

**Written evidence submitted by Emily, Rachel and Susan<sup>1</sup> (INV0031)**

[Note: This evidence has been redacted by the Committee. Text in square brackets has been inserted where text has been redacted.]

**Transcript of Group Discussion on the investigation and prosecution of rape with the Home Affairs Select Committee on Wednesday 15 September 2021**

**Attendees:** Emily, Susan, Rachel, along with Independent Sexual Violence Advisors (ISVAs) Ellie Ball and Lisa Cannon, and Rape Crisis England and Wales Policy Lead Amelia Handy.

**Members:** Yvette Cooper MP, Diane Abbott MP, Laura Farris MP, Adam Holloway MP, Stuart C McDonald MP.

**Chair:** I'm the Chair of the Committee and I've been a Labour MP since 1997 for Normanton, Pontefract and Castleford which is about 20 minutes outside Leeds. I've been the Chair of the Home Affairs Committee for a few years and done bits of work on issues around violence against women in Parliament for about 10 years now. And this is something I'm particularly keen on fostering some work on now.

**Stuart C McDonald MP:** Thanks Chair. My name is Stuart McDonald. I'm an SNP MP for Cumbernauld, Kilsyth and Kirkintilloch East, all towns just a little bit North East of Glasgow. I was first elected in 2015 so compared to Yvette still pretty new to things, but thank you very much everybody for coming along to give evidence this morning.

**Diane Abbott MP:** My name is Diane Abbott. I'm the Member of Parliament for Hackney North and Stoke Newington, part of the People's Republic of Hackney. In another life I was Shadow Home Secretary and in a completely different life I worked for Liberty so I have a longstanding interest in these type of issues.

**Chair:** Adam, I think you've probably maybe part introduced yourself already. Adam.

**Adam Holloway MP:** I'm Adam Holloway. I'm a former army officer and ITN reporter and for the last 15 years I've been a complete nonentity on the Conservative backbenches.

**Chair:** Right, and so I don't know who wants to start. Please introduce yourselves and say what you would like to cover today and what you would like to talk about? Rachel, do you want to start?

**Rachel:** Yeah, of course, I don't mind starting. Good morning everybody and thank you for the opportunity to be here today to provide some personal insight into police cases and investigating rape and sexual assault. So, the Centre for Women's Justice

---

<sup>1</sup> Full names are not used in order to protect individuals' identities.

helped me to apply for my second Victims' Right to Review as I had a lot of issues with the way CPS (Crown Prosecution Service) was handling my case.

The case was dropped in the end with no further action taken, which was of course devastating and then the Centre (for) Women's Justice contacted me through my ISVA (Independent Sexual Violence Adviser) Lisa, to see if I wanted to help, to give some insight into why the system doesn't seem to be working very well, based on the extremely low conviction rates for rape and sexual assaults, and so then of course I was really glad to hear that everyone here today would like to hear first-hand opinions on why this is happening and to hear our suggestions.

So as well as having played a role in my own life, this issue is generally very important to me because countless people have told me that they've also been victim to a sex crime, and it's extremely worrying and dangerous that none of these attackers have had any consequences to their actions. So thank you again for this opportunity and for showing us that this issue is being given some consideration and attention.

**Chair:** Emily?

**Emily:** Hi I'm Emily. Nice to meet you and similarly I just want to thank you so much for taking the time to listen to our experiences as part of the inquiry. And I know people say, 'Oh, it's not an easy thing to speak about', but I found it's actually a lot harder thing to have to hear about sometimes. I just want to say on a professional level, obviously I appreciate your time and consideration, but obviously on a personal level I know it's a very raw, emotionally charged issue and it's very complex. So, you guys are doing really good work.

Just to give you a tiny bit of background into my own story. I was married to an abusive man. It started off emotional, and he raped me fairly early on in our relationship, and so it wasn't like a stranger in a dark alleyway rape. He was someone that I knew, and I cared about, as is the case with the great majority of rape cases. I only reported my rape a year later when my husband's abuse escalated to be physical, and it was a 999 call I had to make. Officers came out and they arrested him, and they have like a checklist of questions they go through and ask you in domestic violence cases, one of which is, 'Is there any sexual abuse?' I admitted that there had been. They asked if I wanted to report that too, and I said 'yes'. And the following day I had a phone call from the police asking me if I was sure that I wanted to report it. They said it's gonna be a really long process 'cause it's really difficult. In fact, their exact wording was, 'The police were going to be in your life for a long time. If you go ahead with this.' At the time I was a bit surprised actually that police officer said that, but looking back, I actually think it was a woman - one woman to another - trying to warn me of what lay ahead.

So two months after that phone call and he was convicted of the assault, not the rape, and for the assault case, he was found guilty and fined £650. With the rape case, 18 months later the CPS decided to take NFA (No Further Action) and it was

an investigation that, as I'm sure we'll go into later, that completely destroyed my life and changed me forever, so that's what brought me here today, in a summary.

**Chair:** Thank you, thank you very much Emily. And Susan?

**Susan:** Right good morning. Thank you for having me here. You'll have to bear with me, I'm quite a nervous person due to everything I've been through. But due to being failed and how I feel I've been failed by the criminal justice system I felt I should speak and I'm hoping that by doing this, things can hopefully be changed because I wouldn't want anyone to go through what I have. I've outlined what I believe to be the failings in my case in my prepared statement, and I would refer you to that, but to summarise, there were issues with the overall length of time; the police investigation; witness care; the CPS; the courts; and how as the victim I felt I'd been treated.

I would also just like to add the outstanding work and support I've received from my ISVA representative, Ellie Ball, and I feel if it wasn't for her, I wouldn't be sitting here today. She's gone above and beyond to support and help me.

**Chair:** Thank you, thank you Susan. Can I and then maybe ask the IVSAs to introduce yourselves, maybe Ellie, if you could start.

**Ellie Ball:** Ah yeah, good morning. So yeah, I'm Ellie Ball, I am Susan's ISVA and now the ISVA Manager at Cambridge Rape Crisis Centre, which I think says something about the length of time that Susan's been involved in the criminal justice system. Because I wasn't a manager when I first started supporting her. You know, this is about the women speaking today, so I'm really pleased to be here to support Susan. And really pleased for all of you that this is your opportunity to kind of let people know, because I think too many people go through all of these experiences and nobody ever really hears about it. So yeah, happy to be here and really pleased that the MPs are creating this space.

**Chair:** Thank you and Lisa.

**Lisa Cannon:** My name is Lisa Cannon. I'm an ISVA with the Rape and Sexual Abuse Counselling Centre in Darlington, County Durham and I supported Rachel through her process and through her second stage CPS review. I just think this is a wonderful opportunity for the survivors to have a chance to share their experiences and their views of the criminal justice system.

**Chair:** Right, thank you and Amelia.

**Amelia Handy:** Good morning, I've just been liaising with Kate (Committee staff member) to support the session today. Thank you everyone and thank you particularly to Emily, Rachel and Susan.

**Chair:** Alright, thank you so much. Let's begin by just thinking about the police issues. Where you think things went wrong, so anything in terms of the way the police handling. I'm going to ask, about some of the CPS issues and the court issues later on, but just in terms of what you think went wrong in terms of the way that the police investigated your cases or the way the police respond more widely to rapes and anybody want to start?

**Susan:** Yeah I will start because I believe in the beginning I felt the police were really there. They were going to help me pursue this. It started off very well. My officer told me they'd never had so much evidence in such a historic case. He would keep in touch with me fortnightly. This never happened at all. There was one time I've actually went six months with hearing nothing at all. I didn't even know if he was still on the case. With Ellie's help we've done a report back to them, because obviously my case is finished, and they've come back and said they did contact me every two weeks. My phone records don't go back that far, so I don't actually have the proof, but it feels to me they're just fobbing me off and maybe ticking a box, because those calls did not happen and I've got no reason not to be honest about that. They just did not happen.

And it was the way they handled him as well. They treated him like he was the victim and I was the perpetrator. It was a horrible experience. I'm sorry I'm getting a bit muddled.

