



## **POLICING SEXUAL ASSAULTS: HISTORICAL SEXUAL ASSAULT AND THE IMPLICATIONS FOR INVESTIGATION**

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I have recently completed an 80-hour placement with the police in a Sexual Offences and Domestic Abuse Investigation Team. This report will combine academic literature with my experiences on placement, to explore how the late reporting of sexual crimes can impact on proving an offence in a court of law. Despite numerous changes to policy and practice in the police service, the number of successful convictions of sex offenders remains low.

Throughout my time on placement it was surprising to me how few victims of sexual assault come forward to the police with a complaint immediately. The vast majority of cases on detectives' workloads were historical, which directly impacted on the way in which the crime was investigated. This is alarming in a modern society, as reporting a sexual assault to the police is linked to a variety of social goods, such as a victim's sense of restored well-being, referral and eligibility for support services, the reduction of repeat victimization, the deterrence of would be offenders and better informed academic research and social policy (Mont et al, 2003). Sexual assault remains one of the most underreported crimes in society (Wolitzky-Taylor et al, 2011; Allison & Wrightsman, 1993; Ward & Inserto, 1990), and rape culture, the negative influence of the media and fears of how the police will respond to the complaint, all prohibit victims from reporting.

During my placement, I witnessed police officers often struggling to gather evidence for historical cases of sexual assault. Forensic evidence is often essential in proving a sexual offence as it provides corroborative evidence of the victim's case (HMIC, 2012). The vast majority of victims were those who had eventually overcome their

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fears, and who wanted to press charges against their perpetrator months, years or sometimes decades later. Despite officers' best efforts it was often difficult to find supporting evidence in such cases. Unfortunately many of such cases were the victim's word against the alleged perpetrator.

Due to these difficulties associated with gathering evidence in historical sexual assault cases, there is a high level of attrition in the criminal justice system. Attrition refers to the process where cases can drop out of the system at a number of potential points of exit (Lea et al, 2003). The number of cases that drop out at the police investigation or Crown Prosecution stages are particularly alarming. High attrition rates typically occur in crimes such as robbery and burglaries, as the perpetrator of the crime is never caught (Gregory & Lees, 1999). However in sexual assault cases it is likely that the victim and suspect will be acquaintances (Schulhoffer, 1998). Due to this, more perpetrators of sexual assault should be held to justice.

Official statistics illustrate that although there is a continuing increase in reporting to the police there is a relatively static number of convictions for sexual offences (Kelly et al, 2005). Between 1985 and 1997, although there was a threefold increase in the number of rapes of females reported to the police, the number of convictions remained relatively unchanged (Lees, 2002). Consequently, whereas in 1977 one in three reported rape cases resulted in a conviction, by 2002 this figure had fallen to one in 18 (Kelly et al, 2005). From my experience on placement, I would suggest that this may be due to an increase in the reporting of historical cases. As discussed above, historical cases provide many difficulties for investigators.

The high rate of attrition at the police investigation stage has been a consistent finding in academic literature and cause for concern across Europe, America and Australia (Barrett & Hamilton-Giachritsis, 2013; HMCPsi, 2007). Between half and three quarter of all cases are lost during the initial investigation, which includes the initial response, forensic examination, statement taking, evidence gathering, arrest and interviewing of suspects (Kelly et al, 2005). The police are increasingly being criticised as the small minority of cases that make it through such stages, are often then classified as a no crime or there is no further action taken in relation to the investigation. In 2007 it was found that a third of rape allegations were categorised as 'no crime'; a third of these were incorrectly classified based on assumptions about the victim's credibility and the truthfulness of the complaint (HMCPsi, 2007). False

allegations accounted for less than half of the correct no crime reports (HMCPSI, 2007). Similarly, the no crime rate for sexual offences is 7.2 per cent and for rape is 10.8 per cent of cases; this is considerably higher than the overall no crime rate for police recorded crime which is 3.4 per cent. Thus, research suggests that police officers estimate the number of false allegations of sexual offences to be much higher than the actual figure (Barrett & Hamilton-Giachritsis, 2013; Kelly, 2010). However I must stress, that throughout my placement experience, I did not encounter police officers who seemed to disbelieve any of the alleged victims. Similarly, I only encountered one case where no further action was seen as the best police response and no incidents of 'no criming' a rape.

In conclusion, both the academic literature reviewed in this essay and my personal experiences of a placement in the Sexual Offences Investigation Team indicate that the outcome of a sexual assault case is significantly influenced by how early a victim presents their case to the police. Although the CPS, and criminal justice system in general, is committed to prosecuting non-recent sexual offences with the same rigour as recent allegations (CPS, 2014), the evidence presented in this report suggests that the nature of historic cases make them difficult to prove. A jury cannot convict a defendant unless they are satisfied beyond all reasonable doubt that they are guilty. Consequently, wider changes must be seen in society and institutions, such as the media, in order to tackle rape culture. As a result of this, it will take a multi agency approach and wider societal changes to improve the number of victims coming forward to the police and consequent successful convictions of sex offenders.

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