

An evidence base for change?: The challenge of 'what we know' about rape for policy and practice

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The challenge

Women's experiences of male violence are filtered through an understanding of men's behaviour which is characterised as either typical or aberrant. If it is considered typical, men's physical and sexual aggression toward women is left, to a large extent, unfettered...

What becomes lost, in this commonsensical separation between 'aberrant' and 'typical' male behaviour is a woman-defined understanding of what is threatening, of what women consider to be potentially violent.

Stanko 1985: 10



The challenge

And since I wrote *Intimate Intrusions* (1985) the Government's response (March 2011) to the Stern Review (March 2010) notes the following facts:

- **89% of rapes still go unreported**
- **38% of sexual assaults of those over 16 tell no one about the assault**
- **Each rape is estimated to cost £96,000 in its emotional and physical impact on the victims, lost economic output and public sector costs**

What we know: a quick summary

- **There is a wide gap between rape that 'happens' to people – both women and men – and the rape allegations which are reported to the police, and another large gap in which of these allegations lead (or not) to a finding of guilty in a criminal court**
- **This 'justice gap' has not significantly improved in the past four decades when there has been more transparency about outcomes**

Policy and Practice: what is the problem we are trying to address?

- **Stopping rape as a human harm?**
- **Helping victims manage better the damage and harm of the experience?**
- **Requiring government to create law and criminal procedures that recognise the human harm of rape?**

Stopping rape as a human harm

Recognise rape as a violation of human rights

- **Embody the requirement to account for rape violations**
- **Promote the view that rape is unacceptable in any circumstance (whether civil or war)**
- **Demand that all rapists be accountable for their actions as individuals**
- **Make positive statements promoting respected relationships**
- **Challenge the use of rape in war**

Helping victims manage the damage

- **Prepare a kind and sympathetic network of responders**
- **Enable help, by preparing diverse staff to hear and to help**
- **Support family/friends who are the greatest supporters of those harmed**
- **Publicise where help/support is available**
- **Facilitate choices in what happens next**

Requiring government to create law and criminal procedures that recognise the human harm of rape

- **Gender neutral law**
- **Eliminate exclusions (such as rape in marriage)**
- **Minimise the barriers to circumstances which lead to frightening off willing complainants (such as vulnerable victim protection, exclude sexual history)**
- **Train criminal justice agents (such as police, judges)**

Requiring government to create law and criminal procedures that recognise the human harm of rape

- **Professionalise the knowledge about rape (use expert testimony)**
- **Enhance support (such as for reporting to police; for more sensitive evidence gathering – Havens; for providing evidence in a court setting)**
- **Create highly specialised knowledge (such as the Sapphire unit in the Met Police)**

Palpable frustration abounds.

Rape significantly impacts people's lives,
and is recognised as a serious harm.

Few perpetrators are brought to justice,
despite improvements.

Insight from working with the London Metropolitan Police

Some thoughts on where there remain challenges.....

Why have the changes to all three of the areas of policy discussed not made a significant difference to justice outcomes? Or prevention? Or has it?

One: What does sex have to do with the challenge of rape?

- Is rape/sex indistinguishable?
- Does gender matter?

What does 'real' rape have to do with what kinds of rape allegations are reported to police?

Over two thirds of the allegations take place in a private home;

Just under three quarters of the allegations in London involve victim/offender 'who know or are known' to each other

Victims who report to the Met are vulnerable, and the **rapist** exploits vulnerability. Many debates about rape assume that the victim is otherwise capable, and has to prove that s/he has been overpowered rather than coerced/forced/not consented

Reported victimisation of rape in London over 6 years suggests the consistent 'un-real' victim

The vast majority of those who report rape to the MPS can be considered to be vulnerable in some way or other (87% in 2005; 84% in 2010). Do we think of the alleged rapist as exploiting vulnerability?

- One third victims who report rape are aged below 18 at the time of the offence (33% in 2005; 34% in 2010)
- One in six of victims who report rape have a mental health issue (18% in 2005; 14% in 2010)
- One third of victims who report rape have consumed alcohol / drugs prior to the rape (35% in 2005; 35% in 2010)
- One quarter of victims who report rape are or have been in an intimate relationship with their assailant (24% in 2005; 26% in 2010)



Some practice has been influenced by research evidence, as key attrition points show some differences

- More allegations are classified as crime (67% in 2005; 91% in 2010)
- More suspects are identified (53% in 2005; 72% in 2010)
- More suspects are arrested (39% in 2005; 53% in 2010)
- Fewer suspects are charged (44% of all arrested suspects in 2005; 26% of all arrested suspects in 2010)
- Once charged, more suspects are convicted (31% in 2005; 44% in 2010)

Overall outcome: In 2005 5% of all allegations lead to a conviction. In 2010, it is 6%.



Victim vulnerabilities impact on attrition – but the influence they have changed over 6 years

	2005	2010
Classification	Vulnerability impacts on attrition: Allegations by victims with one or more vulnerabilities are more likely to be no crimed (37%), than those by someone without a vulnerability (24%)	No impact of vulnerability on attrition: Regardless of vulnerability, no criming rate is 9%
Charge	No impact of vulnerability on attrition: Regardless of vulnerability, 44% of arrests result in a charge	Vulnerability impacts on attrition: Fewer cases with a vulnerability are charged (24% of those arrested), compared to those with no vulnerability (37%)
Post-charge	Vulnerability impacts on attrition: Whilst 66% of charged cases involving no vulnerability lead to conviction, this is the case for only 38% of cases with a vulnerability	Too few to tell: So far, 4 out of 16 cases without a vulnerability, but 28 out of 56 cases with one have led to a conviction

Concluding observations

- The profile of victims reporting rape in London hasn't significantly changed in six years, nor has the nature of rapes they report
- The policing approach has changed, and there is clear evidence that the reported event is more likely to be confirmed as a crime
- Shifting of key risk points for attrition – barriers still exist but come to play at different stages
- Implications of malalignment on policy and practice: victim care, quality of the investigation, MPS-CPS partnership-working

Improvement and mal-alignment running to the same place

Frustrated carers: The fragility of trying to align the mal-aligned

- Believability
- Judgability
- Altruistic reporting

Continually returning to the brick wall of 'real' rape

Improvement and mal-alignment running to the same place

What becomes lost, in this commonsensical separation between 'aberrant' and 'typical' [overwhelmingly male] behaviour is a [victim]-defined understanding of what is threatening, of what [the victims] consider to be potentially violent.

Legacies of gender, history, power and belief contribute significantly to mal alignment: how does research challenge these?