**Chair:** Of course, don't worry.

**Susan:** He was on bail. I reported him twice for breaking that bail. Nothing happened, and I think I'm right in believing that Ellie asked this question to them and they've got no record of that. And when he actually died it was myself who informed them. I was in such shock that the top officer actually had to say to me, 'Do you know where he lives?' What? That's unbelievable. They didn't even know where he lived. Wow.

**Chair:** When they first responded, so when you first reported the rape, what kind of support did you get initially in the way that they handled it?

**Susan:** The first time they come out they were absolutely brilliant. I felt I could trust them. Even up to my first video interview there was a lot of trust there. But that trust soon broke and I'm not on about - because obviously my case went on for nearly five years - I'm on about months. That trust was broken because I had no contact. I didn't know what was going on. The perpetrator had called the other victim, whose name I can't mention, involved in my case. I reported this to the officer and had to leave a voice message. There was no comeback, there was nothing.

**Chair:** Did you have dedicated officers that particularly were working on your case? Or did they change over time?

**Susan:** No, I did have one particular one on my case but I could never reach him. It was actually going to Ellie because I was so frustrated and having to ask Ellie, 'I don't know what's going on', and it was Ellie who was trying to do the communicating, because I was receiving nothing.

**Chair:** And it obviously took them some time to investigate. Do you know why that happened? Why it took them so much time?

**Susan:** I believe because it was such an historic case they had to obviously get hospital records, doctors records, and police records. I understand the length of time before they brought the charges, but them charges in comparison to how long the case took in total, were early on. So why I didn't get my day in court? I do not know. I just feel the police and the others who I've mentioned have totally, totally failed me. I should have had my day in court.

**Chair:** In your case, this went on for five years, and then it never went to court before the perpetrator died. I want to ask a bit about what went wrong in the court system later. Ellie, do you have any other thoughts on why things went wrong on the police investigation side?

**Ellie Ball:** I won't take up too much space because I think this is for the women themselves. But just to add to what Susan was saying, because I did support Susan to complete a complaint. Cambridgeshire Constabulary completed their complaint and they found that the point of the complaint was for them to identify any lessons that could be learned and they reviewed it and they said there were no lessons to be learned. They felt that the investigation had been handled in a timely matter. They actually felt that two years was actually a good time scale. So in terms of the length of time and the expectations the police don't see that as a poor outcome. They actually felt that they did a very good job. I think that's one of the problems as well is that each individual agency is just evaluating their section and I would agree. I mean, we were sent the contact log that Susan has referred to and I started going through the dates that the contact log said Susan had been contacted and she said, 'Oh, let me stop you there, because that's just not accurate', and we went back to the police and asked them to comment. And we're yet to hear back.

**Chair:** Yeah, thank you and any further thoughts on the policing Susan? Before I ask Emily about policing.

**Susan:** Yeah, again it's the complaint which has gone in. Obviously, I don't agree with what they've said, but I have no proof, but it was the one question of why didn't they know where he lived? and he didn't answer that. He passed it to the officer who was on the case and we're still waiting for an answer on that. But to me, that's a massive thing. He was on bail for serious, serious charges. Why didn't they know

where he lived if they were watching him in the community? He wasn't watched in the community at all. So I think that's everything on that.

**Chair:** Thanks. Emily I would just ask your thoughts on just what went wrong on the policing side. Just before I do, I should have also said at the beginning that Laura Ferris, who is also another Member of the Committee, is currently at a meeting with a Minister at the moment and so hopes to be able to join us at 10:30. So if suddenly somebody else appears on the screen, it will be Laura and Laura has done a lot of criminal work in the past. She was a barrister before she became an MP and has done a lot of work around rape issues in the past as well. Emily, sorry, what were your thoughts on what went wrong on policing.

**Emily:** I obviously could take up all your morning talking about what went wrong, and there's some similarities. I mean from the very beginning, one of the things that was quite offputting - I had always trusted the police and the next day after I made that first report, the police officer in charge of my case forgot to hang up the call and started bitching about me to the officer next to her and called me a gold digger for throwing out my husband and being worried about how to pay the rent. But I didn't throw him out. He was arrested after he assaulted me. So that was an interesting call and I think it all just went downhill from there.

I had a restraining order against him. A court ordered one. The police kept turning up at my doorstep with him, unannounced, to collect his belongings. Something that was against his bail. I started having panic attacks in my house and the first time it happened - I'd been told to call 999 if he showed up at my doorstep - and my neighbour text me and said, 'He's outside your house.' I called 999 terrified that he was here and the police operator told me, 'Oh no, he's with the police. You need to open your door.' And so I did. By which point I'm obviously crying, shaking, very hysterical and the police are just like, 'Yeah, he's coming in the house', and I was like, 'No, he's not allowed in the house', and he was smiling and laughing, and the police had to like come in separately and calm me down and they begged me to let him come in just this one time and they apologized and said it would never happen again. It happened three more times, where they just randomly showed up at my house with him. They would tell me that they called me to book this and they never did. They absolutely never called me and I had phone records to show that.

The officer in charge of my case was not a SOIT (Sexual Offences Investigation Trained Officer), which is like an officer specially trained in sexual violence. They decided that I didn't need one of those because I had had two separate domestic violence cases, the assault case and the rape case. They were like, 'Oh, you don't need one for the rape case because you had one for the domestic violence case', which is not true, that's ridiculous. He didn't know what an ISVA was and when we finally explained to him what an ISVA was he was refusing to follow the guidelines - he wouldn't talk to her. He said that it was a breach of confidentiality and so that was really distressing for me. Because I was struggling to deal with everything going on, I didn't want to talk to the police anymore and I wanted my ISVA to do it.

One of them went on paternity leave halfway through the investigation and didn't tell me so no one got in touch with me for a few months and I had to chase it up. Eventually my ISVA found out what was going on. They incorrectly NFA'd my case twice and my ISVA had to get them to reopen it because they hadn't followed all the lines of enquiry before they finally sent it off to the CPS.

Another thing is they just give you harassing calls all the time from withheld numbers, when they do call when they want something, and they were demanding that I consent to a ridiculous level of personal data which I'm sure we'll get into. They were demanding that I consent to it immediately on the phone call and wouldn't let me talk to my ISVA first. They said that if I didn't consent to it on the phone right then and there then they would go back to the CPS and tell them that I was dropping the case. The amount of pressure that I was put under to consent to something I wasn't comfortable with is ridiculously ironic considering the crime of rape is about consenting to something that you're not comfortable with. Sorry, I talk really fast. I'm nervous and I have ADHD.

**Chair:** Don't worry. How long did the police investigate and did it get referred to the CPS? Was it the CPS that dropped it or was it the police that dropped it?

**Emily:** The whole thing from report to the final NFA was, is about 18 or 19 months. I did have a Victims' Right to Review, but by that point I literally just couldn't carry that torch anymore. I couldn't do it, so I chose not to. The police did NFA the case twice, but both times it was incorrectly done and they admitted this. They just hadn't followed all lines of enquiries. They were interested in investigating me. They were not interested in investigating my rapist at all. They wanted everything to do with me, and it was basically like every time my ISVA would point out that they hadn't investigated something else, they would say, 'Oh yeah, OK. OK yeah, we will reopen the case'. It was the CPS who eventually dropped it, but the police tried to.

[...]

**Chair:** Rachel. Tell us about what went wrong in the policing in your case.

**Rachel:** If I'm going chronologically. Reporting was a horrible thing to go through. I went into the police station, I was with a friend, and I go up to the reception in the police station and I tell the lady at the reception something like I want to report sexual abuse, sexual violence, something like that, and she said, 'Oh OK.' And then she started asking me questions right then in the waiting room about what's happened, personal questions about what happened to me. I answer a couple of questions, but there are loads of people in this waiting room sitting behind me and it's a very small room. Everyone can hear every word I'm saying and I feel incredibly uncomfortable. Everybody else in the room probably feels really, really uncomfortable. I say to her, 'Can I speak to somebody in private about this?' and she says, 'Oh why? Do you not want to answer these questions?' And I say, 'Yeah, I'm happy to answer these questions, but I don't want to do it in the middle of the waiting

room with loads of strangers.' And she says 'OK'. And then she says, 'I'll see if somebody is around', and then she asked me, 'Oh, by the way, when did this happen?' And I said, 'This all ended about six months ago'. As soon as I said that I saw her face just completely switch off and she went, 'Oh OK. It's an old case.' And then the attitude I got from her immediately, as soon as I reported the case – and I got from everybody else who was a part of the case, from every officer who was a part of it and from CPS – was the attitude that this wasn't given any priority and that they weren't going to take this seriously. That they knew right from the start then nothing was going to happen and that it was just going to be a dreadful experience. Yeah, so that was reporting and that was horrible.

