

Written evidence submitted by respondents to the Home Affairs Committee's questions for those with lived experience (INV0037)

**Inquiry into the investigation and prosecution of rape:
summary of responses from those with lived experience**

Content warning: This summary contains details of victims' and survivors' experiences which may be distressing.

Recent figures show that just 1.5% of rapes recorded by the police resulted in a suspect being charged or receiving a summons.

As part of their work on this important issue, MPs on the Home Affairs Committee wanted to find out from victims and survivors of rape and serious sexual assault themselves about how they experienced trying to get justice.

Between 21 April and 19 May 2021, people with lived experience aged 18 and over kindly shared their views on the investigation and prosecution of rape with the Committee. 34 responses in total were received.

We would like to thank all those who took the time to contribute their views, especially as it must have meant reflecting on very difficult experiences. Thank you.

The questions asked included:

1. What could be done to encourage more people, and to make it easier, to report experiences of rape and/or serious sexual assault to the police?
2. What difference does support from a specialist support service, for example, from an Independent Sexual Violence Advisor (ISVA), or pre-trial therapy, make to someone who has experienced rape and/or serious sexual assault?
3. Do you have any views on the process of evidence gathering?
4. Do you think the police and/or Crown Prosecution Service (CPS) explain effectively why decisions have been made not to take cases to court? Could this be handled better?
5. Are you aware of the Victims' Right to Review (VRR) Scheme? If so, do you think it works well?
6. What support is available to victims and survivors when going to court? What could be done to improve this support?
7. Is there anything else that you would like to tell us about these issues?

This is what people told us.

Low levels of confidence in the criminal justice system

Victims and survivors told the Committee that a lack of confidence in the criminal justice system was discouraging people from reporting their experiences of rape and/or serious sexual assault to the police.

When asked what could be done to encourage people to report sexual violence, respondents said:

'If the shockingly low levels of prosecutions, and indeed cases put forward by CPS [Crown Prosecution Service] to be heard in court, was greatly increased and then publicised (as opposed to the negative message that widely circulated recent figures impart), then more victims may feel confident of coming forward.'

'Feel that action actually is taken as [it's] known nothing happens anyway so why report.'

Others spoke of how they themselves felt failed by the criminal justice system.

'Those who do find the strength to carry on are rare and have usually not reported, as going through the criminal justice system felt like being raped again, raped of justice, raped of acknowledgement, raped of a day in court to hold them accountable.'

'I felt more traumatised reporting than enduring the abuse !!!'

'The whole system is disgusting and a [sic] I wish I had never reported it.'

'To be made to feel listened to': police treatment of victims and survivors

It was clear from the responses how important it was to victims and survivors that they were treated with respect and felt listened to by the police.

When asked about what could make it easier to report, respondents said:

'To be listened to by police officers and to have (if practicable, 2 officers, preferably at least 1 female officer).'

'To be made to feel listened to. I was asked over and over repeatedly if I wanted to make a report and told to "think it over" before I did.'

'Treat victims with respect, allow them a female officer-if requested, don't make them feel like they are lying/were at fault.'

Some people had had positive experiences of engaging with the police. Reflections on the process of evidence gathering included the below statements.

'It's traumatic but in my case the police were wonderful. I found it intrusive they took my phone for so long but I understand why.'

'My experience was that the officers working my case were as thorough as they could be. It was very difficult being in a police station to give my written statement and very hard to create my video evidence as it meant [reliving] all the details but I'm glad I did it.'

However, others were dissatisfied with the police investigation, stating that it had been poorly handled.

'The police did not know how to gather doctor's records, showed lack of compassion, were rude, lost DNA evidence, lost paper and computerised reports, victim blamed and were entirely incompetent. They did not even know what PTSD was or that every rape survivor has it.'

'Unfortunately for me my evidence was lost and couldn't be located this included my original ABE [Achieving Best Evidence] recorded interview as well as my forensic medical records of the night I was raped.'

Some respondents even **felt like they were being investigated rather than the suspect**. Respondents found having their phone taken away and checked particularly hard. When asked about the process of evidence gathering, some respondents shared the following.

'It is wrong that the victim is treated like the abuser. Having my phone checked, etc.'

'It takes far too long, puts the survivor at risk, makes survivors feel like they are on trial, the police do not update survivors enough, it is VERY intrusive.'

'Invasive, humiliating. I remember the moment where I was lying on a cold table, being inspected and having my bruises marked.. My body had become a crime scene. Do you know what it's like to have your own body be treated like that, right after your boundaries were completely destroyed? It was horrific. Beyond that, in my case, the police didn't follow up on things like recordings of first disclosure, rapist bragging about it on Facebook, etc, but I was told that everything about me would be scrutinized and gone through. I had just been raped yet I was made to feel like I was a perpetrator, a criminal.'

