n=16). In a further 13 cases, the victim's ability to recall accurately what had happened was compromised by the impacts of alcohol/drugs. In a further 11 cases, it was stated that the victim was known to lie or make false complaints claiming to have been sexually violated. Within the unreliable testimony category overall, 14 cases involved victims described as having mental health issues.

**Limitations:** The time period for the file analysis was three months of 2015, so there is possible sampling bias in that the nature of the files in this period could differ from the remaining 9 months. Findings from this analysis are based on a relatively small sample of 110 files and caution is required in generalising findings more widely. Findings cannot be generalised to Police Districts not included in the analysis, or to male victims or non-adult victims. The prevalence of some descriptive variables (i.e. factors potentially impacting on case progression) is sometimes less than 20, so percentages need to be interpreted with caution. Descriptive data in files relies on the accuracy of police recording.

**WoE:** High

### Priority area 3: Changes in CPS charging outcomes, particularly the decline in charge rate, for rape-only flagged offences

**Source 1:** Carline, A. and Gunby, C. (2017) *Rape Politics, Policies and Practice: Exploring the Tensions and Unanticipated Consequences of Well-Intended Victim-Focused Measures*. *Howard Journal of Crime and Justice*, 56(1): pp. 34–52. See also PA4

**Source type:** Peer-reviewed journal article

**Aims:** To explore how have rape law and policy reforms impacted on practice for legal practitioners

**Design and methods:** Qualitative study involving semi-structured interviews

**Location:** England, North West CPS region

**Data from:** Not stated

**Sample details:** 14 female and male CPS barristers dealing with rape cases

**Summary:** The inability of the criminal justice system to respond effectively to rape has led to numerous law and policy reforms in England and Wales. Nevertheless, difficulties remain, with problems often linked to the impact of rape myths and implementation failure.

This article adopts a different lens through which to explore the ongoing challenges faced by rape complainants. Drawing on interviews with 14 barristers in the north-west of England, the article asks how have rape law and policy reforms impacted on practice for this group of practitioners.

**Findings:** Three main themes emerged: prosecutorial decision making; challenging the complainant; and the conviction rate. While it is not possible to generalise, due to the small and geographically-specific nature of the study, the findings indicate that, for the current group of barristers, well-meaning, but politically-driven policies and practices often produced unanticipated and negative effects. Measures which focused upon supporting the complainant, placing them at the heart of the system and helping them through the process, often sit in tension with other objectives, such as improving the conviction rate. Concerns were also expressed that measures designed to support rape complainants may engender unrealistic expectations and render complainants unprepared for the realities of the courtroom experience, which may ultimately increase revictimisation. There were conflicting views about whether prosecutorial decision-making has moved from a bookmakers' approach (which was defined in *R v Director of Public Prosecutions* [2009] as "a purely predictive approach based on past experience of similar cases") to a merits-based approach (the idea that each case must be considered on its own facts and merits). Two barristers said the CPS was now very risk averse and were only trying the strongest cases because of concerns about the low conviction rate. Others said the pendulum had gone the other way and weak cases were being pushed to trial. There was also said to be more focus on the public interest than realistic prospect of conviction test, so some cases with evidential weaknesses were going to trial. A tension emerged from the impact of policies aimed at improving the system's response, with an impact on attrition. The desire to improve the conviction rate – which resonates with the two barristers who identified a 'risk averse' approach – tends to increase attrition elsewhere in the system, as only those cases that are most likely to result in a conviction are prosecuted. However, the 'legal story' of rape (i.e. rape script or template) remains unchallenged. At the same time, steps taken to decrease the pre-trial rate of attrition – and potentially challenge the legal story of rape – were considered to have negative ramifications for victims, due to the potential for acquittal. There was a suggestion from 2 participants that CPS aren't investing in building cases because of lack of financial resources.

**Limitations:** This was a small, geographically specific sample, meaning the results are not generalisable.

**WoE:** Medium

**Source 2: Crown Prosecution Service (2019) *Violence against women and girls report 2018–19*, [online] <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2019.pdf>. See also PA2 and PA4**

**Source type:** Institutional report

**Aims:** The purpose of the report is for the CPS to be transparent about the data they hold and to enable stakeholders to hold them to account.

**Design and methods:** Statistical analysis of data from the CPS Case Management System, CPS Witness Management System and its associated Management Information System

**Location:** England and Wales

**Data from:** 2018–19

**Sample details:** Rape cases dealt with by the CPS in 2018–19

**Summary:** The CPS Violence against Women and Girls (VAWG) report for 2018–19 is an analysis of the key prosecution performance issues in each VAWG strand – domestic abuse, stalking, harassment, rape, sexual offences, forced marriage, so-called ‘honour-based’ abuse, female genital mutilation, child abuse, human trafficking for sexual exploitation, prostitution and pornography. Each section of the report provides key data, commentary and case studies, as well as an outline of CPS activity over the past year and planned steps for the coming year. The data section of the report provides further detailed data by each VAWG strand.

**Findings:** Pre-charge decisions completed by the CPS, following police referrals, decreased from 6,012 in 2017–18 to 5,114 in 2018–19 – a decrease of 14.9%. The proportion of pre-charge decisions charged decreased from 46.9% in 2017–18 to 34.4% in 2018–19 – a decrease of 12.5%. Of all legal pre-charge decisions completed (to charge, to take no further action or an out of court disposal outcome), the proportion charged decreased from 60.1% in 2017–18 to 48.2% in 2018–19 – a decrease of 11.9%. Acquaintance rape cases are the highest proportion of all rape-flagged cases assessed for charging decisions following referrals by the police (42.4%) and therefore they impact on overall rape performance.

**Limitations:** The data used is held within three separate databases, based on defendants, offences and complainants or witnesses, and data cannot be correlated between the separate databases.

**WoE:** Medium

**Source 3: Ellison, L., Munro, V., Hohl, K. and Wallang, P. (2015) Challenging criminal justice? Psychosocial disability and rape victimization. *Criminology and Criminal Justice*, 15(2): pp. 225–244. See also PA1 and PA2**

**Source type:** Peer-reviewed journal article

**Aims:** To explore some of the challenges posed to the criminal justice system by rape complainants with psychosocial disabilities, focusing particularly on the context of rape allegations, where critics suggest that a number of the barriers in relation to disclosure and credibility are faced by those with mental health concerns.

**Design and methods:** Quantitative analysis of pre-existing dataset (see Hohl & Stanko, 2015)

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2012

**Sample details:** All allegations of rape made to the force in the period, excluding males and those where sex of victim not recorded (n = 587)

**Summary:** This article draws upon rape allegation data collected by the Metropolitan Police Service in April and May 2012, to explore some of the challenges that are posed to the criminal justice system by rape complainants with what the authors term ‘psychosocial disabilities’ (PSD). PSD is used here to cover a broader spectrum of conditions, including within a social rather than a medical model of the conditions and experiences labelled as ‘mental illness’, recognising that internal and external factors in a person’s life situation can affect their need for support. It refers to those who have experience of mental health issues and/or who identify as mental health service users, but is distinct from intellectual disability. Although the insights that can be generated from these data are limited, they provide a valuable snapshot into contemporary patterns of rape victimisation and attrition in England and Wales. The article also highlights the need for more sustained critical research and reflection on the treatment of complainants, and the adequacy of police and prosecutor training and practice in this area.

**Findings:** Rape allegations involving complainants with recorded PSD are significantly and substantially more likely to suffer from attrition. Unlike other research, the significantly higher rate of attrition at all stages in the MPS data was not attributable to complainants with recorded PSD withdrawing from the process any more frequently than other complainants. It follows, therefore, that the higher attrition must be due to a police or CPS decision to drop the case. Complainants with recorded PSD are significantly more likely than those without recorded PSD to experience additional, circumstantial vulnerabilities, that their credibility is explicitly doubted by police officers in the majority of cases and that police officers are significantly more likely to judge such complainants to be uncooperative and difficult to contact. The CPS is significantly less likely to charge in cases involving complainants with PSD (4% vs 10%). Police and prosecutors may be being inappropriately influenced by stereotypes and prejudices about mental illness, and misconceptions regarding the impact of PSD on victim perception, credibility and reliability, or being pushed towards dropping cases out of a concern about complainant welfare.

**Limitations:** The key variable of interest is an indicator of either the complainant having disclosed to the police what the police consider to be a PSD, the police obtaining evidence of a victim PSD or the police recording the impression that the complainant has a mental health issue. This may be both under-inclusive in that not all complainants with a PSD will disclose or display symptoms to the police and over-inclusive in that it may include complainants without a PSD whom the police nonetheless perceive to have a ‘mental health problem’. These discrepancies need to be kept in mind when interpreting the findings and, to the extent that having a PSD may not impact on the attrition process in the same way as being recorded as having a PSD, the analysis requires an additional measure of caution. Also, since the original data collection did not focus specifically on PSD, the dataset made available to the authors does not provide detail on the nature and severity of the PSD, and does not specify whether the PSD is past or ongoing.

**WoE:** Medium

**Source 4: Hester, M. and Lilley, S. (2017) Rape investigation and attrition in acquaintance, domestic violence and historical rape cases. *Journal of Investigative Psychology and Offender Profiling*, 14(2): pp. 175–188. See also PA1, PA2 and PA4**

**Source type:** Peer-reviewed journal article

**Aims:** To look at the attrition trajectories of rape cases involving acquaintance rape, rape in the context of domestic violence by intimate (ex)partners, and in the context of historical child sexual abuse

**Design and methods:** Mixed methods: flow study based on case file analysis of closed cases and tracking to outcome, alongside interviews with victim-survivors and CJS professionals. In two of the police force areas, supervised access was provided to the police database, and cases were examined from when they were recorded on the initial police log, through crime reports and information on outcomes held on the police national computer. In the third area, police summaries of cases were made available. In all three areas, only closed cases were included.

**Data from:** May and November 2010, interviews conducted in 2015

**Sample details:** 87 female and male rape cases reported to three police force areas during May and November 2010, only closed cases and those pending at the outset but closed during the research period were included. Convenience samples of victim-survivors and professionals

**Summary:** This paper looks at the progression of rape cases through the criminal justice system, from report to court, exploring the different attrition trajectories for cases that can be characterised as involving acquaintance, intimate domestic violence, and historical child sexual abuse contexts. Using police data from three police forces in England covering 87 cases, interviews relating to 15 victim/survivors and interviews with criminal justice professionals, the paper explores investigative processes and victim engagement across rape cases and their different trajectories through the criminal justice system. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, such as relationship between victim and offender, vulnerability of victim, and evidential issues, were all seen to play some part in the attrition and trajectories of the cases discussed here, but were relevant to different degrees depending on whether the cases involved acquaintance, intimate domestic violence, or historical child sexual abuse. If we are to more effectively deal with the 'justice gap' that exists in rape cases, an important aspect is to understand the differences between these groups of cases and the particular circumstance and needs of the victims in these different contexts.

**Findings:** The sample was broken into 3 main groups: acquaintance rapes (37%), intimate partner rapes in context of domestic violence (31%), historical child sexual abuse (30%). These different types of rape cases tend to have different attrition trajectories, so there is a need to understand how these different types of cases progress and the particular circumstances and needs of the victims and contexts of the rapes that they involve. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, in particular relationship between victim and offender, vulnerability of victim, and evidential issues were all seen to play some part in the attrition and trajectories of the cases discussed here, but are relevant to different degrees depending on which relationship type was concerned. In the overall sample, 45 resulted in arrest (51%), but only about half of these were referred to the CPS for charging decisions (26%).

The CPS consequently applied charges in three quarters of these (74%), amounting to about one in five (19%) for the whole sample. CPS were significantly more likely to lay charges in historical cases (41%,  $p = .05$ ) and least likely in acquaintance rapes (24%).

**Limitations:** The sample was not large compared to other flow studies and the quality of the police data did not allow further items to be analysed using regression. There was also an over-representation of historical cases in the interview sample, which had higher conviction rate, meaning most went on to court and conviction.

**WoE:** High

**Source 5: HM Crown Prosecution Service Inspectorate (2016) *Thematic Review of the CPS Rape and Serious Sexual Offences Units*. London: HMCPSI. See also PA2 and PA4**

**Source type:** Institutional report

**Aims:** The purpose of this review was to examine and compare the structure of the units designated in each CPS Area to handle rape and serious sexual offence (RASSO) casework and assess the quality of the casework delivered.

**Design and methods:** The inspection team visited 6 CPS Areas and interviewed operational staff and leads within the CPS, as well as leads within police forces, counsel and members of the judiciary. Inspectors also visited a further Area to observe the co-located model and received information from the RASSO unit heads in the remaining Areas not visited during fieldwork, as well as representatives of the third sector. 15 files from each of the fieldwork Areas were reviewed against agreed criteria.

**Location:** England and Wales, all RASSO units

**Data from:** April–September 2014

**Sample details:** 90 cases finalised April–September 2014

**Summary:** The focus of this inspection was to review the current arrangements for handling RASSO casework and the ability of the current CPS RASSO units to deliver fair and successful outcomes in the most efficient and effective way. The report describes the quality of casework and examines and compares the structure of the designated units in each CPS Area to handle RASSO casework.