I still had some hope that it was, you know, going to all work out and everything. But the actual investigation process was, similarly to the other two girls, the speed and investigating, it was ridiculously slow. The process was dragged out for a completely unnecessarily long time, which has seriously affected my mental health. My interview was cancelled and postponed countless times over months and months. One time that it was cancelled I found out that it had to be postponed 15 minutes before the police were supposed to pick me up from my house. Of course for an interview like that I wanted to be very well prepared, so I prepared what I want to say very carefully and went over and over it because it was so important that you say all the right things, and I had to do that preparation again and again and again week after week for months because I kept on thinking the interview was going to happen. Then it would be pushed back and pushed back. And as you can imagine, dwelling on those most disgusting and traumatising experiences of your life week after week for months is going to seriously affect anybody's mental health. But this aspect was given absolutely no thought by the people that were organising and postponing the interview.

And then similarly the perpetrator's interview was cancelled and postponed several times over about half a year, and he wasn't even spoken to by the police until at least nine months after I first reported the crime. He was sent an email about four to five months after I reported the crime, explaining that he would have to give an interview, but then he wasn't even spoken to properly to give an interview until nine months after I first reported.

**Chair:** Did they ever explain why that was the case?

**Rachel:** They had lots of really flaky reasons. They never explained why they didn't even contact him for a long time. They never explained that to me. They kept postponing his interview because of lots of tiny reasons such as, 'Oh, there wasn't any room in the police station. There wasn't a room available. Therefore we're going to have to interview him in two months' time.' And then there'll be another really flaky reasons such as, 'Oh, he's living in [...] at the moment and we're based up north and we can't get down to him because, you know, I'm really busy, so I can't go all the way to [...] So I'm gonna have to put it off for another month or another two weeks.'

So many flaky reasons like that. For about a month of it, it was because of COVID. They say, 'Oh, we can't travel to see him because of COVID', which was about a month and a half. However, I said to the police officer, 'Yes, you can't travel because of COVID. But if it's for essential reasons, if it's for your job, you're allowed to. So are you telling me that this isn't an essential reason? If this isn't an essential reason what on Earth is an essential reason?'

You can see how all of this gives me the impression that this is not taken seriously in the slightest, because of the flakiness of the reasons. When me and Lisa tried to contest it, you know, get a proper reason and tried to push them along and we talked to this officer's supervisor, and just nothing. Lots and lots of excuses and there was just nothing we could do to speed anything up and it just made it so obvious that they couldn't care less at all about it.

**Chair:** And in the end, in your case, did the police still refer it to the CPS, and if so, at what point did they refer it? How long did it take before they referred it to the CPS?

**Rachel:** They did refer it to the CPS, and it took over a year - I think about a year and two or three months until they first reported to CPS. And then the CPS process with them deciding, and the two Victims' Right to Reviews took another four to five months.

**Chair:** And in terms of this support that you've got, so you described the original duty officer's response. Was there at any point, any police officer, who you felt did have, either the specialist expertise or had the right kind of skills to deal with it or to provide you with the right kind of support or information? Or was it just really difficult throughout?

**Rachel:** I'm trying to think. That's an interesting question, but I can't think of anybody who was a part of the process who I felt like took it seriously and, no I can't. I can't. I really can't think of anybody, no.

**Chair:** So your experience, and it sounds like sort of all of your experiences, was this wasn't just about well, police officers are overstretched and they're trying to juggle too many different things. This was actually about the attitudes that police officers had, or the way in which they responded. It was actually about specific things they did or didn't do or said at different stages throughout the investigation. Is that fair?

**Rachel:** I think the attitude was definitely disgusting. But then I think, a large reason that all of our cases took so long, and that there were so many things cancelled and postponed and just nothing got done, a big reason for that is because they probably have so much to do and so they see these cases and they know that nothing is going to happen because the success rates are so low and they've got lots of other things to do. So they see these cases, and they think what's the point in putting effort

or time, or giving these cases priority when we know that nothing is going to happen and that was definitely the impression I had.

**Chair:** And Lisa, did you have any additional points you wanted to add on the policing side of things and things that went wrong?

**Lisa Cannon:** I think Rachel's really covered it all. It was the extremely lengthy delays to her investigation that were particularly distressing. And you know, when we were trying to challenge the police and did take it to the supervisor of the officer, they just backed up the officer. There was no kind of movement, it was a really difficult process and the excuses like Rachel's explained were very weak, especially around COVID, because she'd already had very lengthy delays even before that.

**Chair:** Thank you. Can I ask all of you, Susan, Rachel, and Emily, whoever wants to come in on this, is there anything more that you could sort of tell us about the way - I think all three of you talked about you feeling that the police were investigating you rather than the perpetrators. I think Emily you referred to things like the privacy issues and wanting data from your phones and things. There's nothing more you could tell us about how that worked and the sorts of things you felt you were being asked or being investigated on and that you had to provide and how that worked?

**Emily:** I think there is an element of, perhaps, like we were saying earlier, that they see these cases as not being easy to solve or there is a lot of effort and they see the low conviction rate - because I do feel like the fact that the victim gets investigated more so than the accused comes down to the fact it's probably easier to get that information, that data, from the victim, you're more likely to consent to it. It's harder for them to take somebody's mobile phone for what I was told would be a minimum of seven months, in order to do a full data download. I was told that that was actually quite short in comparison to some police forces. Obviously they wanted to download everything and that's since been ruled unlawful. That ruling about it being unlawful happened after they had done the first data download. However, the CPS then asked for another one after that, so it didn't really matter it was ruled unlawful, because they still wanted to do a second phone download.

They also wanted things like access to my full medical records. They wanted a list of every school I'd ever been to. They wanted to get school reports from when I was at primary school. They wanted to speak to social services in every area I'd ever lived in. It wasn't just the phone data, it was so much more. It was my life out on a table for everyone to pick apart and see whether or not I made a good victim, in order to decide whether or not the case was a good case. And that's not how it should be done, it should be done whereby is it likely that the crime happened? If so, yes, refer to the CPS. Is it possible that a jury might find this person guilty? That to me is like, investigate the criminal, investigate whether a crime happened. Don't investigate whether someone is a perfect victim, because even if I was the worst victim ever, I could still be a victim. Crimes happen to all sorts of people. And also I mean obviously we've all had terrible experiences, and I have only just met the other two

ladies today, but we're all white British women from what I can tell. You imagine, then, if you come from a position of less privilege, let's say that you were recently sex trafficked over to this country. You can barely speak the language. How are you meant to give up your phone for seven months? That's your lifeline, the only thing you've got left. I just feel like my experience was so awful, and I can't even imagine what other women and men and nonbinary people must go through as part of that process, it's really difficult. Sorry, yeah, I'll just be quiet now!

**Chair:** No, no, no. It's really important, this is what we want to hear. Did they tell you why it would take seven months just to do a data download?

**Emily:** They said they have a big backlog of these things and that it's not just rape cases that they do phone downloads for. They said that it's just a long process and they just have a lot of them to do. I don't really know what are their cases. I'm fairly certain they never asked for my accused's phone.

I was also - just worth pointing out, because we never really think about this, right. When the police have got your phone to do a phone download, you have to continue paying for your phone contract. You can't, like, cancel your SIM card, so I would then have to continue paying £50 a month minimum for the entire duration of the police investigation. And then I would have to get a second phone. Who can afford to do that? Not many people especially not if in a case of domestic violence where you are left now paying household bills for two people, rent for two people, on one person's salary. There's no way I could have done that. They ended up having to find a work around with me, whereby the British Transport Police in London did it "underhand" in a day, but they were very unhappy about having to do that, and I had to really push for it.

