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

MIDDLESEX SEXUAL VIOLENCE CONFERENCE
THURSDAY 8TH SEPTEMBER 2011

Dr Lesley McMillan

Glasgow Caledonian University

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:
  - features of the victim
  - features of the incident & assault
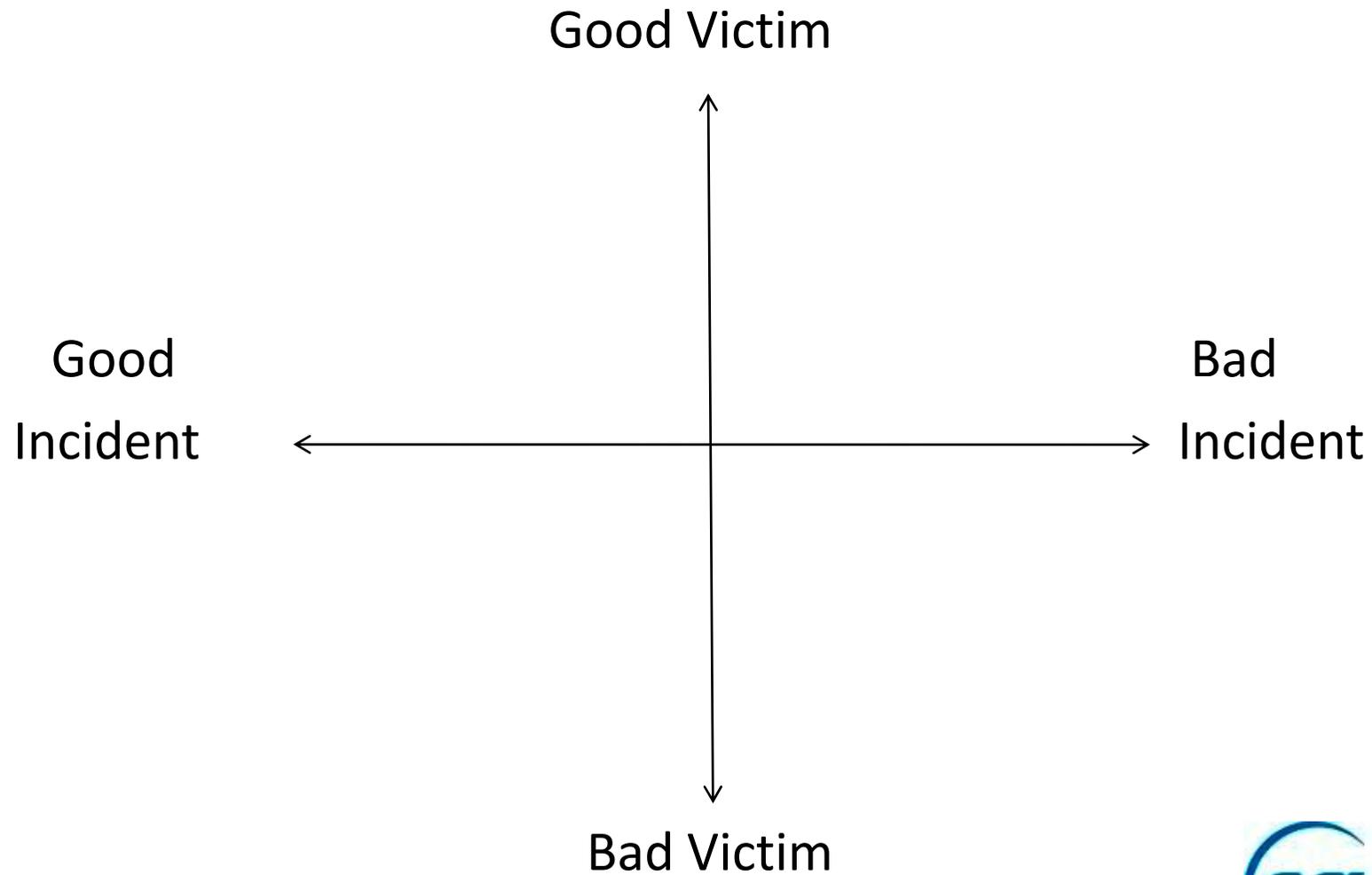
A 'Good Case' - Victim

- 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

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