**Findings:** The inspectors found a number of issues meaning the standard of casework was not what should be expected from specialist units. In over 10% of cases, the Code for Crown Prosecutors (the Code) was not applied correctly at the charging stage. It also takes too long for the CPS to provide charging advice, thereby increasing the anxiety for vulnerable victims. The policy and legal guidance for RASSO casework is sound and when correctly applied should deliver quality casework, but compliance with the guidance was not at the level to be expected, with cases not always being handled by a specialist prosecutor, or even by a specialist unit. Only 53 of the 85 applicable cases (62.4%) were dealt with by a rape specialist and in another 13 cases inspectors were not able to determine this from the information available on CMS. There was continuity of prosecutor

in only 44 of the 72 relevant cases (61.1%) and the file was dealt with in a dedicated unit in only 42 of the 90 cases (46.7%). The level of care for victims and witnesses fell well short of what is expected. There was variability between CPS Areas in operating models for how RASSO casework is handled. There was limited compliance with the minimum standards required, limited quality assurance against the standards, and no sanction for non-compliance. The victim ABE statement not viewed before making the pre-charge decision in 28% of cases, so prosecutors were unable to make a fully informed view. The MG3 form indicated a failure to consider a coherent and holistic case strategy in nearly two thirds of cases. In over a third of cases the opportunity to alert the officer in the case to what was needed to strengthen the case was lost. Charging advice was timely in only 39% of cases. Units are not resourced to meet the current demands; exacerbated by the considerable re-work required on police file submissions, making it unsurprising that the Areas are not able to meet timeliness targets. The report highlighted some positive trends in the data, such as the volume of prosecutions completed reaching its highest level during 2014–15 with an increase in the number of convictions, although the overall conviction rate fell slightly. The modest rise (0.75%) in referrals charged to 59.2% was equal to 27 more defendants than the previous year.

**Limitations:** The findings are based on a relatively small number of files in selected CPS areas due to the volume of material contained and the resource implications of reviewing them.

**WoE:** High

**Source 6: Hohl, K. and Conway, M. (2017) Memory as evidence: How normal features of victim memory lead to the attrition of rape complaints. *Criminology & Criminal Justice*, 17(3): pp. 248–265. See also PA1 and PA2**

**Source type:** Peer-reviewed journal article

**Aims:** To provide a review of the literature on human memory and criminal justice conceptions of memory evidence; to develop a conceptual model of the pathways through which typical features of victim memory, such as inconsistencies in the victim account, lead to attrition; and to test the model using a large, representative sample of rape complaints made to the London Metropolitan Police Service (MPS).

**Design and methods:** Secondary analysis of existing dataset (see Hohl & Stanko, 2015), development of conceptual model and testing through statistical analysis

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2012

**Sample details:** All female and male rape complaints reported in the period (n = 679)

**Summary:** The complainants' memory of the rape is commonly the key and frequently the only evidence in the investigation and prosecution of rape allegations. Details, specificity and consistency in the victim's recollection are central criteria that criminal justice agents – police, prosecutors and juries – use to assess the credibility of the victim account. However, memory research has shown these to be poor indicators of the accuracy of a



memory. In this article we develop a conceptual model of the pathways through which normal features of the human memory result in complaints of rape dropping out of criminal justice process without a full investigation, prosecution or conviction, with a particular focus on the role of inconsistencies in the victim account. The study provides initial, tentative evidence from a large, representative sample of rape complaints and discusses implications for criminal justice policy. The results provide evidence in support of the hypothesis that inconsistencies in the victim account increase the odds of attrition.

**Findings:** While inconsistencies, lack of detail, errors and omissions in the victim account undermine its credibility in the eyes of legal agents and put the complaint at risk of attrition, the modern view of human memory considers all of these typical features of a normal memory. Findings provide tentative, initial empirical support for an association between police case files explicitly noting the presence of inconsistencies in the victim account and significantly higher attrition through police officer and prosecutor decisions to discontinue the case. When inconsistencies are noted in the case file there are notable effects on referral to CPS and CPS decision to charge. Of the cases in the sample referred to the CPS for charge, no complaint with an inconsistent victim account resulted in a prosecution. In contrast, over 50% of cases referred to the CPS for charge resulted in a prosecution if there were no inconsistencies noted (corresponding to 9% of the total number cases with no inconsistencies noted). These results provide evidence in support of the hypothesised effect of inconsistencies in the victim account on attrition via criminal justice agents' decisions to drop the case.

**Limitations:** This initial empirical study only tested the association between inconsistencies in the victim account and attrition, leaving much of the conceptual pathway model untested. Additional elements, such as qualitative analysis of interviewing technique and follow-up interviews with the victim, or interviews or surveys of police officers, prosecutors, would be required to better understand the nature and origins of inconsistencies in the victim account. Inconsistencies in the victim account are an imperfect measure of victim memory. The dataset does not allow distinguishing between inconsistencies that result from memory errors of omission and commission and those resulting from deliberate omissions and inaccuracies. Poor rapport between the interviewing officer and the complainant, a lack of trust in the police or courts, feelings of guilt or shame and fear of negative consequences may lead a complainant to feel unable or unwilling to give a full and accurate account. Furthermore, inconsistencies may originate from poor interviewing technique rather than memory errors.

**WoE:** Medium

**Source 7:** Hohl, K. and Stanko, E. (2015) Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. *European Journal of Criminology*, 12(3): pp. 324–341. See also PA1 and PA2

**Source type:** Peer-reviewed journal article

**Aims:** To provide an updated picture of factors associated with the attrition of rape complaints in England and Wales

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data collection from:** April–May 2012

**Sample details:** Sub-sample excluding male victims and those where victim sex not recorded (n = 587) drawn from original sample of all rape allegations reported to the MPS April–May 2012 (n = 679)

**Summary:** This article presents unique evidence on the factors that influence the attrition of rape allegations in the English criminal justice system. The study is based on a large, representative sample of rape allegations reported to the London Metropolitan Police, the UK's biggest police force. The dataset contains unprecedented detail on the incident, the victim, the suspect and the police investigation. The results lend support to the influence of some rape myths and stereotypes on attrition. These findings suggest that further central factors include the ethnicity of the suspect as well as what police officers and prosecutors perceive as evidence against the truthfulness of the allegation: police records noting a previous false allegation by the victim, inconsistencies in the victim's account of the alleged rape, and evidence or police opinion casting doubt on the allegation.

**Findings:** A CPS decision not to prosecute accounts for 14% of the attrition of non-withdrawn cases. In the sample, none of the cases with an inconsistent victim account of the rape resulted in a charge. A charge was also substantially less likely if the victim had a mental health problem or if police officers noted doubts in the case file. Whether or not the suspect is a 'credible criminal' appears to be decisive: a CPS charge is significantly more likely if the victim and suspect are non-white (most offences are intra-racial, accounting for the higher percentage of non-white victims) and if the suspect was a known sex offender.

**Limitations:** Data only related to a two-month period, which could have been subject to particular trends

**WoE:** High

**Source 8:** Lilley Walker, S., Hester, M., McPhee, D. and Patsos, D. (2019) Rape, inequality and the criminal justice response in England: The importance of age and gender. *Criminology & Criminal Justice*, pp.1–19. DOI: 10.1177/1748895819863095. See also PA1, PA2 and PA4

**Source type:** Peer-reviewed journal article

**Aims:** To examine the way in which the intersection of gender and age impacts upon case trajectories and outcomes

**Design and methods:** Flow study combining data gathered in 2 studies through police case file analysis

**Location:** England, 2 police force areas in South West and North East

**Data from:** 2010–2014

**Sample details:** 14+ years, female and male, incidents involving victims-survivors aged 14 years and over at the time of report and concluded cases only, 585 reported rape cases

**Summary:** This article draws upon quantitative and content analysis of 585 reports of rape recorded within two police force areas in England in 2010 and in 2014 tracking individual incidents to eventual outcome to examine the impact, if any, of intersecting inequalities on trajectories of rape cases reported to police. The data were collected as part of a wider ESRC-funded Justice, Inequality and Gender-Based Violence research project which examined victim-survivor experiences and perspectives on justice. Building on existing distinctions between types of rape case based on the relationship between victim-survivor and accused, the results suggest age and gender are significant factors in how sexual violence, and the criminal justice system, is experienced. While younger women and girls were disproportionately affected by certain types of sexual violence case and more likely to come into contact with the criminal justice system compared to men and older women, they were not necessarily more likely to achieve a conviction. The findings also confirm that some of the most vulnerable victims-survivors of sexual violence, especially those with poor mental health, are still not achieving criminal justice. Victims-survivors from Black and minority ethnic group or lesbian, gay, bisexual, transgender, transsexual, queer groups are underrepresented within the criminal justice system, implying these groups are not seeking a criminal justice response in the same way as 'white' heterosexual victims-survivors.

**Findings:** In over a quarter of all incidents reported (26%), the complainant was recorded as having mental health issues (MHI) ranging from anxiety, depression and post-traumatic stress disorder (PTSD) to self-harm, eating disorders, borderline personality disorder, schizophrenia and dementia. Most of these were women (90%) and younger (62%). Incidents involving victims-survivors with MHI were significantly less likely than those without MHI to result in charge (15%,  $p < .05$ ). Cases receiving specialist support e.g. Rape Crisis/ISVA were significantly more likely to result in charge ( $p < .01$ ).

**Limitations:** The nature and severity of the MHI was not recorded consistently within, and across, the police data systems, and it is possible that the data are under-inclusive as not all complainants with an MHI will disclose symptoms to police. It is unclear from the data if the MHI was disclosed by the victim-survivor or observed by police.

**WoE:** High

**Source 9:** Lovett J. and Kelly, L. (2009) *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries*. London: Child and Woman Abuse Studies Unit. See also PA1, PA2 and PA4

**Source type:** Academic research report

**Aims:** To analyse the similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures

**Design and methods:** Mixed methods, including flow study based on case file analysis, interviews with key informants, creation of timeline and map of the legal process in each country in the study

**Location:** England, unnamed metropolitan area

**Data from:** 2005

**Sample details:** 100 cases from England & Wales (899 across the whole study)

**Summary:** In virtually all countries where major studies have been published, substantial increases in reporting have not been matched by rises in prosecutions, resulting in a falling conviction rate. This study built on two previous Daphne projects to examine similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures. The research design combined two strands: the first updated time series national level data on reporting, prosecution and conviction for 33 European countries for the years 2001–2007; the second involved quantitative content analysis of 100 case files in Austria, Belgium, England & Wales, France, Germany, Greece, Hungary, Ireland, Portugal, Scotland and Sweden. This was supplemented by: interviews with key informants; mapping the legal process/procedure; and creating a timeline to document social and legal responses to sexual violence, with project partners responsible for the collection and collation of data from their respective countries.

**Findings:** A suspect was identified in 83 of the 100 cases, but only 65 (78%) were interviewed and only 22 (27%) were charged. In 29 of the cases where no charge was laid, the victim had withdrawn, retracted or declined to complete the initial processes needed to advance the investigation, and all but one of these cases involved suspects who were well known to the victim, including 19 current/ex-partners. However, in the remainder the issues at play were of a primarily evidential nature, such as insufficient evidence, concerns that the allegation was false or did not amount to a sexual offence.

**Limitations:** The main limitation of this sample in relation to the comparative study is that it is drawn from a slightly later timeframe to other countries. There were also several areas where the police data for England were inconsistent, particularly the relationship and employment status of victims and suspects and previous offending by suspects.

**WoE:** High

**Source 10: Mayor of London Office for Policing and Crime (2019) *The London Rape Review: A review of cases from 2016*. London: MOPAC. See also PA1, PA2 and PA4**

**Source type:** Institutional report

**Aims:** To examine reported rape in London, with a specific focus on how key factors related to the victim/survivor, suspect and offence, as well as the subsequent investigation by the police, may affect different outcomes for victims/survivors and the progression of rape cases through the criminal justice system.

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data from:** 2016

**Sample details:** All crime records with an initial classification of rape of a female or male reported to the MPS included to maintain comparability with methodology of previous London rape reviews. Cases were excluded if: the initial classification was attempted rape; the classification later changed to a non-sexual violence offence; the case was transferred out of the MPS to another police force; or the record was identified as a duplicate of another (n = 501 cases).

**Summary:** A total of 501 allegations of rape in April 2016 were examined as part of this review. This research builds on previous reviews of rape in the MPS conducted between 2005 and 2012 (see Williams & Stanko, 2009 and Hohl & Stanko, 2015 in this review).

**Findings:** CPS decided to charge in 9% of cases (60% of all cases submitted to them). The length of time between submission to the CPS and decision to charge was 138 days.

**Limitations:** These were mainly linked to missing data. Data were limited to what was on police CRIS report, so for example CPS decisions were not captured consistently. There was also missing data as CRIS is an investigation aid not a research tool, and it is not clear if the absence of data is simply because it was not recorded or because it was not a factor in the case. There may be some sampling bias with selection of months (which were selected to continue approach of previous reviews).

**WoE:** High

**Source 11: Rumney, P. McPhee, D, Fenton, R. and Williams, A. (2019) A police specialist rape investigation unit: a comparative analysis of performance and victim care. *Policing and Society*. DOI: 10.1080/10439463.2019.1566329. See also PA1 and PA4**

**Source type:** Peer-reviewed journal article

**Aims:** To examine: whether rape investigations performed by officers in a specialist unit have different trajectories through the criminal justice system in comparison to those conducted by non-specialist officers; whether specialist unit investigations provide different standards of victim support compared to the non-specialist response; and how the specialist and non-specialist response is experienced and perceived by police officers

**Design and methods:** Mixed method including flow study based on police case file analysis and interviews with police officers

**Location:** England, Bristol plus unnamed comparator area, specialist and non-specialist police rape investigation teams

**Data from:** Not stated

**Sample details:** All cases of rape and attempted rape of females and males aged 14+ years reported to police in 2 calendar years, exclusion of particular case types not evident in comparator area, (n = 306 cases; 211 specialist unit, 95 non-specialist), 9 specialist/non-specialist police officers interviewed, recruited by snowball method

**Summary:** This article examines the workings of a specialist rape investigation unit (Bluestone) and compares its performance with a non-specialist investigative approach. This is the first study to examine the work of a specialist rape investigation unit in this way. The research finds that the specialist unit outperformed the non-specialist investigative approach in many, though not all performance measures, including charging and 'reached court' rates in rape cases, retention of cases characterised by complex victim vulnerability, allocation of Sexual Assault Investigation Trained (SAIT) officers, rate of referral to an ISVA and accuracy of crime recording. Further, police officer interview data suggest that team working and support, communication and a sense of common purpose were distinctive features of the specialist unit, when contrasted to experience of working in a non-specialist policing environment. These findings have policy and resource implications for the policing of rape and the need to achieve the best possible investigative standards in sexual offence cases, including the provision of appropriate care and addressing the needs of highly vulnerable victims. The article concludes by arguing that there is a growing body of evidence to suggest that investigative specialism is a crucial element in the police response to rape.