**Chair:** Rachel or Susan, did you have that issue about your phones?

**Rachel:** Similarly to what Emily said I personally was OK because I had an old phone that I needed to give to the police to download messages from, but I was very lucky that was an old phone because they had it, I have no idea how long they had it for. Probably about a year they had that phone for. And when they eventually posted it back to me, after CPS, after everything, it was broken. It's another situation where, you know, if that is your lifeline, like in the situations that Emily described, that's dreadful. I was very lucky that, you know, I had another one and I could afford that and that was fine, but for other people that would have been dreadful.

**Chair:** And Susan, how about you?

**Susan:** Well, I really feel for the other two ladies. They didn't take my phone from me. Yes, I had to give my permission for them to access my hospital records and doctors records, but in my particular case I was more than happy for them to do that because I knew that was where my evidence was.

**Chair:** And in terms of, then, the investigations of the perpetrators, what was the, kind of, greatest frustrations that you had about the kinds of investigations that either didn't take place or seems to take a very long time for basic investigations to take place. Do you have any more sort of examples or any more thoughts on that failure to investigate the perpetrators properly?

**Susan:** Is it ok to speak?

**Chair:** Yes, go on, Susan, yeah.

**Susan:** I feel they didn't really investigate him much because mine was an historic case and it took me many years to find that strength, because of mental health. They didn't investigate him as he was. My chance, when I actually left the perpetrator, was because he'd broken his neck, so he was paralysed. They only started to investigate him as he was then and didn't see him as the person he was when he did all this to me. So it was like, 'Oh, poor him.' And it started to feel he was the victim, and I was being penalised. It was a horrible experience. He didn't get investigated at all. They just told me not to worry, he's in a wheelchair now. Well, I'm sorry he still has all these contacts. These other people who hurt me too. They're still out there, but they wasn't interested.

**Chair:** Yeah, and Emily or Rachel?

**Emily:** I just wanted to just quickly add on, one of the things that Susan makes a great point about there, is a lot of the time when we think about rapists we think about violent scary men, but a lot of these men are not necessarily violent and scary. They're charming and they will groom the police as much as they groom their victims. And I definitely found that with my ex, the police always seemed to be quite enamoured by him because he's very charismatic. I mean, that's why I liked him. That's why I was married to him. He's funny, he's charming, he's interesting. And I think the police need to be more conscious of the fact that not all criminals come across as like the kind of scary, dramatic, evil people you might see on TV. And I'm sure they must see all sorts of people all day, every day. But especially when it comes to crimes of rape, especially childhood rape, these are often very charming and likeable people, and they will groom the police and you as a victim are going to come across as anxious and nervy and on edge. So it's unfair to then assume – that's what I think seems to happen – they assume that because you're less confident and less charming and less interesting, they think that you're the troublemaker and that's not obviously... To me, honestly, it's heart-breaking to see the police clearly take the side of the man who hurt me and clearly see me as a nuisance, like I'll never get over that.

**Chair:** Susan, do you want to come back in?

**Susan:** Yeah, there was just something I wanted to add. I'd begged the officer in my case to look back on him because they wasn't doing nothing, like I've just explained because I knew previous before I met him, I was told... sorry I'm getting a little bit muddled up. Sorry. When I married him was when I found out he'd previously done eight years in prison for rape. But I didn't know this at the time, obviously. So when I reported and I told the officers this, I kept asking him, 'Have you looked back at his records, that did really happen?' 'Oh, we don't need to because he's not dangerous now.' He is! And I had to beg him and I know he eventually looked back and said, Yes, he had found records. So why did it take all that time? Sorry, I just wanted to add that.

**Chair:** That's fine and Rachel.

**Rachel:** Yes, in terms of investigating the perpetrator - a big problem I had was, as I've already explained, they delayed his interview so long because they really didn't care, honestly. Another big problem I had was that in the investigation process, out of all of the people that I said, 'Oh, you should speak to this person because I spoke to this person just after this happened. You speak to my friend here. He can back up my story because I told him this and this and this.'

Out of all of those people that I told the police that they could get information from the only person that they took a statement from was the perpetrator's brother, who of course gave a statement saying that, 'Oh no, he didn't do anything wrong. No, none of this ever happened.' But of course he said that, he's his brother. And at the CPS stage CPS told me that - actually they were very confusing about this. First of all, CPS told me that, 'Oh, the main reason that we can't take charges on these cases is because we have contradictory evidence from the brother of the accused,' which I later found out was his statement, and I thought, Well, of course there is contradictory evidence from the brother of the accused, he's not going to say that his brother did it!

And then another thing they were saying was that, 'We can't take action on this time that he abused you because we have the contradictory evidence from the brother, and also, he denies it.' And I was thinking, Well, of course he denies it. This is mad. Of course there is this evidence that contradicts my account of events. That's always going to be there, they're never going to just... And I was thinking, Is the only way that you're going to get a conviction is if the person who did it admits it? It seems like that and that's just never going to happen. So it baffles me. And I'm still confused what you actually need to be able to convict someone.

**Chair:** Thank you. I'll bring in Stuart McDonald and then Diane Abbott.

**Stuart McDonald MP:** Thank you all for your evidence so far, and obviously this being a really distressing process that you've been through, so I just wanted to ask, I get the impression that the ISVAs have been really important to you in supporting

you through that process. But can you just say a little bit more about how helpful that has been for you and also a little bit about how you found out about ISVAs? It's not something that I know very much about at all, at what stage in the process did you become aware that they were there, and, yeah, just what your experience of that has been. So if I start with Susan.

**Susan:** Yeah, I think I was put in touch with my ISVA, Ellie, quite early on in the case from my officer. He felt I needed that support and I'm so glad I had her. She went above and beyond. When I was getting nothing from the police I was obviously so frustrated and I was talking to her. And it was her doing the work of trying to talk to them and gather information. It even got to the point she was going to the actual court cases. To see why these cases were being dropped because we wasn't being told. She then got told off from the leading officer not to give me this information, but I needed something. I got to the point that I was suicidal. I did try it. If it wasn't for her I wouldn't be here and I can honestly say that is the truth. I could speak to her at any point of the day or night. I know if I messaged her she would call me. Without her I don't know where I would have been, and that is the honest truth.

**Stuart McDonald MP:** Sure, thank you. Emily.

**Emily:** I found out about the ISVA service existing when I finally felt able to make a post on Facebook about what had happened and one of my friends had been through the same thing and she immediately messaged me and said, 'Have the police told you about an ISVA? If not, you need one now!' and she said that the police are meant to inform you about an ISVA when you make a report but they never did. So I had to look it up for myself and I had to find out through other victims.

I've since had friends go through the same thing and I have had to be the one to tell them about an ISVA. it does feel like a sort of victim referral scheme rather than something that is part of the existing process. As I mentioned before, the police officer in charge of my case had never heard of an ISVA, he didn't want to read the guidelines, and when he finally did he was very reluctant and often just didn't follow them, wouldn't speak to her, treated her like she was some breach of confidentiality between us. She... just like Susan was saying, she was my light in dark times and I wouldn't be here without her. I lost everything through this process. I lost my relationship, I lost my job because of the police process - I was being constantly asked to provide more and more evidence, the case kept being closed and opened and my work basically said - this is a massive brand in the UK and I'd worked there for five years in a very high up role - they said they couldn't support me through it anymore and they paid me off to leave. I lost all my friends... the whole thing was just a nightmare. If I hadn't had my ISVA I couldn't have gone through this process and I wouldn't have known my rights.

Not many people know about this. If you report a rape you are not meant to get any form of therapy or counselling for the entire duration of the investigation. I mean you

can, but if you do you should never mention the incident that happened or any of the criminal justice system process. So you can't get therapy for the sexual violence or for the criminal justice system. Because if you do the police will subpoena your notes if it goes to trial, and they will use it as evidence. If you've got any conflicting emotions, if you said anything that's slightly different to your statement, it basically gets used as evidence against you. I didn't know that until my ISVA told me about it and she was like, 'Do not get therapy, we have a special type of grounding therapy that will go through everything with you and you won't have to talk about the case and no one can use it in court.' And I was like OK, but I just feel like that's awful, isn't it? The victims are advised not to have therapy. But stuff like that the ISVA knew and she was invaluable. It's very sad that I had to find out about it through another victim.