It is important to note that the process of evidence gathering can in itself be traumatic, and it is important this is undertaken sensitively.

'I wish a woman's body wasn't treated as a crime scene. It's humiliating and deeply traumatic.'

Some respondents also suggested that it could be helpful if victims and survivors were able to report away from police stations.

'I don't know if this is currently happening. It would be good to be able to arrive into the system via a variety of agencies because it can be difficult when reporting such sensitive information to go to a police station and it could be good if statements can be taken outside of a police station at another known safe space.'

'I reported my rape via the hospital and the specialist rape support services at the Haven - there should be this service in every hospital across the country given the high levels of rapes and sexual assaults. That way the services acts as a liaison and a facilitator between you and the Police which is helpful if the Police feels a bit daunting. Before I went to hospital there were lots of other ways I could have contacted the Police (come to my house/work, at the pharmacy etc) but it felt too public so the hospital service was a safe space for this.'

Confusion and poor communication

People emphasised the confusion they felt going through the criminal justice process, and the fact that communication was poor.

In regard to their experiences of the police gathering evidence, respondents reflected:

'When my rapist was arrested, I was never updated on what evidence they found from his, such as on his phone or in his taxi. My underwear was taken during the rape and I don't know if the Police ever found them or had them as evidence and this still bothers me 3 and a half years later. I would of liked to have known what evidence the Police had, besides what I had provided, for my peace of mind. I also don't know where the evidence I gave is stored now or who has access to it. I worry about my rapist reoffending and it all being brought up again and I would like to be prepared for that and know what is in my file.'

'I personally don't feel enough evidence was gathered. I wasn't asked "is there any evidence of XYZ" and feel that the police/services should be reaching out to the victims asking for more specific pieces of evidence rather than expecting a victim to know what evidence they need to provide. Even when I provided evidence, sometimes it either wasn't acknowledged or explained what was done with said evidence, if anything. And if not, why nothing was done with the evidence.'

Respondents also felt strongly that the police and the Crown Prosecution Service (CPS) could explain more effectively (and more compassionately) the reasoning behind decisions not to take cases to court.

'I personally had to ask for a review as I was not explained to why. Once I got more information why I could understand it better but I had to push for that information it was not easily given.'

'This is extremely weak and has significant impacts on a victims psychological and mental health. Police are not providing any updates to victims ... It certainly needs to be handled better because for a victim to relive trauma and then be left uninformed of outcome, if any, has serious consequences for the opportunity to begin healing and recovery from the assault. Their pain is [brought to the surface], then the victim is required to function amongst absolute raw and painful trauma.'

'It should be given in writing with perhaps a verbal explanation by an officer to accompany it. Victims often left feeling that they are not believed or that it means it didn't happen. An NFA [No Further Action] often makes them victims feel like a lower being than the rest of society, not worthy of the protection of the law, like the law has sanctioned that it is ok for them to be raped and abused.'

'Personally, I felt my assigned officer was very good. However, all I was told is "there isn't quite enough evidence" but never explained what further evidence would have been needed to prosecute or push to CPS. It could have been that some of the things they needed, I may have had available or could have made available, but I was never told or given that opportunity.'

If a decision is made not to charge a suspect, the suspect will have **no further action** (NFA) taken against him.

The **Victims' Right to Review (VRR) Scheme** makes it easier for victims to secure a review of a decision not to charge a suspect or to discontinue proceedings. The scheme applies to CPS decisions made on or after 5 June 2013, and to police decisions made on or after 1 April 2015.

When the person who reported the assault is told of the decision not to prosecute or to discontinue proceedings, they should also be informed of their right to request a review of that decision and how to exercise that right. People can request a review within three months of that decision being made.

20 of the 34 people who shared their views with the Committee were unaware of the VRR Scheme, and a further two people had only found out about it when it was too late.

'I only heard about this recently. How it was worded to me when my case was dropped was I had 3 months to "ask any questions" about the case to the officer who worked on it. There was no mention of the VRR, so I thought I could only ask questions about the case, and didn't know it could be reviewed. I'm really upset

about this and I think it was misleading to leave that information out as I missed the chance to have the case reviewed through no fault of my own.'

Those respondents who were aware of the Scheme were largely unhappy with it.

'VRR only works when a victim is fully supported. Again, should a decision not to investigate be decided, the victim must be kept informed of all decisions / non charging decisions and offered appropriate therapeutic support.'

'I did get a decision letter following both instances of the CPS not taking my cases to court, and submitted 2 Right to Review appeals resulting in similar letters. Both were full of excuses and rubbish reasons.

I just wanted my case(s) heard in a courtroom to be judged there and not in someone's office!!!!!!!!!!!!

HOW IS THAT A "JUSTICE SYSTEM"???'