**Findings:** Slightly higher charging rates were found in the specialist sample where victims had both 1 and 2 vulnerabilities, indicating better victim retention in these cases where victim engagement and withdrawal are particularly challenging. It is speculated that this may be due to a greater emphasis on victim care in the specialist unit.

**Limitations:** The authors note the difficulty of finding a like-for-like comparator area, so some differences in case types resulting from local characteristics led to a number of cases being excluded. The findings are dependent on the presence and quality of information in case files and recording practices. Only a small number of interviews were conducted so they cannot claim to be representative, and victim perspectives were not included.

**WoE:** High

## International sources

**Source 12:** Jordan, J. and Mossman, E. (2019) *Police Sexual Violence File Analysis Report: Women Rape and the Criminal Justice Process*. Wellington: Institute of Criminology, Victoria University of Wellington. See also PA1, PA2 and PA4

**Source type:** Academic research report

**Aims:** To identify factors associated with the progression of sexual violation cases through the police investigative process, within the contemporary New Zealand policing context.

**Design and methods:** This mixed methods study involved a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of 2015, drawn from five selected Police Districts, interviews with specialist sexual assault support agencies and family violence agencies, advocates working with sexual assault victim/survivors, forensic medical clinicians and senior police officers. The data collection involved systematic recording of key variables obtained from the search of police sexual violation files, such as demographics of the victim and perpetrator, victim-perpetrator relationship, situational factors (e.g. scene location, presence of alcohol, drugs), victim characteristics (e.g., previous complaints, disabilities), and evidential issues (e.g. DNA, injuries, witnesses). This was supplemented by national data and information supplied by

NZ Police relevant to this research such as statistics and background information, as well as changes to policy, training, and procedures. The principal lens used was how well police investigations appeared to be conducted and identifying which factors were central to police decision-making.

**Location:** New Zealand, 5 Police Districts

**Data from:** 2015

**Sample details:** The five districts were selected on the basis that they replicated as closely as possible those included in the 1997 study. The researchers identified 257 sexual violation files over a six-month period that met the study criteria: female; adult; and with selected police-designated outcomes (no offence/false complaint (n = 20); warning (n = 2); reported offence, i.e. where a report is taken relating to an offence but no arrest or prosecution is proceeded with (n = 74); and resulting in arrest/prosecution (n = 14)). Of these, to keep the task manageable 110 files were reviewed.

**Summary:** This study involves a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of the calendar year of 2015, drawn from five selected Police Districts. The analysis was designed to replicate an earlier analysis of police rape files from 1997 (Jordan, 2004). File data were retrieved and reviewed in 2017. The three key questions guiding this research were: (i) What factors are associated with the progression of sexual violation cases through police investigation process? (ii) What factors are identifiable from police sexual violation files as influential in the decision to proceed, or not to proceed, to further investigation? (iii) How do these findings compare with those evident in the 1997 study of police sexual violation files?

**Findings:** Cases were more likely to progress to prosecution where: there was more than one offence; the perpetrator had mental health concerns; the victim resisted; there was perpetrator testimony (evidence of guilt). They were less likely to proceed where: there was a victim withdrawal/no complaint; the offence was reported by the victim rather than a third party; the victim declined to be interviewed; the victim had mental health concerns; the victim's testimony was seen as unreliable; or there was a delayed report. Cases where the attacker was a stranger were slightly more likely to proceed to prosecution, accounting for 21% of all cases proceeding to prosecution compared to 9% of cases designated no offence/false complaint. Acquaintances were the second most common relationship type and these cases appeared more likely to result in a designation of no offence/false complaint (50%, compared to 29% of proceeding cases). This suggests there may still be some support for the traditional view of 'real' rapes being more likely to be viewed as those involving stranger attackers rather than persons already known to the victim.

**Limitations:** The time period for the file analysis was three months of 2015, so there is possible sampling bias in that the nature of the files in this period could differ from the remaining 9 months. Findings from this analysis are based on a relatively small sample of 110 files and caution is required in generalising findings more widely. Findings cannot be generalised to Police Districts not included in the analysis, or to male victims or non-adult victims. The prevalence of some descriptive variables (i.e. factors potentially impacting on case progression) is sometimes less than 20, so percentages need to be interpreted with caution. Descriptive data in files relies on the accuracy of police recording.

**WoE:** High

**Source 13: St George, S. and Spohn, C. (2018) Liberating Discretion: The Effect of Rape Myth Factors on Prosecutors' Decisions to Charge Suspects in Penetrative and Non-Penetrative Sex Offenses. *Justice Quarterly*, 35(7): pp. 1280–1308. See also PA1**

**Source type:** Peer-reviewed journal

**Aims:** To investigate if extra-legal factors associated with rape myths influence prosecutors' decision to file charges, and if this influence changes across variation in the certainty of conviction that is associated with offence severity.

**Design and methods:** This study is based on Spohn and Tellis' (2014) study of sexual assault case processing by police and prosecutors in Los Angeles. The authors collected quantitative data on a stratified random sample of sex crimes involving female victims 12 years or older that were reported to the Los Angeles Police Department and the Los Angeles County Sheriff's Department in 2008. From the completed case files—which included the victim's initial report, follow-up reports provided by the detective in the case, and the prosecutor's reasons for dismissing the charges—they were able to glean detailed information on victims, suspects, witnesses, evidentiary factors, and other circumstances of the incidents. Bivariate and multivariate analyses were conducted. The dependent variable is a dichotomous measure of the prosecutor's decision to file charges (charged or rejected). The main independent variables are three scales of the number of (1) risky behaviours the victim engaged in, (2) victim credibility issues, and (3) real rape characteristics in the incident. Seven factors related to the real rape stereotype, including whether the suspect was a stranger and whether the victim reported promptly and resisted verbally or physically, were summed to form the real rape score (mean 3.10). Two tailed t-tests were used to investigate the bivariate relationships between the three primary independent variables—risky behaviour, victim credibility, and real rape factors—and the dependent variable, charged. They also created an evidence score to determine if the case was strong. Evidence is measured as the sum of 15 forms of evidence including witnesses, genital injuries, and six types of physical evidence. A similar score summing seven aggravating factors related to the presence and severity of injuries, number of suspects and crimes reported, and whether or not a weapon was used. Analyses also controlled for whether or not the victim cooperated.

**Location:** United States, Los Angeles

**Data from:** 2008

**Sample details:** The study includes all cases of rape, attempted rape, and sexual battery that were referred to the prosecutor for charging (N = 517). Several exclusions were made, including 4 statutory offences, 19 cases in which penetration was unknown, 18 cases where there was missing information on the victim's age and/or the suspect's race, which resulted in a final sample size of 476 cases. Of these, 327 (68.7%) involved penetration, and 180 (37.8%) resulted in charges being filed. About half of the victims in these cases were Hispanic, while 18% involved black victims and 33% involved white, Asian, or other race victims. Almost 52% of cases involved Hispanic suspects, 24% black and almost a quarter white, Asian or other race suspects.

**Summary:** In sexual assault cases, prosecutorial charging decisions may be influenced by legal factors like offence seriousness, convictability and extra-legal rape myths. Data on sexual assaults in Los Angeles are used to test for the effects of victim behaviour, victim



credibility, and “real rape” stereotypes on the decision to file charges. The 'liberation hypothesis' (the idea that extra-legal factors, like rape myths, are more likely to influence case processing decisions when there is a lack of strong evidence or aggravating factors) is also tested by examining whether rape myths influence the charge decision more in less serious non-penetrative cases than in penetrative cases. Results show that victim credibility and behaviour, but not consistency with real rape stereotypes, affect charging decisions, even after controlling for legally relevant factors, and they influence prosecutors' charging decisions equally in penetrative and non-penetrative cases. Rape myths also influence the charging decision indirectly via victim cooperation. The authors conclude that rape myths are incorporated into the criminal justice system's definition of and response to sexual violence, so cannot be addressed by changing case screening policies.

**Findings:** Taken as a whole, the results show that rape myths affect prosecutors' decisions to file charges in sexual assault cases. All three elements of rape myths—risky behaviour, victim credibility issues, and real rape factors—were associated with the charging decision in bivariate analyses, and risky behaviour and victim credibility affected this decision in the multivariate analyses using the full sample, even after controlling for the legally relevant factors. Evidence strength and aggravation, two legally relevant factors, had no effect on the decision to file charges.

**Limitations:** As cases in only one jurisdiction were examined, the results may not be generalisable to other jurisdictions, especially those operating under a different case screening standard. Additionally, combining White, Asian, and Other race victims and suspects into aggregated groups may have masked variation in how sexual assault cases involving victims and suspects of these races are assessed by prosecutors.

**WoE:** Medium

## Priority area 4: The low proportion of rape-only prosecutions resulting in conviction

**Source 1: Carline, A. and Gunby, C. (2017) Rape Politics, Policies and Practice: Exploring the Tensions and Unanticipated Consequences of Well-Intended Victim-Focused Measures. *Howard Journal of Crime and Justice*, 56(1): pp. 34–52. See also PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To explore how have rape law and policy reforms impacted on practice for legal practitioners

**Design and methods:** Qualitative study involving semi-structured interviews

**Location:** England, North West CPS region

**Data from:** Not stated

**Sample details:** 14 female and male CPS barristers dealing with rape cases

**Summary:** The inability of the criminal justice system to respond effectively to rape has led to numerous law and policy reforms in England and Wales. Nevertheless, difficulties remain, with problems often linked to the impact of rape myths and implementation failure. This article adopts a different lens through which to explore the ongoing challenges faced by rape complainants. Drawing on interviews with 14 barristers in the north-west of England, the article asks how have rape law and policy reforms impacted on practice for this group of practitioners.

**Findings:** Three main themes emerged: prosecutorial decision making; challenging the complainant; and the conviction rate. While it is not possible to generalise, due to the small and geographically-specific nature of the study, the findings indicate that, for the current group of barristers, well-meaning, but politically-driven policies and practices often produced unanticipated and negative effects. More specifically, measures which focused upon supporting the complainant, placing them at the heart of the system and helping them through the process, such as not challenging their account robustly, often sit in tension with other objectives, such as improving the conviction rate. Concerns were also expressed that measures intended to support victims may engender unrealistic expectations and render complainants unprepared for the realities of the courtroom experience, which may ultimately increase revictimisation. Some of the sample thought that juries were partially responsible for low conviction rate.

**Limitations:** This was a small, geographically specific sample, meaning the results are not generalisable.

**WoE:** Medium

**Source 2: Crown Prosecution Service (2019) *Violence against women and girls report 2018–19*, [online] <https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawq-report-2019.pdf>. See also PA3 and PA4**

**Source type:** Institutional report

**Aims:** The purpose of this report is for the CPS to be transparent about the data they hold and to enable stakeholders to hold them to account.

**Design and methods:** Statistical analysis of data from the CPS Case Management System, CPS Witness Management System and its associated Management Information System

**Location:** England and Wales

**Data from:** 2018–19

**Sample details:** Rape cases dealt with by the CPS in 2018–19

**Summary:** The CPS Violence against Women and Girls (VAWG) report for 2018–19 is an analysis of the key prosecution performance issues in each VAWG strand – domestic abuse, stalking, harassment, rape, sexual offences, forced marriage, so-called ‘honour-based’ abuse, female genital mutilation, child abuse, human trafficking for sexual exploitation, prostitution and pornography. Each section of the report provides key data,

commentary and case studies, as well as an outline of CPS activity over the past year and planned steps for the coming year. The data section of the report provides further detailed data by each VAWG strand.

**Findings:** The report explains the difference between how CPS and national statistics (MoJ) on convictions are recorded – the MoJ only records convictions for rape, CPS includes lesser offences. In 2018–19, the data on acquaintance rape cases involving young defendants (18–24-year olds) indicated a significant increase in the conviction rate from the previous year, but these present some of the greatest challenges in charging, prosecuting and convicting.

**Limitations:** The data used is held within three separate databases, based on defendants, offences and complainants or witnesses, and data cannot be correlated between the separate databases.

**WoE:** Medium

**Source 3:** Durham, R., Lawson, R., Lord, A. and Baird, V. (2017) '*Seeing Is Believing: The Northumbria Court Observers Panel. Report on 30 Rape Trials 2015–16.*' Newcastle upon Tyne: Office for the Police and Crime Commissioner of Northumbria.

**Source type:** Institutional report

**Aims:** To observe and comment on a series of rape cases at the local court

**Design and methods:** Observational study of Crown Court rape trials

**Location:** England, Newcastle, Crown Court

**Data from:** 2015–16

**Sample details:** Rape trials at Newcastle Crown Court in which the complainant was an adult

**Summary:** This report was commissioned by the Police and Crime Commissioner for Northumbria in connection with her responsibilities as victims champion and promoting a good criminal justice process. It documents findings from 30 rape trials observations conducted between January 2015 and June 2016 at Newcastle Crown Court by a panel of 12 lay observers recruited from the general public and includes recommendations and conclusions.

**Findings:** It was common practice for ISVAs to watch their clients give evidence instead of being with her/him. When asked, the senior Judge and the CPS stated that they had never been fully briefed on the ISVA role. In 10 of the 30 cases, the prosecutor did not meet the complainant before trial, despite CPS guidance to the contrary. In 11 of the 30 cases there was questioning/evidence about previous sexual conduct of the complainant. In 7 of those 11 cases either a late application was made during the trial or there was no application at all. In 6 of the 11 cases in which sexual conduct was questioned it related to sexual conduct with other men, and applications seen by the observers did not assert that it made

it more likely that the complainant had consented to the defendant or made her/him less worthy of belief. In at least 4 trials sexual conduct was described as discrediting the complainant, in precisely the way that Section 41 was intended to prevent. There were fewer observations regarding where sexual conduct was with the defendant, but the observers raised concerns in 2 such trials – in one of these, up to 40 videos of previous sex between the parties were shown to the jury. Rape stereotypes came up in almost all of these 30 cases, some very frequently. Use by judges of the model directions at the start of the case was thought to have a positive impact on the jury, but this only happened in 14 of the cases where there were stereotypes, despite guidance saying they can be used at the start as well as in summing up. Of the 25 cases which were finally resolved (5 cases were to be re-tried), 6 were guilty verdicts and 19 were acquittals. 6 guilty verdicts from 25 cases is a charge to conviction rate of just less than 25%. The report does not draw causal links between their observations and the outcomes, but state that many of the matters raised here are capable of having played a role.