**Stuart McDonald MP:** No, absolutely. Rachel, did you have a similar experience or how did you manage to find an ISVA?

**Rachel:** Yes, I did. I found Lisa my ISVA and I couldn't agree more with Susan and Emily about how valuable an ISVA is and also how it is, like Emily said, a victim referral system because this is the first I'm hearing about it, that the police are supposed to tell you that you can get it. I didn't know that, because they didn't mention a thing about it. I had no idea what it was until a friend who'd been through a similar situation told me about RSACC (Rape and Sexual Abuse Counselling Centre), the charity that I got my ISVA through, and Lisa has been so brilliant through the whole process. Before Lisa was helping me with it I was so stressed and anxious all the time about talking to the police officers, because the police officers often seemed quite ratty at me because I was always having to request updates, or ask them what was going on, or reminding them that they've missed the dates that they were giving me for completing certain stages of the process. And I was on a waiting list to get my ISVA - because it's through a charity there was a waiting list to actually get her to help me for maybe three to four months. I can't quite remember.

But then as soon as Lisa started helping with this, I mean it was obviously still a horrible process, but it was so much less stressful in terms of the communication between you and the police, because communicating with the police is just a horrible thing to do. It became so much less stressful and Lisa helped me with everything that I wanted to say to the police. She did it for me. She helped me with wording. She sent the emails so I didn't have to receive that stuff. It definitely took so much of the stress off. I think maybe the only positive thing to come out of this whole situation is finding the charity. Now one of my main life goals is to make lots of money to give to these charities because they're so fantastic.

**Stuart McDonald MP:** Good for you. Thank you all very much. I may come back in with some other questions later on, but also just to say I have to go into the House of Commons chamber at about... well, I'll have to leave my office about ten past eleven so if I disappear suddenly, apologies for that and I will make sure to look back at what I've missed. But thank you all very much for coming along.

**Chair:** Thank you. Diane.

**Diane Abbott MP:** Thank you very much Chair. I just wanted to say, first of all, that I wanted to thank our witnesses for coming in to speak to us today. You've actually all been very clear and very illuminating. There's no substitute for hearing from people who've actually had to engage with the system as victims. I wanted to ask each of you if there is one thing that you could change about the system, just one thing, what would it be? Can I start with Emily?

**Emily:** [...] One thing... it's very difficult to say. I'm sure there are lots of systematic things and lots of policy things that could be changed and that's the kind of stuff that's probably more helpful to you, but my initial response is actually I just wish I could change people's attitudes. Because it's not really the red tape or the policy, although that in itself is an issue and it is there, but what makes it such a cruel system for a victim to go through is the police. I understand they are meant to be neutral. They're not here to take one side or the other, but they fight you and you have to fight for your case all the time. You're coming up against all these people who seem to have lost any sense of empathy. No matter what training they have, it's almost like they've just become numb to it. And like I said earlier, you feel like a nuisance just constantly having to harass people to check on what's happening with my case. Have you done this? Have you investigated this person? I felt like I was having to push the police to do their job and they were treating me like, just like an irritation, they wanted me to go.

So I wish that's what I could change - people's attitudes. Because also, whilst this is all going on, you're reading this stuff in the news and you're reading stuff on Reddit and Twitter and stuff where people are making out, like, you know, every dropped case is because somebody lied about it. So from all areas you feel like you're being told you're a liar and you start questioning yourself after enough time, because who wouldn't, you know? So yeah, that's what I think I wish I could change.

**Dianne Abbott MP:** That's really interesting because I know you talked about policy, but we can read up about policy. I mean, then you know people's feelings and their perceptions. So Rachel, if there was one thing you could change, what would it be?

**Rachel:** I definitely agree that their attitude towards it affects your experience greatly because before you've been through the experience you don't understand why it's so difficult. You think surely you just report the crime and then if the police contact you to do some things, then you might do them. But apart from that you just sort of sit back and forget about it. But it's not that at all. You're constantly a part of it and it's always on your mind. There's always things you have to do. You're always having to chase them up and find out what on Earth is going on, and so that is horrible. I feel like all of that, even though it's horrible to go through and it ruins people's lives, it might be worth it if something actually happened. If I could get a dangerous person off the streets by doing all of that, I would do it to save other people from having to go through it. However, we know that after all of that probably 99 times out of 100

nothing is going to happen, so it's so difficult to get up the courage and to actually do it, knowing that nothing is going to happen of it, and it's just going to ruin your life for years potentially and nothing is going to come of it.

**Diane Abbott MP:** Thank you for that. As you say, the poor conviction rates for rape are a scandal and something that the Committee is having to comment about. But Susan, if there was one thing you could change, what would it be?

**Susan:** Hello Diane. It's very difficult. I'm a little bit different to Emily and Rachel. My change would be with the courts or the judges because there were various times we nearly got to Crown Court and the judge was saying no because of ill health. 'We need to get a wheelchair ramp into the court. He needs so many nurses with him.' There was twice he got a taxi on his own to the Crown Court. Well, why? And I felt the main failings were within that court. I don't understand, I really don't. It's a bit of a hard one for me between the courts and the CPS.

**Diane Abbott MP:** Thank you, that's really interesting. Ellie, I know you're really here to support these women, but is there one thing that you would change from your experience?

**Ellie Ball:** I did actually give evidence previously and I think I've said on a number of occasions there's so many different complex issues throughout the system that I could give you probably 20 things I would change.

I definitely think in Susan's case she was very much let down by the court system and by the judges adjourning her case repeatedly, and by the CPS not putting across sufficient arguments around why the case should be forced to go ahead. As Susan mentioned, I did attend a couple of the hearings on her behalf because there were no updates being passed, and what I saw in the courtroom was very much that the perpetrator was being treated very differently, due to his disabilities, than I've seen other perpetrators treated and there was a sense that he was being treated almost like a very vulnerable victim in the case, when what Susan says is quite right that he had attended with minimal carers. I think obviously it's the defence's job to put across any kind of needs that a defendant might have, but there was definitely a sense that there was not robust challenge around any of the kind of things that the defence were putting forward.

And Susan has, subsequent to the case being finalised, tried to obtain information about what arguments were being had in the court. Was there anything the CPS could have done? Or was there anything the courts could have done? If somebody has disabilities, whether a victim or a perpetrator, it's the court's job to facilitate access to justice. We can't just have justice for people who are able bodied or justice when perpetrators are able bodied. So in Susan's case, I think that the courts and the CPS could have done a lot more.

**Diane Abbott MP:** Thank you very much. I can see Rachel's hand up. Is there something you wanted to add?

**Rachel:** It's just something we were talking about before that I've remembered something I wanted to say about regarding how victims can't use therapy until it's all finished. One thing that happened in my case - I did use therapy, during and before the police case and the therapy notes were used as evidence. They were considered by CPS anyway. I consented to that. I was fine with that. However, one of the problems that meant nothing happened with my case - among many - was the therapist.

When I first went to her, I didn't know much about mental health and what on earth was going on in my head. I spoke to her about what I thought was... I was suffering from PTSD (Post-Traumatic Stress Disorder) but I didn't really know what it was and I didn't understand it, so I described what was happening with flashbacks and nightmares and things like this and I asked her, 'Do I have PTSD? What is this?' and she told me - I mean, this isn't the police's fault but this is relevant. She told me that, 'No, PTSD is what soldiers get after they come back from wars and those kind of life-or-death experiences, with explosions and shooting.' She wasn't a very good therapist, but anyway, so I thought, OK, I guess I don't have it then. Then it was on my records that I don't get flashbacks or don't have PTSD. It was on my therapy records that I don't have that because that was her opinion.

Then in my interview I mentioned this because my interview happened quite a while after this therapy. In my interview I mentioned that I do have those things, because I figured out that my therapist was a bit rubbish and that I do have those things and that you can get it from other things other than war. The CPS flagged that as a problem. They said, 'Your therapist says that you don't have this problem. You said that you don't have this in your therapy notes, but you've told us in your interview you do have this.' I think it's ridiculous that is a problem because it's so understandable and it's because I had a rubbish therapist.

**Diana Abbott MP:** Thank you for that, and I wasn't aware actually that you're advised not to get therapy if you were a victim of rape and it was going through the courts. And finally I think Emily, I can see your hand up.

