'Real Rapes’ or ‘Good Cases’?: Police Officers’ Perceptions of Reported Rape Cases

MIDDLESEX SEXUAL VIOLENCE CONFERENCE
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Introduction and Background

• Research project on rape attrition – loss of cases from the criminal justice process
• Attrition rate problematic in all UK jurisdictions
• Most attrition happens at the earliest stages of justice process i.e. policing (Harris & Grace, 1999; Lea et al, 2003)
  o victim withdrawal
  o decision by police that case is false or problematic
• Project is exploring in depth what contributes to attrition in all stages of the criminal justice process
  o Data presented here specifically refers to the policing element of the research being conducted
Background

• ‘Real rape’ (Estrich, 1987)
  o stranger assault – no prior relationship
  o public place
  o victim resistance
  o violence/evidence of force

• Evidence suggests stereotypes & myths inform how police officers & criminal justice personnel deal with rape – a ‘culture of scepticism’ (Kelly et al, 2005) when cases do not conform to the ‘real rape’ stereotype

• Negative experience for victim influences withdrawal (Jordan, 2001; Kelly, Lovett & Regan, 2005; Temkin, 1997;1999)

• Rape victims aware of having to ‘convince’ the police of the truthfulness and legitimacy of their experience (McMillan & Thomas, 2009)
Design and Methods

• Large-scale Economic & Social Research Council (ESRC) funded study (Res-061-23-0138)
• Mixed methods – qualitative & quantitative

• This paper focuses on police interviews
  • 40 qualitative interviews with police officers
  • 13 SOLO officers – 7 female, 6 male
  • 27 detectives – 7 female, 20 male
  • Age ranged from 22 to 52
  • Between 2 and 28 years service
  • Transcribed verbatim
  • Analysed systematically using Nvivo
Real Rapes or Good Cases?

- Officers did talk about ‘real rapes’ but acknowledged they were infrequent: … you’ve got your stranger rapes where you’ve got a genuine person dragged off the street and raped, which doesn’t happen very often. (Senior Female Detective)
  
  I would say, a proper stranger rape is more or less unheard of. (Female SOLO Officer)

- More pertinent to the everyday policing of rape was the notion of a ‘good’ or a ‘bad’ case – officers used language such as ‘good jobs’ or ‘runners’

- Further exploration of these concepts revealed a ‘good case’ has 2 elements:
  
  o features of the victim
  o features of the incident & assault
A ‘Good Case’ - Victim

- Features of the ‘good victim’:
  - sober – no alcohol or drugs & if present, not self-administered
  - ‘sane’ i.e. no mental health issues
  - no previous reports/victimisation esp. sexual
  - not ‘known to the police’
  - articulate & able to provide a consistent and detailed account (class-based)
  - consents to a medical examination
  - reports in a timely manner
  - compliant (turns up, responds to correspondence etc.)
  - stereotypical emotional presentation i.e. “feminine”
A ‘Good Case’ - Incident

• Features of the ‘good case’ – incident:
  o corroborating evidence (CCTV, witness statements, forensic evidence etc.)
  o absence of alcohol & especially not in an alcohol-consuming situation
  o no socio-sexual contact, or suggestion of, prior to assault (not necessarily a stranger)
  o physical injuries consistent with account (though not necessarily a high level of violence)
  o age differences between perpetrator/victim
‘Good Case’ Model

Good Victim

Good Incident  Bad Incident

Bad Victim
Discussion

• Some of the features of a ‘good case’ are the same as a ‘real rape’ but not exclusively
  o Doesn’t have to be a stranger; it can be an acquaintance
  o Can be a good case but not have high levels of violence or injury
• Officers more likely to think of a ‘good case’ & not a ‘real rape’
  o A ‘good case’ is more complex and not all features have to be present – absence of one or some features doesn’t stop it being a ‘good case’ (i.e. victim delayed reporting, but told others etc.)
  o A significant difference to real rape which is a more restricted definition
Conclusion

• Police are outcome focussed – for them a ‘good case’ is one that results in a ‘good outcome’ – this means charge and conviction

• It is possible to have a ‘real rape’ but not a ‘good case’ - i.e. a stranger case with no suspect, or a victim with mental health problems, or so traumatised she cannot provide a good account

• Police second guess later stages of CJ Process i.e. Crown Prosecutors/Court/Jury therefore some cases not deemed to be ‘good’ may be closed prematurely contributing to the problem of attrition