**Limitations:** Criticism has been made of the lay panel members, although the report states there was input from legal professionals in the question drafting and that Panel members received training prior to the observations. Limited analysis of relationship between presence of rape stereotypes, how dealt with by judge and outcomes

**WoE:** Medium

**Source 4: Ellison, L. and Munro, V. (2010) Getting to (not) guilty: examining jurors' deliberative processes in, and beyond, the context of a mock rape trial. *Legal Studies*, 30(1): pp. 74–97.**

**Source type:** Peer-reviewed journal article

**Aims:** To reflect critically upon the function and value of the jury as an instrument of the criminal justice system, and to show how differently composed juries, when faced with the same trial stimulus, can not only reach divergent verdicts but can embark upon radically different routes to reach the same destination.

**Design and methods:** Experimental mock juror study involving 9 75-minute mini trials scripted by the authors with CJS practitioner input that were reconstructed in front of mock jurors. Trials varied depending upon: (i) the level of the complainant's alleged physical resistance; (ii) the delay between the incident and her report to the police; and (iii) the level of observable distress in the complainant's courtroom demeanour. In addition, the extent to, and means by which, jurors were provided with educational guidance about possible reactions to sexual assault. Jury deliberation recordings about each trial, pre- and post-deliberation questionnaires guidance about the range of reactions to sexual assault.

**Location:** England

**Data from:** Not stated

**Sample details:** 233 female and male jury-service eligible members of the public, recruited by a market research company. Each jury contained a broadly even distribution of men and women, but no further steps were taken to engineer demographic

representation across socio-economic, racial or age groups, reflecting the randomness of 'real' juries.

**Summary:** In England and Wales, trial by jury is typically reserved for more serious offences and is by no means the norm of criminal prosecution. Despite this, the jury continues to hold enormous symbolic and practical significance. In a context in which research with 'real' juries is prohibited, this paper outlines the findings of a mock study in which members of the public deliberated towards a unanimous verdict, having observed an abbreviated rape trial reconstruction. It reflects on the structural processes (including the use of narrative, the presence of a foreperson and group/inter-personal dynamics) that framed the tone and direction of discussions. It generates insight into what may go on behind the closed doors of the jury room in rape cases and – more broadly – highlights the ways in which differently composed juries, when faced with the same scenario, may reach divergent verdicts or embark on radically different routes to reach the same destination. In addition, it explores the extent to which participants, having been directed on appropriate legal tests and burdens of proof crafted from the Judicial Studies Board Specimen Direction, were able to understand and apply these standards; and it reflects on the implications of this in terms of future improvement of the jury trial process, both in rape cases and beyond.

**Findings:** The fact that parallel juries reached radically different verdicts or took highly divergent paths to reach a shared outcome raises vital questions about the consistency of jury decision making – across the 9 trials, while 3 saw each trial, no 3 juries returned the same verdict. Mock jurors engaged more with evidence than relevant procedural issues or judicial directions given. When participants did discuss, or attempt to apply, the legal tests there was ample evidence of misunderstanding, for instance they struggled to grasp the meaning of the standard of proof direction. Jurors are defined as active, interpreting participants, who filter the evidence presented through a complex mesh of pre-conceived schemata and expected narrative forms. The role of gender in the deliberations was explored. For both male and female jurors, their access to a distinctive gendered perspective provided an experiential platform that, in some cases, afforded an opportunity to influence peers. Women called upon their male counterparts to consider whether they would have interpreted the complainant's behaviour on the night in question as indicating sexual consent, and men compared the defendant's post-assault conduct against their predictions as to how they would act in the same position. However, scope for asserting this experiential authority was clearly limited, particularly in situations in which the perspective was deployed by women to support the credibility of the complainant's account – e.g. challenged on the basis of female bias or undue emotionality. The positive endorsement that female jurors sometimes received from male peers when they rejected the complainant's version of events further re-enforced the precariousness of their gendered experiential authority in the jury room.

**Limitations:** This was an experimental simulated trial context rather than real, meaning the mock jurors were only 'role playing', but the authors cite evidence that the mock jurors took the deliberation task seriously. There were certain differences with the operation of real juries – the mock juries were composed of 8/9 people rather than 12, and only up to 90 mins deliberation time, which may have affected verdicts. The condensed trial format of 75 minutes is significantly less than a real trial, which may have affected responses and deliberations.

**WoE:** Medium

**Source 5: Ellison, L. and Munro, V. (2009) Turning Mirrors Into Windows? *British Journal of Criminology*, 49(3): pp. 363–383.**

**Source type:** Peer-reviewed journal article

**Aims:** To investigate whether educational guidance presented at trial would have the intended beneficial impact of redressing popular misconceptions about rape, thereby leading to a fairer, less prejudicial assessment of complainant credibility in sexual assault cases.

**Design and methods:** Experimental mock juror study. The authors scripted a series of mini-trial scenarios, which were reconstructed by actors and barristers in front of an audience of mock jurors. Each reconstruction lasted approximately 75 minutes followed by jury deliberation in 3 different panels. Nine different trial scenarios were scripted, with variables relating to the complainant's demeanour, speed of reporting and level of physical resistance. In each subset of three trials, the extent to which jurors were provided with educational guidance also differed. In some trials, no education was provided, while, in others, it was provided via expert testimony and, in the remainder, it was provided via judicial instruction.

**Location:** England

**Data from:** Not stated

**Sample details:** 233 female and male members of the public, recruited for the study by a market research company on the basis of their jury service eligibility. Each jury contained a broadly even distribution of men and women, but no further steps were taken to engineer demographic representation across socio-economic, racial or age groups, reflecting the randomness of 'real' juries

**Summary:** In 2006, the Government proposed allowing prosecutors in England and Wales to adduce 'general' expert witness testimony in rape cases. This initiative was based on two assumptions — first, that jurors currently lack an adequate understanding of rape complainants' post-assault behaviour (which, in turn, generates inappropriate inferences regarding credibility) and, second, that expert testimony offers a useful vehicle for addressing such juror ignorance. In a previous article, the authors reported on a mock jury study that provided empirical support for the first of these claims — at least in regard to a complainant's calm demeanour, delayed reporting or lack of physical resistance. In this article, the authors investigate whether educational guidance presented at trial — via expert testimony or an expansive judicial instruction — can have the intended beneficial impact of redressing popular misconceptions, thereby leading to a fairer assessment of complainant credibility in rape cases.

**Main findings:** The introduction of educational guidance in rape trials represents a pragmatic, defensible and efficient means of redressing at least some of the unfounded assumptions and attitudinal biases that prevent too many victims of sexual assault from accessing justice. This should not preclude wider educational initiatives designed to target social attitudes outside the courtroom at the social and institutional level across the various agencies of the criminal justice system. Analysis of the groups' discussions indicates a positive influence of the introduction of educational guidance, in regard to both the complainant's calm courtroom demeanour and her delayed reporting. Jurors who had received education were more willing than their non-educated counterparts to accept the

feasibility of a wide range of victim responses and to question the relevance that could be attributed to a period of delay or a particular style of emotional presentation when assessing a complainant's credibility and the veracity of her account. Jurors rarely referred directly to the guidance, but their comments often reflected the content of this guidance. However, in regard to the complainant's lack of physical resistance, jurors appeared to be generally unreceptive to guidance that both acknowledged the possibility that a victim may 'freeze' during an attack. Here, comments made by jurors in the education conditions (whether involving expert testimony or judicial instruction) echoed those made by their uneducated counterparts. Findings suggest that mock jurors responded in broadly similar ways to the educational guidance, regardless of whether it was presented by an expert near the beginning of the mock trial or by the judge towards the end.

**Limitations:** Findings gathered within the experimental constraints of the study, which involved simulation rather than real trials and juries. The condensed trial format of 75 minutes is significantly less than a real trial, which may have affected responses and deliberations.

**WoE:** Medium

**Source 6: Hester, M. and Lilley, S. (2017) Rape investigation and attrition in acquaintance, domestic violence and historical rape cases. *Journal of Investigative Psychology and Offender Profiling*, 14(2): pp. 175–188. See also PA1, PA2 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To look at the attrition trajectories of rape cases involving acquaintance rape, rape in the context of domestic violence by intimate (ex)partners, and in the context of historical child sexual abuse

**Design and methods:** Mixed methods: flow study based on case file analysis of closed cases and tracking to outcome, alongside interviews with victim-survivors and CJS professionals. In two of the police force areas, supervised access was provided to the police database, and cases were examined from when they were recorded on the initial police log, through crime reports and information on outcomes held on the police national computer. In the third area, police summaries of cases were made available. In all three areas, only closed cases were included.

**Location:** England, 3 unnamed force areas

**Data from:** May and November 2010, interviews conducted in 2015

**Sample details:** 87 female and male rape cases reported to three police force areas during May and November 2010, only closed cases and those pending at the outset but closed during the research period were included. Convenience samples of victim-survivors and professionals

**Summary:** This paper looks at the progression of rape cases through the criminal justice system, from report to court, exploring the different attrition trajectories for cases that can be characterized as involving acquaintance, intimate domestic violence, and historical child sexual abuse contexts. Using police data from three police forces in England

covering 87 cases, interviews relating to 15 victim/survivors and interviews with criminal justice professionals, the paper explores investigative processes and victim engagement across rape cases and their different trajectories through the criminal justice system. The legal and extra-legal factors that have been identified in the previous literature as increasing attrition, such as relationship between victim and offender, vulnerability of victim, and evidential issues, were all seen to play some part in the attrition and trajectories of the cases discussed here, but were relevant to different degrees depending on whether the cases involved acquaintance, intimate domestic violence, or historical child sexual abuse. If we are to more effectively deal with the 'justice gap' that exists in rape cases, an important aspect is to understand the differences between these groups of cases and the particular circumstance and needs of the victims in these different contexts.

**Findings:** Historical cases were significantly more likely to result in conviction. The case file data indicated that this was often because there was more than one victim, because victims had disclosed similar accounts to a variety of people at different times, and because medical or social services records provided supporting evidence.

**Limitations:** The sample was not large compared to other flow studies and the quality of the police data did not allow further items to be analysed using regression. There was also an over-representation of historical cases in the interview sample, which had higher conviction rate, meaning most went on to court and conviction.

**WoE:** High

**Source 7: HM Crown Prosecution Service Inspectorate (2016) *Thematic Review of the CPS Rape and Serious Sexual Offences Units*. London: HMCPSI. See also PA2 and PA3**

**Source type:** Institutional report

**Aims:** The purpose of this review was to examine and compare the structure of the units designated in each Crown Prosecution Service (CPS) Area to handle rape and serious sexual offence (RASSO) casework and assess the quality of the casework delivered.

**Design and methods:** The inspection team visited six CPS Areas and interviewed operational staff and leads within the CPS, as well as leads within police forces, counsel and members of the judiciary. In addition, inspectors visited a further Area to observe the co-located model and received information from the RASSO unit heads in the remaining Areas not visited during fieldwork, as well as representatives of the third sector. Fifteen files from each of the fieldwork Areas were reviewed against agreed criteria.

**Location:** England and Wales, all RASSO units

**Data from:** April–September 2014

**Sample details:** 90 cases finalised during April to September 2014

**Summary:** The focus of this inspection was to review the current arrangements for handling RASSO casework and the ability of the current CPS RASSO units to deliver fair and successful outcomes in the most efficient and effective way. The report describes the



quality of casework and examines and compares the structure of the designated units in each CPS Area to handle RASSO casework

**Findings:** The volume of prosecutions completed has reached its highest level, increasing by 16.6% from the previous year with a similar position for the volume of convictions, a rise of 9.9%. Despite the increase in the number of convictions, as a proportion of all contested cases the overall conviction rate fell by 3.4% to 56.9%.

**Limitations:** The findings are based on a relatively small number of files in selected CPS areas due to the volume of material contained and the resource implications of reviewing them.

**WoE:** High

**Source 8: Hoyano, L. (2019) Cross-examination of sexual assault complainants on previous sexual behaviour: views from the barristers' row. *Criminal Law Review*, 2: pp. 77–114.**

**Source type:** Peer-reviewed journal article

**Aims:** To acquire a more rounded quantitative and qualitative view of the operation of section 41 in the courts of England and Wales compared to previous empirical studies covering all sexual offences, ages and genders.

**Design and methods:** Online survey

**Location:** England and Wales

**Data from:** 2015–17

**Sample details:** Self-selecting sample – full membership of Criminal Bar Association invited, 4.6% response rate (179/3,880), but 140 usable responses

**Summary:** This is the largest empirical study conducted of the operation of section 41 of the Youth Justice and Criminal Evidence Act 1999. The data was collected from criminal barristers who prosecuted and defended in the cases in the sample. The research enabled insights into daily practice, including consultations with clients, trial strategy, legal arguments made in closed courts in section 41 applications, and discussions and agreements between counsel outside the courtroom. The data collected examines 377 cases involving 565 complainants, which proceeded to trial in 105 Crown Courts centres in the 24 months immediately prior to November 2017. This study includes data on applications to use previous sexual behaviour evidence in respect of all sexual offences, not just rape, and without any restrictions on complainants as to gender or age.