**Emily:** Yeah, I'm sorry I did think of something more tangible that I could change. Also Rachel, literally your story just now is the exact reason why my ISVA said don't get therapy and don't talk about it, but it's just awful that that the police will even use it in that way.

My recommendation would be to prioritise investigating the accused over investigating the victim. The crime of false allegations of rape is a separate crime. My husband hadn't gone to the police and reported me for making a false allegation, and yet I was being investigated to see whether or not I was making a false allegation.

That is a separate crime. The crime of whether or not he raped me was not being properly investigated. and there is no other crime as far as I'm aware whereby if one of you is not guilty than the other one's definitely guilty. It just felt like the balance was all wrong.

I haven't said this previously, but this is not even a case of my word against his. I had text messages off him admitting that he raped me and apologising for it, and despite reading that the police still were investigating me. At one point they even suggested that I had doctored screenshots and things, even though they had taken the full phone download of my data. So I was always treated with suspicion. So that's what I would like to see changed: the balance has shifted and the accused is investigated more than the victim.

**Diane Abbott MP:** Thank you, what all of you have described is quite extraordinary. I'll hand back to the Chair now.

**Chair:** Thank you and we've got Laura Farris has joined us now as well. Laura, we've covered some of the policing issues and the problems of policing the case. We haven't yet covered the problems around CPS and the court issues as well. Laura do you just want to just introduce yourself?

**Laura Farris MP:** Yes, thank you. I'm so sorry that I attended late. It's very powerful and moving to hear your testimonies. My name is Laura Farris, I'm a member of the Committee, and I'm just going to listen in and I'll indicate to you Chair if I want to ask a question on anything.

**Chair:** Thank you. I just wanted to ask you now really about the CPS and obviously Susan in your case the court process. Just tell us a bit more about what you think went wrong with the CPS side of things or the legal side of things as well. Susan, do you want to start as obviously you had quite extensive court experiences?

**Susan:** My case went on for five years. I just don't understand why it didn't go through. The CPS prosecution didn't call me until after he had passed away. She had said to me, 'I'd have ripped him apart in court. The evidence we had for you, we would have got a conviction.' Well, why didn't you then? And then she said to me, 'But COVID hit.' No, COVID had been there a year. We had been fighting for this four years previous and had so many court dates.

I had no contact with CPS. In the beginning I was promised an interview with them or even a call would have been nice. I had absolutely nothing until after he had passed away. I've already explained about the courts. They treat him like he was the victim. They felt sorry for him because he was disabled, he was in a wheelchair. He's still done these crimes. He wasn't there prosecuted because he had stolen a bottle of milk. He was there for six rape charges and rape charges against a child. These

were serious offences and if they had that much evidence, why did it not happen? Why did I not get my day in court? I just don't understand.

**Chair:** Was it straightforward the bit about the CPS deciding to prosecute? So once the police referred it to the CPS, was it relatively quick at that stage that the CPS said they would prosecute, or were there some delays at that point?

**Susan:** At that stage they were pretty quick. They said the evidence they had was overwhelming, they could charge him. We're going for this, basically. Two years after they first charged him, it was just before Christmas, I was asked to go to my local police station and met there by the leading officer on the case. And he'd been sent there to ask me by the CPS, would I drop the case? Well sorry, no, I will not drop the case. These charges are severe. He did this. Not as he is, no, but he still did this. Which in my life I've had to live back twice. The amount of video interviews I've had to do. I feel what happened to me, I've lived that twice now. And I said, No, I will not drop it. Why do they want me to drop it? You've already told me they have enough evidence. They've charged him. We can get a Guilty. You've told me that. So no, I will not drop the case.

**Chair:** Thank you and so can I ask Rachel and Emily and your experiences with the CPS when the police obviously referred the case in some form to the CPS. Rachel, do you want to start?

**Rachel:** So I had a lot of problems with CPS. The biggest problem I have with CPS was when I applied for my first Victims' Right to Review and the response that I got from that was probably the most problematic part, if I have to choose, of my experience with CPS.

One of the CPS lawyers responded to it with a letter to me. It highlighted exactly how little care they took over it, because of some of the really sloppy mistakes that she made in the response that she gave me. I mentioned before that the only person, other than myself and the perpetrator, that was interviewed was the perpetrator's brother. His first name was [...], but she thought his name was [something similar]. She didn't even know his name. She referred to him with the wrong name. Lots of other sloppy things like that.

That first person that was interviewed, she thought that he was my first personal contact and she said in that response that he was my first personal contact, and that the people that I spoke to at a later date were all subsequent, which is completely untrue. I said nothing of the sort in my interview and it was on record who my first personal contact was. If she had gone through everything that I'd given the police, she would have known that, but she obviously just didn't read it, and she hardly even read the interviews. She got that person's name wrong. I had to correct her on these things at a later date and she was apologetic of course, she said, 'I'm sorry for

making those mistakes', but I thought no, that's not good enough. You can't do that in the first place. It's too important, your job, to be making these kind of mistakes.

She also thought that I had provided evidence consisting of messages between me and my current partner and I haven't. No such messages exist. I don't know what she was referring to. Honestly, when I was reading this letter she gave me, at some points I was questioning whether this was the right case because the names were wrong, there was evidence there that doesn't exist, and I was thinking, Hold on, have I got the wrong letter here? It just highlighted how they couldn't care less about this case. They knew nothing was going to happen. She gave me lots of confusing and conflicting reasons as to why the case was being dropped.

She said, 'On these specific times you were abused we can't take action on those because you don't remember them because you can't give us any detail on what actually happened.' But that's because I was abused so many times I'm not going to have a very clear memory of every single time that it happened. That's natural. In other situations somebody might be drunk. They might have been date raped. They might be repressing those memories. It might have happened a long time ago. Millions of reasons why they might not remember exactly what's happened. All of these situations are very common with these types of crimes.

But anyway, so she said that that was the reason they couldn't take further action on these specific charges. But then there was other times where I could recount exactly what happened in a lot of detail. So why on Earth could you not press charges on those? I didn't have good reason why I couldn't press charges on those. She brought up lack of evidence, she said, 'Oh, you don't have any messages or anything around the time referring to these specific things that you've described to us,' but I did have all of that. I did have evidence and messages for other times that this had happened to me. So why on Earth can't you take further action on those and prosecute for those? I had messages on my phone between myself and the perpetrator of him apologizing for it, and admitting that he'd done it, and I'm thinking, OK, fair enough, I don't have evidence for some specific instances that I was abused, but I have it for other ones, so why couldn't you charge for those ones? All of these reasons were confusing and contradictory.

The first time that the CPS responded to the case before the reviews, they told me that the main reason they couldn't prosecute was that there was conflicting evidence given in a statement from the brother of the accused. In the second, when they next replied to me, to my first review, they said that, Oh, actually, no, that's not the main reason, it's one piece of conflicting evidence, but it's not the main reason. So then I'm completely confused as to what is the main reason. What do I base my next review on? I'm very confused. I have no idea why it's been dropped. You've given me conflicting evidence, so of course I want to apply for another review using my second Victims' Right to Review, but I've got no idea what to base it on, so I felt like

the VRR process, the CPS process was useless, and it's impossible to navigate. I had no chance of being able to use it effectively.

**Chair:** Sorry this is such a nightmare for you. Emily, can you talk about your experience with the CPS?

**Emily:** Yes, so the CPS initially responded to...obviously the police submitted the case, so the CPS' first reaction was to come back with a request for more data. So this is when I was asked to supply my full medical records from childbirth. I even had a phone call from my GP, like very randomly. My GP has never called me before - I normally have to book in at 8am! - and he was very concerned about the level of data that the police were requesting and he was having to double-check with me that this was something that I had actually willingly consented to. He said he had never been asked to do that before. I think that kind of spoke volumes, and made me feel very uncertain about the authenticity of the nature of their enquiries with that. Obviously I have ADHD, that's diagnosed, and they were very interested in that and wanted to speak to the person who diagnosed me. They talked about how ADHD gives you memory problems, but it's more like short-term working memory. It doesn't mean that I can't remember what happened to me and I think that really it was just to check whether or not me being a neurodivergent person made me a less reliable witness. Again, it was me being investigated as to how good a victim I would be.