The need for more training

Respondents emphasised the need for more training – for the police themselves and for other agencies involved. When asked what would encourage more people to come forward, respondents said:

'Ongoing support from point of report and/or properly trained officers.'

'Higher conviction rate is needed with longer sentences to actually get survivors to report. Officers are not trauma trained or know how to gather the evidence needed.'

The respondent also said that judges and juries need to be trauma trained, as witnesses will behave differently.

The need for **greater awareness of the dynamics of domestic abuse**, and coercive and controlling behaviour in particular, was singled out in responding to rape and/or serious sexual offences.

'Police are not sufficiently trained in sexual violence nor domestic abuse.'

'Coercive control and other non-violent forms of abuse (financial, emotional, using the courts, using the children, threatening to take the kids, using the courts and the police/social services false accusations etc) need to be better understood and more training across social workers, CPS, judges and police so we don't feel dismissed.'

'Mandatory DV [domestic violence] training for judges and police.'

The need for the police and others within the criminal justice system to provide specific support to disabled victims and survivors was also highlighted. One respondent also felt that the way their case was handled was negatively affected by the fact they are autistic.

'Make the police make reasonable adjustments for disabled victims and also understand some disabilities make you not behave as text book victim.'

'Nothing was made accessible to me, no steps were taken to offer me support, and I would even go so far as to guess that my being autistic is a big reason my case wasn't taken seriously or handled properly despite the strong evidence.'

'The victim is on trial': going to court

When asked about the support available to victims and survivors going to court, a number of respondents were unable to answer as they didn't make it that far through the process.

One respondent who did see their case go to court highlighted cross-examination as a particularly harrowing part of what they had experienced, saying that 'the victim is on trial':

'I did feel that there should be more support around cross examination. It was worse than the rape itself. I was humiliated, my naked photos were shown, I was repeatedly asked very very personal questions, they repeatedly asked 'how far in did it go in your anus' and I felt so sick and degraded. With a public gallery. Then when it was over I just went home, extremely distressed.'

Respondents highlighted the type of support available at court, including Witness Care, but some people did not feel they had been well supported or protected.

'Anytime I have asked for special measures it seems my ex has managed to gain access.'

'None. My ex even harassed and swore at me in the court, and the court building, followed me into the ladies toilet etc - nothing was done.'

One respondent, who experienced the criminal justice system in Scotland, also emphasised the importance of victims and survivors being equipped with an understanding of what the trial would involve.

'Witnesses should be informed about court procedure in more detail. I was not made aware of the fact that just because I had made a statement, doesn't mean that all of the statement will be presented in court. I was not prepared for the prosecutor to present just part of my statement ... A court setting is not the time for a judge to explain pre-trial processes or technical terms to a witness, because anxiety affects information processing.'

The importance of being offered specialist support

Many respondents emphasised the positive difference having access to specialist support, like Independent Sexual Violence Advisors (ISVAs) can make.

'I had support from both an ISVA and then specialised pre trial therapy from a local trauma counsellor. It made a huge difference in my life and I really believe these services should be available to everyone reporting rape &/other sexual trauma.'

'I'm not sure what I would have done without an ISVA. I had a 3 month wait for therapy, and was without a support network, so having an ISVA made me feel less alone. She realised I was struggling, and managed to arrange a few sessions of counselling while I waited for Rape Crisis sessions, which I'm really grateful for and wouldn't have had access to this otherwise.'

However, it was clear people had come up against challenges in accessing the support they needed. Waiting times were a particular issue, and high caseloads and a lack of funding were also highlighted as difficulties.

'It took over a year for me to get the support I needed. It made a huge difference.'

'It makes alot [sic] of difference both [ISVAs and pre-trial therapy] productive and positive I was only referred to my ISVA 3 years after the rape which wasn't very good for me but I appreciate now having an ISVA to support me.'

'It makes a world of difference, it allows a single point of contact that the survivor can trust to update them and advocate for them, it helps keep survivors engaged in the CJS - however ISVA's caseloads are overwhelming and they cannot provide the service survivors need.'

'A good ISVA makes a massive difference. I wasn't informed or told about ISVAs and so didn't have access to one until a year after my assault. It meant the world having someone help me navigate what happened and how the system failed me. However, a couple of months into me getting one, funding was cut, and I was no longer able to access the support and so wasn't able to challenge or complain about the mishandling of my case. These are crucial roles and they must be funded as such if you want to change things.'

Other respondents expressed concern about the potential for counselling notes to be disclosed to the defence, with one person saying they had not been able to access pre-trial therapy.

'Allow victims to access counselling that is exempt from court - you have to choose between delaying counselling for 12-24 months until court is over, or not reporting, because it can be used against you.'

INV0037

'Therapy for victims [should be offered] as soon as possible as often they are left without support especially when going through court proceedings. It should be a must if going through court proceedings to give them support to cope.'

May 2021