**Findings:** Almost 60% of respondents considered that section 41 was working in the interests of justice, including the majority of those barristers identified as defending only in the case sample. Only 27% considered that section 41 was not working, no respondents thought it should be reformed to make it more restrictive, and only one respondent (0.5%) thought trial judges were not being sufficiently rigorous in their application of section 41. However, responses were discursive so multiple responses were recorded, meaning some

may have responded that it was both working and in need of amendment. Section 41 applications were made in relation to 25% of complainants and, of these, 74% of these were granted (46% in full, 32% in part), equivalent to 19% of cases overall. Results showed a gender difference, with applications made/granted in relation to 5%/4% of male complainants compared to 32%/23% of female complainants. Applications were made in 26% of cases of children aged under 16. In 35% of applications, the defence filed the documents after the prescribed time limit of 28 days.

**Limitations:** There were certain limitations to this methodology, as for complete accuracy members would have had to go back through their files and report systematically on each case they had dealt with, whereas the author states that it is likely that many responded based on their memory. Counting conventions and approximation because of imprecise answers, especially where multiple complainants, may have led to the possible over-estimation of the applications to complainants ratio, although the author states the estimate is conservative. There was a relatively small number of cases in the sample from each Crown Court centre, especially from Wales.

**WoE:** Medium

**Source 9:** Lilley Walker, S., Hester, M., McPhee, D. and Patsos, D. (2019) Rape, inequality and the criminal justice response in England: The importance of age and gender. *Criminology & Criminal Justice*, pp.1–19. DOI: 10.1177/1748895819863095. See also PA1, PA2 and PA3

**Source type:** Peer-reviewed journal article

**Aims:** To examine the way in which the intersection of gender and age impacts upon case trajectories and outcomes

**Design and methods:** Flow study combining data gathered in 2 studies through police case file analysis

**Location:** England, 2 police force areas in South West and North East

**Data from:** 2010–2014

**Sample details:** 14+ years, female and male, incidents involving victims-survivors aged 14 years and over at the time of report and concluded cases only, 585 reported rape cases

**Summary:** This article draws upon quantitative and content analysis of 585 reports of rape recorded within two police force areas in England in 2010 and in 2014 tracking individual incidents to eventual outcome to examine the impact, if any, of intersecting inequalities on trajectories of rape cases reported to police. The data were collected as part of a wider ESRC-funded Justice, Inequality and Gender-Based Violence research project which examined victim-survivor experiences and perspectives on justice. Building on existing distinctions between types of rape case based on the relationship between victim-survivor and accused, the results suggest age and gender are significant factors in how sexual violence, and the criminal justice system, is experienced. While younger women and girls were disproportionately affected by certain types of sexual violence case and more likely

to come into contact with the criminal justice system compared to men and older women, they were not necessarily more likely to achieve a conviction. The findings also confirm that some of the most vulnerable victims-survivors of sexual violence, especially those with poor mental health, are still not achieving criminal justice. Victims-survivors from Black and minority ethnic group or lesbian, gay, bisexual, transgender, transsexual, queer groups are underrepresented within the criminal justice system, implying these groups are not seeking a criminal justice response in the same way as 'white' heterosexual victims-survivors.

**Findings:** Trajectories showed non-historic familial rape and historic CSA were most likely to progress all the way through the CJS and result in conviction (36% and 19% respectively) compared to intimate partner rapes (12%) and acquaintance rapes (11%). Despite a lack of forensic evidence in historic CSA cases, conviction may be more likely because there is often more than one victim, because victims had disclosed similar accounts to a variety of people and medical or social service records provided supporting evidence. In over a quarter of all incidents reported (26%), the complainant was recorded as having mental health issues (MHI) ranging from anxiety, depression and post-traumatic stress disorder (PTSD) to self-harm, eating disorders, borderline personality disorder, schizophrenia and dementia. Most of these were women (90%) and younger (62%). Incidents involving victims-survivors with MHI were significantly less likely than those without MHI to proceed to trial (12%,  $p < .01$ ) and to result in conviction (8%,  $p < .01$ ).

Women and girls reported rape in much higher numbers than younger men and boys and were more likely to report rape by an acquaintance or intimate partner. While cases involving women and girls were more likely to result in conviction overall, they were significantly more likely to result in conviction for a lesser offence than cases involving male victims-survivors. This could be partly explained by research showing prevailing gender inequalities and discrimination in how the CJS treats female victims-survivors with rape myths. While reporting in smaller numbers, cases involving younger men and boys were more likely to be historic CSA and more likely to result in conviction for rape. Cases involving older males were often acquaintance rapes, which were less likely to reach trial/conviction.

Cases receiving specialist support e.g. Rape Crisis/ISVA were significantly more likely (controlling for age, ethnicity and gender) to result in a conviction (1.9 times,  $p < .01$ ). Cases involving younger male complainants were less likely to drop out of the system due to victim retraction/nonengagement and more likely to result in conviction for rape, but those involving older male complainants, which tended to be acquaintance rapes, were less likely to.

**Limitations:** The nature and severity of the MHI was not recorded consistently within, and across, the police data systems, and it is possible that the data are under-inclusive as not all complainants with an MHI will disclose symptoms to police. It is unclear from the data if the MHI was disclosed by the victim-survivor or observed by police.

**WoE:** High

**Source 10: Lovett J. and Kelly, L. (2009) *Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries*. London: Child and Woman Abuse Studies Unit. See also PA1, PA2 and PA3**

**Source type:** Academic research report

**Aims:** To analyse the similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures

**Design and methods:** Mixed methods, including flow study based on case file analysis, interviews with key informants, creation of timeline and map of the legal process in each country in the study

**Location:** England, unnamed metropolitan area

**Data from:** 2005

**Sample details:** 100 cases from England & Wales (899 across the whole study)

**Summary:** In virtually all countries where major studies have been published, substantial increases in reporting have not been matched by rises in prosecutions, resulting in a falling conviction rate. This study built on two previous Daphne projects to examine similarities and differences in attrition processes across 11 countries with varying judicial systems and socio-legal cultures. The research design combined two strands: the first updated time series national level data on reporting, prosecution and conviction for 33 European countries for the years 2001–2007; the second involved quantitative content analysis of 100 case files in Austria, Belgium, England & Wales, France, Germany, Greece, Hungary, Ireland, Portugal, Scotland and Sweden. This was supplemented by: interviews with key informants; mapping the legal process/procedure; and creating a timeline to document social and legal responses to sexual violence, with project partners responsible for the collection and collation of data from their respective countries.

**Findings:** Just over one fifth (21%) of cases were referred to court, with one discontinued before the full trial took place. Of the 20 cases that were tried, 7 (35%) were convicted and 13 (65%) acquitted – not only one of the lowest conviction rates in the study, but by far the highest acquittal rate. Convictions here includes guilty pleas, guilty verdicts and part convictions. This case tracking also had a high proportion of cases acquitted at trial: almost two thirds (65%). Analysis comparing acquittals and convictions was conducted. Bearing in mind the small numbers in each category, convictions were more likely where the suspect was a stranger/recent acquaintance, a non-UK national and had been previously accused or convicted of a crime, including a sexual offence. Acquittals were more likely where the suspect was well known to the victim (e.g. current/ex-partner, family member, acquaintance) or the victim had consumed drugs or was severely affected by alcohol.

**Limitations:** The main limitation of this sample in relation to the comparative study is that it is drawn from a slightly later timeframe to other countries. There were also several areas where the police data for England were inconsistent, particularly the relationship and employment status of victims and suspects and previous offending by suspects.

**WoE:** High

**Source 11: Majeed-Ariss, R., Brockway, A., Cook, K. and White, C. (2019) 'Could do better': Report on the use of special measures in sexual offences cases. *Criminology & Criminal Justice*, <https://doi.org/10.1177/1748895819840396>, pp.1–18.**

**Source type:** Peer-reviewed journal article

**Aims:** To acquire a more rounded and better-informed quantitative and qualitative view of the actual operation of section 41 in the courts of England and Wales compared to previous empirical studies covering all sexual offences, ages and genders.

**Design and methods:** Mixed methods survey, adult complainants attending the Saint Mary's SARC were surveyed by their ISVA regarding their choice of special measure prior to giving evidence in court but, where possible, after their pre-court visit

**Location:** England, Manchester, St Mary's SARC

**Data from:** 2016–17

**Sample details:** 62 adult complainants attending the Saint Mary's SARC between 25th January 2016 and 31st October 2017, 72 responses received (35% response rate), but 11 surveys excluded. Sample profile: 95% women; 92% White British; 38% 18–25 yrs, 28% 26–35 yrs, 33% 36–55 yrs

**Summary:** This article reports on research into the use of 'special measures' in sexual offence cases, explaining why they are considered important in view of attrition within the criminal justice system and outlining the rules surrounding their use. The study surveyed 61 sexual offence complainants on how they had decided to give evidence in court and what influenced this decision. It evaluates special measures including the remote live link, from the point of view of the complainants. The complainants' descriptions of their choices highlighted the key themes of visibility, being in the courtroom and the use of live links.

**Findings:** The majority of complainants looked at 3–4 forms of special measures on their pre-trial visit, and most found this helpful. The study reveals some issues with the implementation of special measures locally, such as the ways that decisions about special measures are made (some complainants were simply told they were giving evidence a certain way and not given a choice); and limitations on the circumstances whereby a support worker can be present while evidence is given. There was a failure to offer a combination of special measures, even though this should be possible. ISVAs report that screens and live link are not generally permitted in combination, that courts are set up differently and often it is not even logistically possible to combine screens and video links. Some would have used the live link, if they could be sure that the defendant could not see their face on the screen in the courtroom. Although they draw links with attrition, the authors state that it is not known what impact this possibility might have on attrition or on outcomes.

**Limitations:** The sample of complainants was limited in terms of size and diversity, although drawn from a particularly sensitive and hard-to-reach group.

**WoE:** Medium

**Source 12: Mayor of London Office for Policing and Crime (2019) *The London Rape Review: A review of cases from 2016*. London: MOPAC. See also PA1, PA2 and PA3**

**Source type:** Institutional report

**Aims:** To examine reported rape in London, with a specific focus on how key factors related to the victim/survivor, suspect and offence, as well as the subsequent investigation by the police, may affect different outcomes for victims/survivors and the progression of rape cases through the criminal justice system.

**Design and methods:** Flow study based on police case file analysis

**Location:** England, London, Metropolitan Police

**Data from:** 2016

**Sample details:** All crime records with an initial classification of rape of a female or male reported to the MPS included to maintain comparability with methodology of previous London rape reviews. Cases were excluded if: the initial classification was attempted rape; the classification later changed to a non-sexual violence offence; the case was transferred out of the MPS to another police force; or the record was identified as a duplicate of another (n = 501 cases)

**Summary:** A total of 501 allegations of rape in April 2016 were examined as part of this review. This research builds on previous reviews of rape in the MPS conducted between 2005 and 2012.

**Findings:** Only 6% (n = 23) of cases in the sample proceeded to trial (64% of those charged by the CPS) and only 3% (n = 13) resulted in a conviction (61% of those that proceeded to trial).

**Limitations:** These were mainly linked to missing data. Data were limited to what was on police CRIS report, so for example CPS decisions were not captured consistently. There was also missing data as CRIS is an investigation aid not a research tool, and it is not clear if the absence of data is simply because it was not recorded or because it was not a factor in the case. There may be some sampling bias with selection of months (which were selected to continue approach of previous reviews).

**WoE:** High

**Source 13: Ministry of Justice, Home Office and Office for National Statistics (2013) *An Overview of Sexual Offending in England and Wales*. London: Ministry of Justice, Home Office and Office for National Statistics. See also PA1**

**Source type:** Government report in house

**Aims:** To provide an overview of sexual offending in England and Wales, highlighting the victim experience, the police role in recording and detecting the crimes, how the various criminal justice agencies deal with an offender once identified and the criminal histories of sex offenders.

**Design and methods:** Quantitative analysis of data largely from published government statistical releases (CSEW, police recorded crime, Police National Computer, LIBRA and CREST data on trials and sentencing)

**Location:** England and Wales

**Data from:** 2005–11

**Sample details:** All sexual offences against females and males including rape, attempted rape and sexual assault, sexual activity with a minor and other sexual offences, excluding kerb crawling and letting premises as a brothel between 2005 and 2011. For police recorded crime data are 2005/06 to 2011/12, for CSEW data from 2009/10 to 2011/12)

**Summary:** This report brings together, for the first time, a range of official statistics from across the crime and criminal justice system, providing an overview of sexual offending in England and Wales. Most of the information presented in this report has been previously published in other official statistics bulletins. The report highlights: the victim experience; the police role in recording and detecting the crimes; how the various criminal justice agencies deal with an offender once identified; and the criminal histories of sex offenders.

**Findings:** The largest increases in the number of offenders found guilty over the past seven years have occurred for the offences of rape of a female and sexual activity with minors, with increases of 45.3% and 45.2% respectively. Rape of a male has also seen an increase in convictions of 39.7% since 2005. Sexual assault on a female and other sexual offences have seen smaller increases of 18.7%. In 2011, males accounted for the vast majority of offenders found guilty for sexual offences (99.0%). More specifically, males aged 18 and over accounted for 91.8% of offenders found guilty for sexual offences, with similar proportions for rape (94.0%) and sexual assault (90.3%) proceedings. Of 5,497 offenders found guilty of sexual offences in 2011 where ethnicity was known, 19.1% were BME. Defendants tried for rape of a female had the lowest proportion of guilty pleas at 20.8%. Comparing across sexual offence groups, rape of a female has the lowest conviction ratio – 39.7% in 2011 – but it has increased from 27.6% in 2005. Of the rape proceedings commencing in 2009 which were matched to an outcome at magistrates' courts or the Crown Court in 2009, 2010 or 2011 (i.e. completed cases), 55.9% were found guilty of an offence, with: 33.2% being found guilty of a rape offence. This illustrates the extent to which particular types of offences can be subject to downgrading. Further, in some instances, cases are combined and the offender is convicted of a more serious offence, such as murder, with the rape charge ordered to remain on file. The relationship between plea and outcome of cases completed at the Crown Court is also highlighted – the defendant pleaded not guilty in 69% of completed rape cases at the Crown Court, and 63% of those pleading not guilty were subsequently found not guilty.