They wanted all my school records but bear in mind when the incident actually happened I was 30, so I don't really know what the relevance is there. I don't know if detention really matters. I didn't even know if schools still have records. They also, interestingly, wanted a report of every single report I had ever made to the police for any reason ever. And this seems like an offhand thing, but actually this has really affected my life afterwards, because the only reason I can think for them wanting to know of every report I've ever made to the police is to see if I have a pattern of reporting sexual crimes, to see whether or not this is something that I just do for attention or whatever, like, why, why would that be relevant? In the last few months I sadly have been a victim of sexual assault and I also had my drink spiked - like this is not even just like you know when you get drunk you're like, 'Oh, my drink got spiked.' No, this was literally someone did it and my friends encouraged me to talk to the police and I'm like I'm not going to because if I ever need to talk to the police in the future they're going look back and see, 'Oh, she's got a pattern of reporting these things.' She is a problem.

And honestly, I spoke to the media about this quite recently, I honestly... I think I'd rather be raped than ever report a rape ever again. It was so traumatic and it's destroyed my life so much more.

And, sorry, to get back to the CPS stuff, basically we ended up in a bit of an argument. The Centre for Women's Justice got a solicitor to write on my behalf to question all the level of data that they were asking for. They came back with a

response that basically was just a repeat of their first request with no, sort of like, expansion of why... on anything that the solicitor said on my behalf. So she went back again with the second letter questioning this personal data, and this was when the CPS told me that they were 'NFAing' the case and they said that it wasn't due to me not consenting to give all this data, they said that's just the timing of things. They said that they decided to drop it because my consent was withdrawn during sex and so that would be very complicated and difficult to prove. But one of the reasons that police said that they dropped the case was because my ex was saying that the text messages where he admits to doing it weren't about him having raped me, they were about a change of position. So the police had used that as their reason for dropping it. But the CPS said that it was just too complicated because consent was withdrawn during sex. I mean that in itself is awful because anyone can withdraw consent at any time, like just because you consented at the start doesn't mean you have to go all the way through with it. You can say, 'I don't want to do it anymore.' I felt very let down by it and it's made me feel paranoia about what I ever talk to the police about ever again, because I feel like that puts the focus on me, the doubt on me, as a reliable witness.

**Chair:** I'm sorry that that's been, you know, such a nightmare and that's one of the reasons we were so keen to hear from you because the things that you're saying are really powerful about things that have gone wrong. I think Diane asked you earlier about whether there were things that you would change. Can I ask you whether, if you're thinking about the way the courts worked and the way the CPS worked, whether there's things there that you think should change, and if so, what they are? Rachel, do you want to start on that one?

**Rachel:** I don't have much experience with the court system, but CPS in general what could change is the Victims' Right to Review system doesn't work, as I explained. You can't use it effectively at all. So one thing that would help would be getting reliable information from the CPS as to why they want to drop your case. Because if you don't get that, or if the information is confusing, or if different people are telling you different things from CPS, you have no idea how to argue your case. You only have two chances at that so if they mess it up then, you know, if they mess it up then you just can't use it, which is such a shame. And, apart from that... Yeah, I think, yeah, if I had to pick just one thing, that would be... yeah.

**Chair:** And Susan?

**Susan:** I feel the CPS should have had more contact with myself and let me know the stages they were going through, but my main concern was the judge treating him like a victim and feeling sorry for him. Like I said, at the end, when the prosecution barrister gave me a private call and said how she would have torn him apart. They had the evidence to definitely get guilty. You've had five years to do it. Why didn't I get my day in court then? Now I've got no closure because it's too late, he's gone, he died.

**Chair:** Emily, do you have any thoughts on that? And then I'm going to come to Laura to ask questions. Emily?

**Emily:** I don't think I could really add anything to what the other two ladies have said, just that, the police process is difficult enough, but the CPS almost feels like a completely disembodied thing that sits above that. It's even harder to get in touch with or even more lacking in empathy. And I do understand that they have to remain neutral and that they have a very difficult job to do, but it does kind of feel a bit like your case just gets sent off to this big formidable body of people that you have no idea what they look like, who they are, what their job is. And it's never actually even really explained to you what the CPS are meant to do, and how they make the decisions that they make. There was a lot of stuff I had to Google and learn for myself about the criminal justice system and I felt like it's just a very cold, harsh end to a very cold, dark journey.

**Chair:** Laura.

**Laura Farris MP:** Thank you very much, Chair. I'm so sorry that you've had such horrific experiences of the criminal justice system, all of you in different ways. I've got a couple of follow up questions which I hope you don't mind me asking. Rachel, can I start with you? Can I just ask you two questions really? First of all, when you got your written reasons from the CPS as to why they were not going to prosecute, what was the reason that was given? And when you exercised - am I right in saying you exercised your Victims' Right to Review? - did they restate the same reason or did they give a different reason? I'd just be interested to know what the, sort of, reasons were.

**Rachel:** Yeah, that's a good question, because no, they were different each time. So, the first reason I got was there was conflicting evidence in a statement from the brother of the accused.

**Laura Farris MP:** Who was wrongly named in the report that you read?

**Rachel:** In that one he was correctly named; in the second one he was wrongly named. In that response, that was the reason given for dropping it. They clearly said there's conflicting evidence, in particular the statement from the brother of the accused, that was the exact wording.

**Laura Farris MP:** Which affected your credibility in their eyes...?

**Rachel:** Yeah, that's exactly it, yeah. It conflicted my version of events is what they said. So of course, I based my appeal on that and then in the response to that, which was in the one where they got the name wrong and other things completely wrong.

**Laura Farris MP:** Sorry, just to stop you there, that was a different CPS officer who considered that? Right okay.

**Rachel:** Yeah, a different lawyer. Obviously I wrote the entire review based on thinking that the brother's account of events in the brother's statement was the problem. Of course, I wrote all of it on that because that's what they told me was the main reason. And then in the next response I got from CPS, she said, 'Although that's one piece of conflicting evidence, it's not the main reason for dropping the case.' And I'm just thinking what on Earth have I wasted my time on then and just wasted that really precious chance at a Review for? And then she went on to describe what I mentioned earlier about... she said that, 'Oh, we can't prosecute for these specific times he abused you because you can't remember details on these specific times.' But then of course the problem was that there was other times that I could remember in detail, and she said, 'Oh, we can't prosecute on these times because you don't have evidence in messages or anything backing up these times.' But then of course there are other times that I do have messages specifically relating to these problems.

So then of course I'm completely confused as to why they've dropped it. What would have made it better - it wouldn't have solved the problem, but what would have made it better - is if that second CPS lawyer had said, 'Oh, I know they said that in the previous letter that they sent you. However, this is actually the case, that that isn't the main reason.' At least then I would know that, OK, now I base it on this instead of that, rather than just two completely different opinions, and I've got no idea what actually is the case. It seems like these are just their personal opinions, like there's not an actual system or set of rules that say you can prosecute if this happens or you can't prosecute if this happens. It just seemed like their random opinions and it was everybody's different opinion that I was fighting against, which is just impossible to contradict and put together another good Review.

**Laura Farris MP:** So your case was rejected on one basis, you appealed on that basis, and you were given an alternative explanation for why it had been rejected?

**Rachel:** Yeah, that's right, yeah.

**Laura Farris MP:** I could imagine how frustrating that was. Emily, I want to ask you some follow up questions about what you were asked to do in terms of disclosure. So medical records, previous involvement with the police or police attendance in the past. School records. Incredibly invasive personal history was being required and then you were told that it was a case that was unlikely to get a conviction because of some complicated factual circumstance. Why were you not told that on day one? It sounds to me like they decided they weren't going to take it to trial because of the facts of the issue. Did you ask them why you hadn't been told that sooner?

**Emily:** So I think when they got a response to their first request for all this data from a solicitor, and from what I can gather - because I've just had the letter open again

on my phone, just having a quick read of it to make sure I'm correct - it sounds as if once they got that back that CPS lawyer that made that request referred my case on to someone else within the CPS, just to make sure that they were making the right decision, maybe, I don't know, but they passed it on to someone else.