**Limitations:** There are few insights on the CPS stage. The limitations of matching police recorded crime and prosecutions data when they are in different units (i.e. offences and offenders) are also noted.

**WoE:** High

**Source 14: Osborn, K., Davis, J., Button, S., Foster, J. (2018) Juror Decision Making in Acquaintance and Marital Rape: The Influence of Clothing, Alcohol, and Preexisting Stereotypical Attitudes. *Journal of Interpersonal Violence*, pp.1–22. DOI: 10.1177/0886260518768566**

**Source type:** Peer-reviewed journal article

**Design and methods:** Experimental between-groups mock juror study using vignettes. Common factors were relationship type (married vs. acquaintance), victim's crime clothing (revealing vs. plain), and victim's court clothing (smart vs. casual). Experiment 2 also examined defendant's alcohol consumption (under vs. over the UK drink driving limit the following day) and participant–juror gender (male vs. female). The dependent variables were verdict (guilty vs. not guilty) and recommended sentence length (0–10 years)

**Location:** England, South West

**Data from:** Not stated

**Sample details:** Experiment 1: Jury-eligible university students aged 18–62 in South West England (n = 218; female = 83.0%; age = 18–62 years, M = 24.1, SD = 9.7); Experiment 2: British members of the public (n = 1,084, female = 60.8%, age = 18–68 years, M = 30.0, SD = 10.7). Self-selecting sample recruited through adverts

**Summary:** Stereotypical biases about women's roles in intimate relationships including their marital status and lifestyle choices such as clothing and alcohol use influence juror attributions of rape case defendant guilt, potentially reducing access to justice for victims. Across two mock-juror decision-making experiments, participants read identical fictitious sexual assault vignettes varying in intoxicated defendant–complainant relationship (married vs. acquaintance), accompanied by photographs of complainant clothing at the crime (body revealing vs. plain) and in court (smart vs. casual). Experiment 2 additionally described the defendant's alcohol consumption as either under or over the drink drive limit.

**Findings:** Most participants delivered guilty verdicts (Experiment 1: 86.7%; Experiment 2: 75.5%), recommending mean prison sentences of 5.04 years in Experiment 1 (n = 218 students) and 4.33 years in Experiment 2 (n = 1,086 members of public). In Experiment 1, guilty verdict rates and sentences were significantly higher when the married—but not the acquaintance—complainant dressed smartly rather than casually in court. In Experiment 2, significantly more guilty verdicts were delivered by females (80.3%) than males (66.9%), while sentence lengths were longer in acquaintance (M = 4.52 years) than married conditions (M = 4.10). Significant interactions between defendant alcohol use and clothing choice of the married—but not the acquaintance complainant—at the crime also influenced sentencing decisions. Higher scores on additionally administered scales measuring rape myth acceptance and sexist attitudes, but not alcohol expectancies, predicted lenient sentencing decisions in both experiments. These findings highlight how “rape myths” concerning marriages drive juror decisions. The authors argue that prosecuting lawyers should use these results to better challenge these attitudes in court. Internationally, rape is often unreported to the police, and married victims may be more willing to come forward if they believe unbiased access to justice is likely.

**Limitations:** Questionnaires and vignettes can be criticised for being simplistic and may lack realism, the rape myth questionnaire endorsement may not correlate with actual acceptance, and verdicts were also provided privately with no normal jury deliberation



processes. Additionally, the research only investigated heterosexual rape, employing photographs of white adults of approximate university undergraduate age, which may limit conclusions to this particular demographic group.

**WoE:** Medium

**Source 15: Rumney, P. McPhee, D, Fenton, R. and Williams, A. (2019) A police specialist rape investigation unit: a comparative analysis of performance and victim care. *Policing and Society*. DOI: 10.1080/10439463.2019.1566329. See also PA1 and PA3**

**Source type:** Peer-reviewed journal article

**Aims:** To examine: whether rape investigations performed by officers in a specialist unit have different trajectories through the criminal justice system in comparison to those conducted by non-specialist officers; whether specialist unit investigations provide different standards of victim support compared to the non-specialist response; and how the specialist and non-specialist response is experienced and perceived by police officers

**Design and methods:** Mixed method including flow study based on police case file analysis and interviews with police officers

**Location:** England, Bristol plus unnamed comparator area, specialist and non-specialist police rape investigation teams

**Data from:** Not stated

**Sample details:** All cases of rape and attempted rape of females and males aged 14+ years reported to police in 2 calendar years, exclusion of particular case types not evident in comparator area, (n = 306 cases; 211 specialist unit, 95 non-specialist), 9 specialist/non-specialist police officers interviewed, recruited by snowball method

**Summary:** This article examines the workings of a specialist rape investigation unit (Bluestone) and compares its performance with a non-specialist investigative approach. This is the first study to examine the work of a specialist rape investigation unit in this way. The research finds that the specialist unit outperformed the non-specialist investigative approach in many, though not all performance measures, including charging and 'reached court' rates in rape cases, retention of cases characterised by complex victim vulnerability, allocation of Sexual Assault Investigation Trained (SAIT) officers, rate of referral to an ISVA and accuracy of crime recording. Further, police officer interview data suggest that team working and support, communication and a sense of common purpose were distinctive features of the specialist unit, when contrasted to experience of working in a non-specialist policing environment. These findings have policy and resource implications for the policing of rape and the need to achieve the best possible investigative standards in sexual offence cases, including the provision of appropriate care and addressing the needs of highly vulnerable victims. The article concludes by arguing that there is a growing body of evidence to suggest that investigative specialism is a crucial element in the police response to rape.

**Findings:** Rates comparing Bluestone and comparator cases showed that slightly more of cases from the specialist unit reached court (29.8% vs. 27.3%); convictions for any offence (15.6% vs. 22.1%) and convictions for rape (9.4% vs. 11.5%) were slightly lower. However, Bluestone having a higher concentration of victims with multiple vulnerabilities, where convictions are less likely. Although good police work in terms of evidence collection and victim care may influence the prospect of cases reaching the trial stage, conviction rates at trial cannot be considered a robust measure of police performance given the range of factors in operation at that stage of the criminal justice process. The lower rate of conviction in Bluestone rape cases may be influenced by differing profiles of the 2 samples, as the comparator had more guilty pleas at court, more child victims and less cases involving multiple vulnerabilities.

**Limitations:** The authors note the difficulty of finding a like-for-like comparator area, so some differences in case types resulting from local characteristics led to a number of cases being excluded. The findings are dependent on the presence and quality of information in case files and recording practices. Only a small number of interviews were conducted so they cannot claim to be representative, and victim perspectives were not included.

**WoE:** High

**Source 16: Smith, O. and Skinner, T. (2017) How Rape Myths Are Used and Challenged in Rape and Sexual Assault Trials. *Social & Legal Studies*, 26(4): pp. 441–466.**

**Source type:** Peer-reviewed journal article

**Aims:** This article examines court responses to rape and sexual assault, exploring why attempts at improvement have not been fully effective. In particular, it scrutinizes the use of rape myths because they are frequently blamed for the problems identified. It seeks to understand the use of rape myths at trial by observing how they are made relevant despite increasing awareness of the realities of rape.

**Design and methods:** Observational study of Crown Court rape and sexual assault trials

**Location:** England

**Data from:** 2010 and 2012

**Sample details:** 28 trials involving rape/sexual assault of a female or male over 16. Purposeful and opportunity sampling employed – the court was selected because it had recently won awards for witness treatment which suggested it was a centre of good practice. The trials were sampled opportunistically, with the researcher attending court and asking the court administrators for the time and location of the next adult rape or sexual assault trial scheduled to start that day. The sampled trials were varied, but there was a bias towards domestic violence contexts, as this made up the majority of cases.

**Summary:** Court responses to rape and sexual assault have been repeatedly criticised in England and Wales. Research has identified prevalent stereotypes about rape in both the criminal justice system and wider society, with these rape myths often being used as the

predominant explanation for inadequate victim/survivor treatment. The existing literature, though, tends to rely on interviews or is outdated by policy, so the present research uses court observations to explore what is actually happening in adult rape and sexual assault trials. The findings show that rape myths are still routinely used at trial, but that they are sometimes resisted using judicial directions or prosecution comments. In addition, the research highlights how rape myths are kept 'relevant' to trial through a focus on inconsistencies, a dichotomy of wholly truthful/untruthful witnesses, and conceptualisations of 'rational' behaviour as being the 'normal' way to act. These findings provide a new understanding of rape myths and have implications for policy; in particular, that while training legal professionals is helpful, it cannot be expected to fully address the use of rape myths.

**Findings:** In the trials observed, rape myths were used extensively in every trial and were a routine way for the defence to undermine prosecution witnesses' credibility. The most commonly discussed myths related to appropriate demeanour, delayed reporting, failure to cut contact with the accused and physical resistance. These were resisted by some judges and prosecution barristers, but they remained relevant for juries through a focus on identifying inconsistencies and discourses about rationality. Rape myths were used to portray victim/survivor behaviour as either normal or 'abnormal' and over-simplified the contexts of rape. Victim-survivor behaviour was presented as inconsistent with normal reactions, with this implying dishonesty. In portraying evidence as deviating from rational ideals, creating an inconsistency between the witness's actions and normal behaviour, barristers cast doubt on a witness's testimony. The high standard of proof required for a conviction was then used to argue that any doubt about prosecution witnesses should result in acquittal. Challenges to stereotypes by prosecution and, to a lesser extent, defence and judges were observed, but the limited data from this study did not appear to show any link between the use of myth-busters and conviction rates.

**Limitations:** This was a small sample due to the time-intensive nature of observation and preparation of data, so findings may not be generalisable.

**WoE:** Medium

**Source 17: Temkin, J., Gray, J. and Barrett, J. (2018) Different functions of rape myth use in court: findings from a trial observation study. *Feminist Criminology*, 13(2): pp. 205–226.**

**Source type:** Peer-reviewed journal article

**Aims:** To observe a small sample of rape trials to identify whether rape mythology figured in them and, if it did, to obtain a deeper understanding of the way in which rape stereotypes were deployed and challenged.

**Design and methods:** Mixed methods involving observational study of Crown Court trials and qualitative semi-structured interviews with barristers appearing in a sample of the observed cases

**Location:** England, South east

**Data from:** 2010

**Sample details:** 8 rape trials. Trials were identified by weekly telephone calls throughout the data collection period to all the courts in the study area to establish whether any single perpetrator rape trials were listed for the following week, and to obtain any preliminary information about the nature of the case. For most weeks, there was only one relevant trial scheduled, but if there was more than one, then the case scheduled to last for no more than 5 days was selected.

**Summary:** This study examines rape myth use in 8 English rape trials and assesses attempts by trial participants to combat it. Trial notes, based on observations, were analysed using thematic analysis. Rape myths were used in three identifiable ways: to distance the case from the “real rape” stereotype, to discredit the complainant, and to emphasise the aspects of the case that were consistent with rape myths. Prosecution challenges to the myths were few, and judges rarely countered the rape myths. This study provides new insights by demonstrating the ways that rape myths are utilized to manipulate jurors’ interpretations of the evidence.

**Findings:** The study sample consisted of alleged rapes by one stranger, three acquaintances, one husband, and three previous partners. There were convictions in 3 out of 8 cases. A wide repertoire of myths was used by the defence in the observed trials—five or more myths in the majority of trials—which suggests that the use of rape mythology is still well entrenched. Nor is there any indication in this study that any of the well-worn myths about rape have fallen into disuse. Rape mythology appears to be a key defence tool regardless of the nature of the alleged assault or the overall strength of the prosecution case.

**Limitations:** Given the small number of trials included, generalisable claims cannot be made.

**WoE:** Medium

**Source 18: Thomas, C. (2010) *Are juries fair?* Ministry of Justice Research Series 1/10. London: MoJ.**

**Source type:** Government report commissioned

**Aims:** The study has a number of broader aims, but those relating to rape cases are around verdicts analysis, which explores the scale and efficiency of jury trials and whether there is consistency in jury decision-making. Specifically, it examines juries’ ability to reach a verdict, and whether jury conviction rates are associated with the type of offence, the severity of the offence, the court where the case is tried or the number of charges in a case

**Design and methods:** Overall study is multi method comprising additional elements of case simulation and post-verdict survey of jurors to test for discrimination against BME defendants. Statistical analysis of jury verdicts using data from CREST, the HMCS case management and reporting system for Crown Courts.

**Location:** England and Wales

**Sample details:** Verdict analysis covers all cases tried at all Crown Courts in England and Wales that concluded between 1 October 2006 and 31 March 2008 (involving over 68,000 verdicts for a range of offences; 4,310 rape verdicts); the other 2 study elements were conducted at 2/3 selected courts

**Summary:** This research asks how fair the jury decision-making process is. It explores a number of aspects of jury fairness for the first time in this country, and asks specifically: Do all-White juries discriminate against BME defendants? Do jurors racially stereotype defendants? Do juries at certain courts rarely convict? Do juries rarely convict on certain offences? Do jurors understand legal directions? Do jurors know what to do about improper conduct in the jury room? Are jurors aware of media coverage of their cases? How is the internet affecting jury trials? The research used a multi-method approach to examine these issues: case simulation with real juries at Crown; large-scale analysis of all jury verdicts in Crown Courts in England and Wales 2006–08; and a post-verdict survey of jurors. The study found little evidence that juries are not fair. However, it identifies several areas where the criminal justice system should better assist jurors in performing this role.

**Findings:** The report finds that contrary to popular belief and previous government reports, juries convict more often than they acquit in rape cases (55% jury conviction rate). Other serious offences (attempted murder, manslaughter, GBH) have lower jury conviction rates than rape. Current findings cover all jury rape verdicts in all courts in 2006–08 (4,310). Jury conviction rates for rape vary according to the gender and age of the complainant, with high conviction rates for some female complainants and low conviction rates for some male complainants. It is argued that this challenges the view that juries' failure to convict in rape cases is due to juror bias against female complainants, and that juries are not primarily responsible for the low conviction rate on rape allegations. Juries deliberate in a minority of cases overall where no guilty plea and case not discontinued in other ways, e.g. stayed or prosecution offer no evidence. The statistical analysis shows that defendants were most likely to plead not guilty to offences related to homicide (68%), proceeds of criminal conduct (55%) and sexual offences (50%). Where juries do deliberate, they convict defendants more often than they acquit. Juries returned guilty verdicts by deliberation on almost two-thirds (64%) of all charges. Juries are rarely unable to reach a verdict. Less than 1% of all charges where a jury deliberated resulted in a hung jury. However, hung juries occurred most often with sexual offences (44%) and assaults (17%). While theft offences make up the single largest proportion of charges in the Crown Courts (25%), the single largest proportion of jury verdicts are for sexual offences (31%). Offence types with the lowest conviction rates (non-fatal offences against the person, sexual offences) appear to be ones where the jury has to choose between conflicting versions of events often in the absence of strong corroborating evidence.

**Limitations:** This study was not specifically focused on rape cases and includes many offence types; only the verdict analysis relates to rape cases. There is no contextual information about case types, only sex and age cross-tabs are reported.

**WoE:** High

**Source 19: Williams, E. and Stanko, E. (2009) Reviewing rape and rape allegations in London. In M. Horvath and J. Brown (eds.) *Rape: Challenging contemporary thinking*. Cullumpton: Willan, pp. 207–225. See also PA2**

**Source type:** Book chapter

**Aims:** The aim is to explore in detail the contexts of rape for those victims who come to the attention of the police and to examine any subsequent implications these contexts have on the outcome of a criminal allegation of rape.

**Design and methods:** Flow study based on case file analysis

**Location:** England, London, Metropolitan Police

**Data from:** April–May 2005

**Sample details:** All 677 allegations of rape of a female or male recorded on Metropolitan Police CRIS system

**Summary:** This chapter takes a close look at rape allegations reported to the police in London. The aim is to explore in detail the contexts of rape for those victims who come to the attention of the police and to examine any subsequent implications these contexts have on the outcome of a criminal allegation of rape. It also adds a new dimension. The authors argue that the vulnerability (i.e. situations of disadvantage in terms of 'social believability') of the victims who do report rape to the police contributes significantly to the outcome of the allegation in the criminal justice process. 4 main categories of vulnerability: victims under 18; victims drinking/misusing drugs; victims with mental health issues; victims whose assailant was an intimate partner.

**Findings:** Of all rape allegations in the sample, 5.3% resulted in a conviction; of all crimed allegations, 7.9% resulted in a conviction. The majority of victims had one or more of the 4 vulnerabilities that made them more exposed to rape; only 13% did not. Victims with multiple vulnerabilities are the least likely to see their allegations result in a conviction for rape, and those with mental health issues are the most disadvantaged in the process overall.

**Limitations:** Data were limited to what was on police CRIS report, which only represents a snapshot on the case, and there was much missing information. The researchers did not speak to investigating officers.

**WoE:** High

## International sources

**Source 20: Daly, K. and Bouhours, B. (2010) Rape and Attrition in the Legal Process: A Comparative Analysis of Five Countries. *Crime and Justice*, 39(1), pp. 565–650.**

**Source type:** Peer-reviewed journal article

**Aims:** To summarise English-language studies of rape case handling by the police and courts.

**Design and methods:** Meta-analysis of English-language studies on the police and court handling of sexual offences in the legal process. Studies were located from academic and government sources and reviews, bibliographies, online databases, and government, research centre and victim advocacy websites for each country. From the original studies, the authors developed a coding schedule, including the study's aim, date and length of data collection, jurisdiction, sample size and selection, offence types studied, age and sex of victims and offenders (when given), the number and percentage of cases at each legal stage (police, prosecution, court, trial), overall conviction rate to any sexual offence and to the original sexual offence, factors linked to police and court decisions, study quality score, and a summary of the major findings. Studies were pooled to produce conviction rates for an earlier (1975–1989) and later (1990–2005) period, and for the overall period. Analysis sought to address 6 hypotheses: (1) With victims' reports to the police as the base, what is the overall rate of conviction (by plea or trial) to any sexual offence and to the original offence? (2) Do overall conviction rates vary over time, by country, by age of victim, or by type of offence? (3) What are the attrition rates at each stage of the legal process? (4) What is the trial rate and the conviction rate at trial? (5) For those pleading guilty or found guilty, what percentage receive a detention sentence? (6) What factors are associated with police and court decisions at different stages of the legal process?

**Location:** Included studies are from US, Canada, Australia, England & Wales, Scotland

**Data from:** 1970–2005

**Sample details:** The authors began by identifying all English-language journal articles, book chapters, reports, and books that investigated the police and court handling of sexual offences in the legal process. As the research progressed, they decided for comparative purposes to examine only common-law countries and included all published work up to September 1, 2007, with an open start time so as to include the earliest studies. They excluded or combined studies where authors published works featuring the same dataset in different outlets. 75 studies relevant were identified. Of these, about half (48%) are from the United States. Over half (53%) analyse penetrative offences only (rape, attempted rape, and USI); the rest a broader array of sexual offences. Over half (54%) have victims of mixed ages; 17%, adults only; and 29%, child and youth victims only. Studies with a higher share of child or youth victim cases were associated with a broader set of sexual offences.

**Summary:** Despite legal reforms, the authors argue there has been little improvement in police, prosecutor, and court handling of rape and sexual assault. In the past 15 years in Australia, Canada, England and Wales, Scotland, and the United States, victimisation surveys show that 14% of sexual violence victims report the offence to the police. Of these, 30% proceed to prosecution, 20% are adjudicated in court, 12.5% are convicted of any sexual offence, and 6.5% are convicted of the original offence charge. In the past 35 years, average conviction rates have declined from 18% to 12.5%, although they have not fallen in all countries. The significant country differences are evident in how cases are handled and where in the legal process attrition is most likely. A victim's "good" character and credibility and stranger relations are less important than they once were in police or court outcomes. However, evidence of non-consent (witness evidence, physical injuries to the victim, suspect's use of a weapon) continues to be important.

**Findings:** Across three decades in the five countries, the average overall rate of conviction to any sexual offence is 15% and to the original offence, 9%. The overall

conviction rate in the earlier period (1970–89) is 18% but drops to 12.5% in the later period (1990–2005). The United States and Scotland are unique among the five countries in showing no decline, although the number of Scottish cases is small. Of all countries, England and Wales and Canada have the largest decline in conviction rates (14% and 12.5%, respectively). In Australia, the decline is less dramatic (5.5%). Changes in countries' overall conviction rates reflect different patterns of case attrition. For England and Wales, there is a large drop in the case flow into court, coupled with a relatively high trial rate; for Canada, there is a slight drop in case flow into court but a large drop in court conviction; and for Australia, there is a decline in court conviction only. In the later period, England and Wales and Australia show a similar pattern of high trial rates (45–51%) but low conviction rates at trial (41–46 %; trial data are lacking for Canada and Scotland). By comparison, in the later period, the United States has a low trial rate, higher conviction at trial, and overall a higher court conviction rate. Conviction rates are also sensitive to the ages of victims and offence types. Averages across time and country show that child or youth victim cases are more likely to result in conviction than adult victim cases (18.5% compared to 12%, respectively) and that rape and penetrative offences are less likely to be convicted than a broader set of sexual offences (13% and 17%, respectively).

Hypothesis 1, that there is a decline in conviction rates over time, is confirmed when using aggregated conviction rates, but it does not hold when disaggregated by country. Rates of conviction decreased in England and Wales and Canada and, to a lesser degree, in Australia, but not in the United States. Compared to the earlier period, overall conviction rates are more similar in the later period, ranging from 10 to 14%, for four countries (excluding Scotland).

Hypothesis 2, that the early reform countries would have higher overall rates of conviction than the later reform countries, is not confirmed because no consistent pattern emerges. Overall conviction rates for the later period are somewhat higher for two of three early reform countries (the United States and Canada at 14%) and lower for one of two later reform countries (England and Wales at 10%). However, the hypothesis is not supported with conviction rates for Australia and Scotland.

Hypothesis 3, that England and Wales would show the highest degree of attrition over time, is supported. Unlike other countries, England and Wales has seen an unusually high rate of increase in reported sexual assault to the police from 1996 to the present. This may be occurring in part because of recent, more comprehensive legal reform and victim supports contributing to more victims coming forward with complaints. The flow into court percentage has dropped from the earlier to the later period (34 to 17%), the largest of any country. This may reflect, in part, increased caseload pressure on police resources and organisational routines and, in part, a changing composition of sexual assaults reported to the police in England and Wales. Of the five jurisdictions studied, just England and Wales evinces a clear pattern between increases in the rate of reporting sexual assault to the police, decreases in the flow of cases into court, and decreases in the overall rate of conviction. In Australia, there were increases in rates of reporting sexual assault, with a decrease in the overall conviction rate but no change in the flow of cases into court. The other countries do not evince any of these relationships. In Canada, the reported rate of sexual assault has decreased, and so too has the flow of cases into court and the overall conviction rate. In the United States, the reported rate of rape has decreased, but the overall conviction rate has stayed about the same. In Scotland, which has just three studies, there are some increases in reported sexual assault but no change in conviction rates.



For question 6, on the continued relevance of the real rape construct for adult and mixed age victim studies, there is mixed support. The main factors associated with cases proceeding past the police and prosecution and court outcomes in both time periods were evidence related (forensic or witness evidence, victim injury, and weapon present). However, whereas the victim's character and credibility had a strong influence on police and court decisions in the early period, this reduced significantly in the later period. Both this factor and stranger victim-offender relations had relatively less impact on outcomes in the later period. Evidence factors remain important over time; and from this, we may infer that the state's burden of proving non-consent remains a constant. In both time periods, the suspect's criminal history affected police and prosecutorial and court decisions, but a victim's promptness in reporting the offence was relatively less important. As expected, the real rape construct has little relevance for child or youth victim cases.

One explanation for decreasing conviction rates is that as more sexual offences are reported to the police, they contain a higher share of known relations and rape contexts that do not accord with the real rape construct. At the same time, police, prosecutorial, and court decisions continue to operate with the real rape construct in mind. The authors find that this explanation applies best to England and Wales but is less evident in other countries. Of the four countries with sufficient research, the United States is an anomaly with no change in conviction rates over time. There is no one pattern of conviction and attrition in the countries studied.

**Limitations:** The estimates of conviction and attrition, along with the factors associated with attrition, are not derived from a representative sample of jurisdictions from the five countries; and they describe the police and court handling of rape in largely, although not exclusively, urban areas. Claims about the temporal and country variation in rape case attrition are made from the information available, and the number of cases is not overly large. The range in the percentages for overall conviction rates and attrition rates at different stages of the legal process also suggests that in many jurisdictions, outcomes often stray from the averages.

**WoE:** High

**Source 21:** Jordan, J. and Mossman, E. (2019) *Police Sexual Violence File Analysis Report: Women Rape and the Criminal Justice Process*. Wellington: Institute of Criminology, Victoria University of Wellington. See also PA1, PA2 and PA3

**Source type:** Academic research report

**Aims:** To identify factors associated with the progression of sexual violation cases through the police investigative process, within the contemporary New Zealand policing context.

**Design and methods:** This mixed methods study involved a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of 2015, drawn from five selected Police Districts, interviews with specialist sexual assault support agencies and family violence agencies, advocates working with sexual assault victim/survivors, forensic medical clinicians and senior police officers. The data collection involved systematic recording of key variables obtained from the search of police sexual violation files, such as demographics of the victim and perpetrator, victim-perpetrator relationship, situational factors (e.g. scene location, presence of alcohol, drugs), victim

characteristics (e.g., previous complaints, disabilities), and evidential issues (e.g. DNA, injuries, witnesses). This was supplemented by national data and information supplied by NZ Police relevant to this research such as statistics and background information, as well as changes to policy, training, and procedures. The principal lens used was how well police investigations appeared to be conducted and identifying which factors were central to police decision-making.

**Location:** New Zealand, 5 Police Districts

**Data from:** 2015

**Sample details:** The five districts were selected on the basis that they replicated as closely as possible those included in the 1997 study. The researchers identified 257 sexual violation files over a six-month period that met the study criteria: female; adult; and with selected police-designated outcomes (no offence/false complaint (n = 20); warning (n = 2); reported offence, i.e. where a report is taken relating to an offence but no arrest or prosecution is proceeded with (n = 74); and resulting in arrest/prosecution (n = 14)). Of these, to keep the task manageable 110 files were reviewed.

**Summary:** This study involves a systematic analysis of 110 police files resulting from reported sexual violation offences for three months of the calendar year of 2015, drawn from five selected Police Districts. The analysis was designed to replicate an earlier analysis of police rape files from 1997 (Jordan, 2004). File data were retrieved and reviewed in 2017. The three key questions guiding this research were: (i) What factors are associated with the progression of sexual violation cases through police investigation process? (ii) What factors are identifiable from police sexual violation files as influential in the decision to proceed, or not to proceed, to further investigation? (iii) How do these findings compare with those evident in the 1997 study of police sexual violation files?

**Findings:** Achieving a conviction at trial required strong evidence, perpetrator confession and apology, third party confirmation, and DNA corroboration. Overall, of the 12 sexual violence reported offences that went on to be prosecuted, 8 resulted in a conviction.

**Limitations:** The time period for the file analysis was three months of 2015, so there is possible sampling bias in that the nature of the files in this period could differ from the remaining 9 months. Findings from this analysis are based on a relatively small sample of 110 files and caution is required in generalising findings more widely. Findings cannot be generalised to Police Districts not included in the analysis, or to male victims or non-adult victims. The prevalence of some descriptive variables (i.e. factors potentially impacting on case progression) is sometimes less than 20, so percentages need to be interpreted with caution. Descriptive data in files relies on the accuracy of police recording.