That person responded to my solicitor's second letter questioning the request for data, saying, 'I realise that you've got all these concerns, but actually they're not relevant because I don't believe that basically the rape happened.' It wasn't even like they were talking about whether there's a chance of it reaching a conviction at court. It was very much her opinion that it wasn't a rape based on what she'd seen. She even said that even though he had been convicted of assault against me and it was clearly a violent and abusive relationship, she said she felt that that had no bearing on what happened to me that night with him. I find that very much - like a bit like Rachel was saying - is very much her opinion that domestic violence and domestic abuse would have no bearing on your ability to consent.

**Laura Farris MP:** Can I just ask you something and this is to all three of you. It sounds to me like the CPS are already making decisions about whether or not they think they're going to get a conviction. They essentially decide your case and don't entrust that decision to the jury. Was that something that you felt?

**Susan:** Obviously because I thought I was going to get a conviction, because they charged him pretty quick because their evidence was overwhelming, that's what I got told. So I really had great trust in them in the beginning. But then, five years later, and he's dead, and I've heard nothing from them and just had one call from the prosecutor after he passed away. I had great faith in them in the beginning. Yes, we've got a case, we're going to court, they are charging him, and it didn't get nowhere. It's crazy, it really is. Similar to what Emily said earlier, if a friend of mine came to me and said they've been raped, would I advise them to go to the police? No. Live with it, because I wish I'd have lived with it. I have had to live that twice and I've got no closure. The stress and upset and mental health you have to go through. I'm lucky I'm still sitting here because of what I've been through. So no, unless things change, and things need to drastically change, I wouldn't advise anyone to report rape, and that's sad! But that's my feelings because of what I've been through.

**Laura Farris MP:** It's really shocking actually. The things that you're saying.

**Chair:** And thank you. It's really just awful for us to feel that actually the criminal justice system has let you down so badly and has let all of the three of you down. And I'm so sorry for that.

Is there anything else that you would want to add at all? Anything else that we maybe should have asked you about or that feels the most important thing in terms of anything else that ought to change. Just like anywhere in the system, anything

that we should be particularly pressing, either the police or the prosecutors or the government on that that you would like to see.

**Susan:** Witness Care hasn't been mentioned. It was explained to me they'd be there to support me as a victim. I had nothing from them, nothing. I didn't even know they existed. But for the whole thing, what I would change is, all of it. It was all bad for me. Right across the criminal justice system has failed me.

**Chair:** I'm so sorry for that. Rachel or Emily, anything else that you would like to add that we haven't covered already?

**Rachel:** Nothing specific that we haven't said already, just that if it worked, if you could get a conviction, if that was likely people would report more. People would feel safer. People would feel like the police believed them. Then these criminals would know that they're less likely to be able to get away with it.

Rapists and people that assault people, they know that nothing is going to happen to them if they do these things to people, so that allows them to just keep on doing it without fear of the police. It's obviously... it's very important with each individual case, what happens with that victim and that person that raped them, but it's also just the knowledge that it doesn't work means that people will do it without fear of the police.

**Chair:** Thank you and Emily. Any final thoughts?

**Emily:** Really, just that this entire process has completely destroyed my sense of self and my feeling of where I belong in society and whether or not I can count on the police to protect victims. I'm not sure that's damage that can ever be repaired. It has permanently changed my opinion of the police and it has awoken something in me that's very sad and hurt and angry. I talk to my friends and when all these victims come together who've been through the same process, we all feel the same way. It just feels like this many people feeling that way has led to so many rapists walking free. They are then free to go on and hurt more people, who then go through this process again and again and it's just going to grow and get bigger.

I think we do talk about rape as a crime of sexual violence but we really need to acknowledge the psychological element of it too, in that, these people are groomers and they're confident, and they're charming, and they will charm the police and they will have lots of friends and they might be very lovely, pleasant people. If they were horrible people all the time no one would ever go near them. And I feel like we need to be more conscious of the fact that as victims come forward we need to be there to listen and not act as judge and jury about whether or not they're lying. And to be open minded to the fact that people who do this, they might not be who you expect them to be, and the crime itself might not be the old classic stranger in a dark alleyway thing. I just think there's a lot of awareness raising needs to be done around

the persona of, and the nuances of, all these people in all these cases. I hope that makes sense.

**Chair:** It does, it really does. Thank you, thanks Emily. Susan, do you have a final thought?

**Susan:** Yes, so I just hope that, by us three - Emily, Rachel and myself, we are survivors. Emily and Rachel, you must have an inner strength to be able to do what we're all doing today - and I'm hoping with what all three of us said, that some changes can happen. We're survivors and we've got an inner strength. We're still here to speak to you. So I thank you very much for taking your time out to listen to survivors and why the system is wrong.

**Chair:** Thank you, Susan. I think that all three of you have shown huge, huge strength and just been hugely impressive in the evidence that you have given and it's all been really powerful for us and I think as Diane said earlier it's hugely important for us to hear from you who have been most affected by the failings in the criminal justice system. We badly want the criminal justice system to reform, but we need to know what issues to press and what questions to ask and what things to pursue. And it's only because of listening to you that we're able to properly do that, so we will keep taking this forward and we will keep pressing exactly the points that you've made about the failings in the police, the failings in the CPS, the failures in the whole system to work properly. I'm sorry that the system has let you down badly and I hope that we can keep the pressure up to try and get the system to work better again in future. And just thank you. Huge thank you from all of us for taking your time to talk to us today.

**Emily:** Can I just add one thing quickly?

**Chair:** Of course.

**Emily:** Not that I think this is what you were saying, but you said, 'Oh, the three of us have been impacted the most by it', and it might be easy hearing the three of us speak today to think that we have been chosen specifically because we have had bad experiences. I just want to point out that every single person I know who's been through this has had either the same level or worse experience than me, and that, I've written down in my notes here, this is not extraordinary, like what we have spoken about today is not unusual. It's not the worst that has gone on, this is very typical and I just felt it's important to reiterate that, because I don't want you to think that the three of us have just been chosen because we have bad stories, this is very normal for what victims go through.

**Susan:** Yeah, I believe you've had my statement and hope you had a chance to read through that. You couldn't make my case up. It's beyond a joke. It wasn't until I sat

with Ellie and we did this statement. It's like you couldn't make that case up. It's horrendous, it really is.

**Chair:** Susan, I've got it here with me now. Both about the problems in terms of the witnesses, the problem with the whole timeline, all of the delays and at every stage as well. And sort of just truly shocking sort of long delays in the court process. So we have all of that as well. And I think and we were very conscious when we approached some of the different ISVAs and different organisations to see if people would be prepared to talk to us, that we were very conscious that this is the normal experience, and it's because this is the normal experience which is so shocking that it is the normal experience. But it is the normal experience and that is why rape prosecutions and rape convictions are so terribly, terribly low. And so thank you very much for that.

If there's anything else that you wanted to say afterwards, that it suddenly occurs to you afterwards, you think, 'Oh God, I should have mentioned that', or, 'That would be a really important point', or anything like that, do please let us know, because you can just send anything in, in writing, send it in in confidence or, you know, in any form. And then do please do that. Can I just say a massive thank you again to all of you for giving us such very clear and very powerful evidence. Sorry Rachel. Do you want to come back in?

**Rachel:** Yeah, all I want to say is that it's really good to be here today because all three of us have been in this situation where nobody is taking us seriously and we've just been fighting to have people believe us and for people to listen to us, and think that it's important. So for today for people to really engage with what we're saying and to reach out to us and to want to find out what's happening and what's gone so wrong, it's really good. Thank you so much.

**Chair:** None of us want to be in a situation where we need to do this, so that's why we actually need the whole system to change, so that actually you can be listened to and taken seriously at every stage in the criminal justice system. That's how we want it to work. But thank you and thank you very much and I hope you have a good rest of the day as well, very much appreciate it. Take care.<sup>2</sup>

September 2021

---

<sup>2</sup> Following the session, Susan submitted further evidence: *When the police officers first arrested the perpetrator and questioned him I received a call afterwards from the officer on my case to say obviously he denied most of it but there was one part he did admit which I got told by the officer would possibly carry an attempted murder charge, but when the cps actually charged him that wasn't the case, I asked my officer why as I had hospital records related to the incident and he had more or less admitted it, he said he would speak with cps to find out why they hadn't charged him with attempted murder and get back to me, which he never did, and in the end I just give up asking.*