**WoE:** High

# Annex 1: Search strategy

## Search methods

The following methods were used to identify relevant material:

1. Searching electronic databases, not limited to academic publications and including those specialising in grey literature
2. Specific searching of key peer reviewed journals (*British Journal of Criminology*; *Criminology and Criminal Justice*; *Violence Against Women*; *Journal of Gender Based Violence*; *Policing: A Journal of Policy and Practice*; and *Policing and Society*)
3. Using search engines such as Google Scholar
4. Forward and backward citation tracking of/within items included in the review.

Individual electronic resources that were searched included:

- Academic Search Complete
- IngentaConnect
- Jstor
- Zetoc – the British Library's Electronic Table of Contents service
- Google Scholar
- The British Library catalogue

In addition to this, the Encore facility was used to enabling simultaneous searching of all electronic resources held by London Metropolitan University, thus covering additional databases such as PsychINFO, Science Direct, Web of Science and SAGE Journals Online.

## Search terms

Combinations of the following search terms listed in Table A1 were used to identify relevant material, depending on the search functionalities of individual databases.

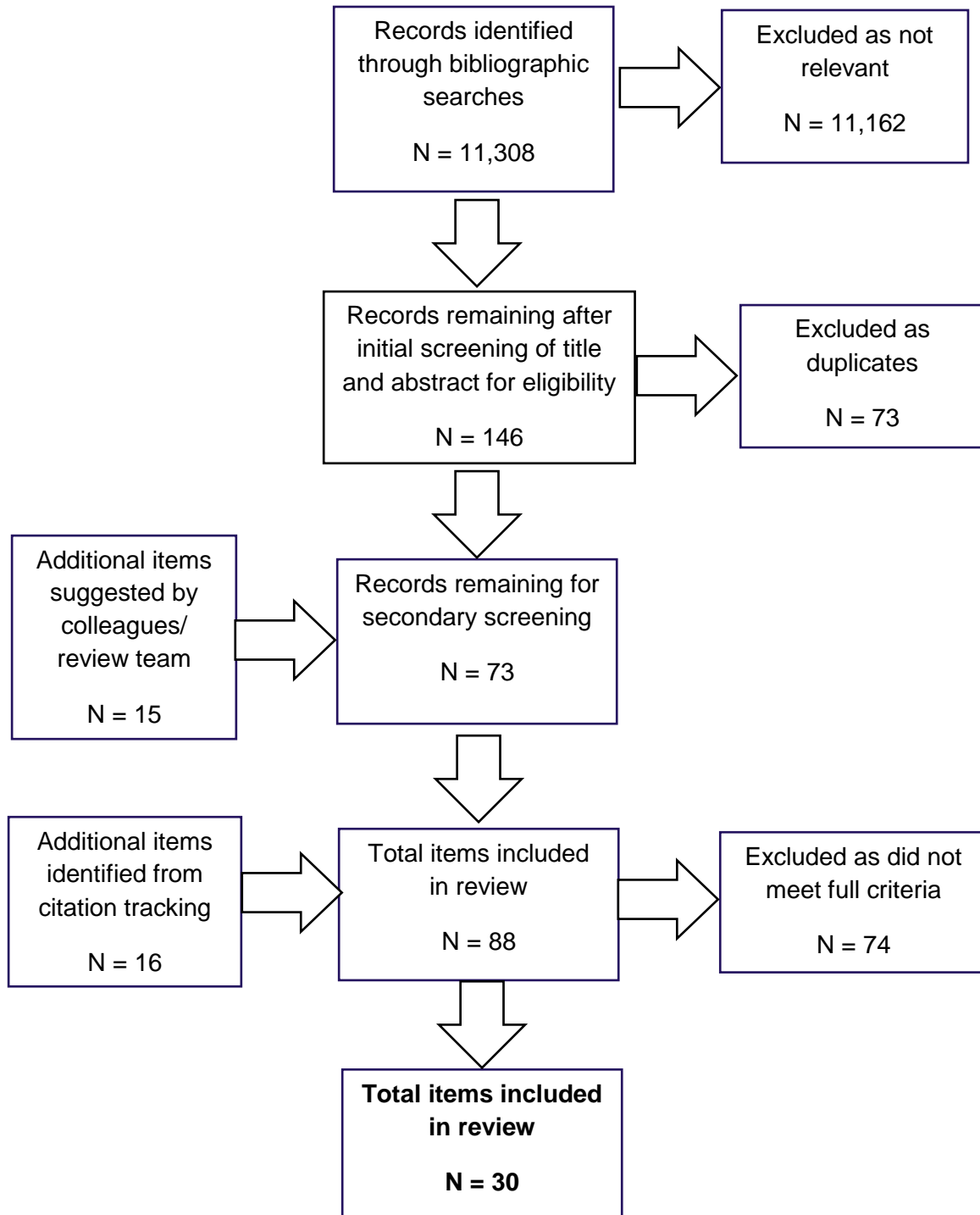
**Table D1: Search terms utilised**

STRING 1	STRING 2
Rape	Criminal justice
Sexual assault	Report*
Sexual violence	Investigat*
Sex* offen*	Charg*
Sex* crime*	Prosecut*
	Convict*
	Acquit*
	Court*
	Trial*
	Attrition

### Identification of relevant items

Figure D1 below illustrates the process of identifying, screening and including/excluding relevant material for the review.

**Figure D1: Flow chart showing how studies were selected**



The process of searching for relevant material commenced with searching the online databases and search engines. This produced a total of 11,308 items, which were subject to initial screening on the basis of title and abstract; 73 of these appeared to be relevant once duplicates had been excluded. A total of 15 items suggested by colleagues connected to the review were added to these, and full-text versions of all items were then obtained and subjected to in-depth screening. Forward and backward citation tracking was then undertaken in relation to all items that were selected for inclusion, and this highlighted another 16 items for consideration. In total, 30 items were selected for final inclusion, with the rest excluded, principally on the grounds that studies lacked sufficient relevance to the review priority areas, presented duplicate datasets and findings to other included studies, or because the data were from a much earlier period. A number of excluded studies were from countries other than England and Wales. Due to time and resource considerations, items from the international literature were only included where that had particular relevance to the priority areas.

## Annex 2: Relevance of literature reviewed to the Priority Areas

Author(s)	Publication year	Full publication details	Relevant to Priority Area 1	Relevant to Priority Area 2	Relevant to Priority Area 3	Relevant to Priority Area 4
Barrett, E. and Hamilton-Giachritsis, C.	2013	The Victim as a Means to an End: Detective Decision Making in a Simulated Investigation of Attempted Rape. <i>Journal of Investigative Psychology &amp; Offender Profiling</i> , 10(2): pp. 200–218.	No	Yes	No	No
Brooks, O. and Burman, M.	2017	Reporting rape: Victim perspectives on advocacy support in the criminal justice process, <i>Journal of Criminology and Criminal Justice</i> , 17(2): pp. 209–225.	Yes	No	No	No
Carline, A. and Gunby, C.	2017	Rape Politics, Policies and Practice: Exploring the Tensions and Unanticipated Consequences of Well-Intended Victim-Focused Measures. <i>Howard Journal of Crime and Justice</i> , 56(1): pp. 34–52	No	No	Yes	Yes
Crown Prosecution Service	2019	Violence against women and girls report 2018–19. London: CPS.	No	Yes	Yes	Yes
Daly, K. and Bouhours, B.	2010	Rape and Attrition in the Legal Process: A Comparative Analysis of Five Countries. <i>Crime and Justice</i> , 39(1): pp. 565–650.	No	No	No	Yes
Durham, R., Lawson, R., Lord, A. and Baird, V.	2017	<i>Seeing Is Believing: The Northumbria Court Observers Panel. Report on 30 Rape Trials 2015–16.</i> Newcastle upon Tyne: Office for the Police and Crime Commissioner of Northumbria.	No	No	No	Yes
Ellison, L. and Munro, V.	2010	Getting to (not) guilty: examining jurors' deliberative processes in, and beyond, the context of a mock rape trial. <i>Legal Studies</i> , 30(1): pp. 74–97	No	No	No	Yes
Ellison, L. and Munro, V.	2009	Turning Mirrors Into Windows? <i>British Journal of Criminology</i> , 49(3): pp. 363–383.	No	No	No	Yes

Author(s)	Publication year	Full publication details	Relevant to Priority Area 1	Relevant to Priority Area 2	Relevant to Priority Area 3	Relevant to Priority Area 4
Ellison, L., Munro, V., Hohl, K. and Wallang, P.	2015	Challenging criminal justice? Psychosocial disability and rape victimization. <i>Criminology and Criminal Justice</i> , 15(2): pp. 225–244.	Yes	Yes	Yes	No
Hester, M and Lilley, S	2017	Rape investigation and attrition in acquaintance, domestic violence and historical rape cases. <i>Journal of Investigative Psychology and Offender Profiling</i> , 14(2): pp. 175–188.	Yes	Yes	Yes	Yes
Hine, B. and Murphy, A.	2019	The influence of ‘High’ vs. ‘Low’ rape myth acceptance on police officers’ judgements of victim and perpetrator responsibility, and rape authenticity. <i>Journal of Criminal Justice</i> , 60: pp. 100–107.	No	Yes	No	No
HM Crown Prosecution Service Inspectorate	2016	<i>Thematic Review of the CPS Rape and Serious Sexual Offences Units</i> . London: HMCPSI.	No	Yes	Yes	Yes
Hohl, K. and Conway, M.	2017	Memory as evidence: How normal features of victim memory lead to the attrition of rape complaints. <i>Criminology &amp; Criminal Justice</i> , 17(3): 248–265.	Yes	Yes	Yes	No
Hohl, K. and Stanko, E.	2015	Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales. <i>European Journal of Criminology</i> , 12(3), pp. 324–341.	Yes	Yes	Yes	No
Hoyano, L.	2019	Cross-examination of sexual assault complainants on previous sexual behaviour: views from the barristers’ row. <i>Criminal Law Review</i> , 2: pp. 77–114.	No	No	No	Yes
Jordan, J. and Mossman, E.	2019	<i>Police Sexual Violence File Analysis Report: Women Rape and the Criminal Justice Process</i> . Wellington: Institute of Criminology, Victoria University of Wellington.	Yes	Yes	Yes	Yes
Lilley Walker, S., Hester, M., McPhee, D. and Patsos, D.	2019	Rape, inequality and the criminal justice response in England: The importance of age and gender. <i>Criminology &amp; Criminal Justice</i> , pp.1–19. DOI: 10.1177/1748895819863095	Yes	Yes	Yes	Yes
Lovett, J. and Kelly, L.	2009	<i>Different systems, similar outcomes? Tracking attrition in reported rape cases in eleven countries</i> . London: Child and Woman Abuse Studies Unit.	Yes	Yes	Yes	Yes

Author(s)	Publication year	Full publication details	Relevant to Priority Area 1	Relevant to Priority Area 2	Relevant to Priority Area 3	Relevant to Priority Area 4
Majeed-Ariss, R., Brockway, A., Cook, K. and White, C.	2019	'Could do better': Report on the use of special measures in sexual offences cases. <i>Criminology &amp; Criminal Justice</i> , pp.1–18, DOI: 10.1177/1748895819840396	No	No	No	Yes
Mayor of London Office for Policing and Crime	2019	<i>The London Rape Review: A review of cases from 2016</i> . London: MOPAC.	Yes	Yes	Yes	Yes
Ministry of Justice, Home Office and Office for National Statistics	2013	<i>An Overview of Sexual Offending in England and Wales</i> , London: MoJ, HO and ONS.	Yes	No	No	Yes
Murphy, S., Edwards, K., Bennett, S., Bibeau, S. and Sichelstiel, J.	2014	Police Reporting Practices for Sexual Assault Cases in Which “The Victim Does Not Wish to Pursue Charges”. <i>Journal of Interpersonal Violence</i> , 29(1): pp. 144–156.	Yes	No	No	No
Osborn, K., Davis, J., Button, S., Foster, J.	2018	Juror Decision Making in Acquaintance and Marital Rape: The Influence of Clothing, Alcohol, and Preexisting Stereotypical Attitudes. <i>Journal of Interpersonal Violence</i> . <i>Journal of Interpersonal Violence</i> , pp.1–22. DOI: 10.1177/0886260518768566	No	No	No	Yes
Rumney, P. McPhee, D, Fenton, R. and Williams, A.	2019	A police specialist rape investigation unit: a comparative analysis of performance and victim care. <i>Policing and Society</i> . DOI: 10.1080/10439463.2019.1566329	Yes	No	Yes	Yes
Sleath, E. and Bull, R.	2017	Police perceptions of rape victims and the impact on case decision making: A systematic review. <i>Aggression and Violent Behavior</i> , 34: pp. 102–112	No	Yes	No	No
Smith, O. and Skinner, T.	2017	How Rape Myths Are Used and Challenged in Rape and Sexual Assault Trials. <i>Social &amp; Legal Studies</i> , 26(4): pp. 441–466.	No	No	No	Yes
St George, S. and Spohn, C.	2018	Liberating Discretion: The Effect of Rape Myth Factors on Prosecutors' Decisions to Charge Suspects in Penetrative and Non-Penetrative Sex Offenses. <i>Justice Quarterly</i> , 35(7): pp. 1280–1308	Yes	No	Yes	No
Temkin, J., Gray, J. and Barrett, J.	2018	Different functions of rape myth use in court: findings from a trial observation study, <i>Feminist Criminology</i> , 13(2): pp. 205–226	No	No	No	Yes



Author(s)	Publication year	Full publication details	Relevant to Priority Area 1	Relevant to Priority Area 2	Relevant to Priority Area 3	Relevant to Priority Area 4
Thomas, C.	2010	Are juries fair? Ministry of Justice Research Series 1/10, London: MoJ.	No	No	No	Yes
Williams, E. and Stanko, E.	2009	Reviewing rape and rape allegations in London. In M. Horvath and J. Brown (eds.) <i>Rape: Challenging contemporary thinking</i> . Cullumpton: Willan.	No	Yes	No	Yes



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