

# **Chapter One**

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## **‘Working together to reassure and protect the community from crime and disorder’**

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*The first priority in sexual assault cases is the care of the victim. The welfare of the victim is maximised when police officers conduct the investigation in a supportive and non-judgmental manner.*

(Victoria Police, 2005a: 4, para 3)

### **1.1. Introduction**

Women who have been raped rarely report their assaults to police. Researchers have attributed this to a range of reasons, both personal and systemic, including the influence of stereotypes and myths about rape on victims'/survivors' decision-making. Rape myths often reflect community attitudes, social norms and police responses. For example, victims/survivors may blame themselves and also expect police will blame or disbelieve them. Such expectations (or subsequent experiences) of negative police responses undermine victims'/survivors' faith in police. Poor or uncertain expectations held by victims/survivors are often borne out in reality, for police responses to rape are typically inconsistent and unpredictable. The potential diversity of responses is reflected in the mixed experiences reported by victims/survivors in my study. Some of the South

Australian women who had been raped had positive experiences with the police, describing officers as: compassionate and engaging (Sarah);<sup>1</sup> ‘affirming’, ‘realistic’ and ‘supportive’ (Beth); ‘practical’, ‘understanding’, ‘empowering’ (Daphne) and generally ‘really good’ (Shannon). Other participants had mixed experiences, one woman dealing with both a female officer who was ‘personable’ and ‘understanding’ and a detective who ‘didn’t really seem to care’, was ‘blasé’ and uninterested (Olivia). Yet others described police officers as ‘cold’ (Charlotte) and insensitive (Fiona), and their experiences with South Australia Police as ‘detrimental’ (Charlotte) and ‘stuffing up my life’ (Fiona).

South Australia Police proclaims in its Mission Statement that it is ‘working together to reassure and protect the community from crime’ (South Australia Police, 2004a: 10). Yet, blanket adherence to such a policy by an organisation with more than 4000 sworn officers cannot be assured. While there are differences in the various cultures and police structures of Australian, New Zealand, British, Canadian and American jurisdictions, a range of research studies have all indicated that police responses to sexual violence are complex. Responses reflect both individual and organisational factors such that global police responses to rape are often a culmination of individual police officers’ views, police cultures, workplace cynicism, and wider social stereotypes (see: Jordan, 2001a, 2005; Kelly, 2001). Liz Kelly, a feminist sociologist, examined police responses to rape in the United Kingdom and noted that, despite procedural differences across jurisdictions, common elements of police responses allow ‘informed conjectures’ (Kelly, 2001: 6) to be made, based on existing knowledge and research from other jurisdictions.

Internationally, there have been few studies examining the attitudes of people who have been raped towards police (Jordan, 2001a; Lievore, 2005; Temkin, 1997, 1999). In her Australian Institute of Criminology 2005 Australia-wide project on women’s help seeking decisions after sexual assault, Denise Lievore stated that to the best of her knowledge her ‘study is the only research of its kind to be conducted in the southern hemisphere and one of a small number of projects

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<sup>1</sup> All of the names for participants used in this thesis are pseudonyms.

involving victim interviews being conducted in western countries' (Lievore, 2005: 2). Through semi-structured, in-depth interviews with 11 victims/survivors of rape, I learned about the participants' expectations of South Australia Police, their experiences with police and their resulting level of satisfaction. My findings illustrated the diversity of South Australia Police responses to victims/survivors of rape and suggested that South Australia Police practices were similar to those of other Australian and English-speaking jurisdictions. Overall, interactions with South Australia Police 'simultaneously provide *grounds for hope and are disappointing*' (Lievore, 2005: 59; emphasis added). My study is timely as my findings support many of the conclusions made by Lievore (2005), in her Australia-wide research. My study is particularly valuable due its unique scope and location. I focused on a little-researched jurisdiction, explored issues in a transparent and accessible forum and considered a 'whole of process' (SC Taylor, 2005) approach at each stage of reporting and investigation from the perspective of adult women who have been raped.

My analysis showed that victims/survivors of rape received mixed responses from South Australia Police. In many cases police responses were disappointing, through service provision that was partly or wholly negative. Specific individual and organisational factors were associated with satisfactory or unsatisfactory police responses. Poor practices were evident in individual police officers' apathy and dismissive or disbelieving responses, and through low prioritisation and limited resourcing of sexual violence at an organisation level. However, my findings indicated that there was also much to be hopeful about when considering South Australia Police responses to rape. The participants in my study often reported exemplary service from individual officers. At the reporting and investigation stages, good practices were based on 'procedural justice' rather than 'outcome justice': characterised by strong communication, empathy and professionalism at an individual level and consistency at an organisational level. South Australia Police further indicated its commitment, at an organisational level, to sexual assault by establishing the Sexual Crime Investigation Branch in 2004.

In this chapter, I focus on the justice and political contexts within which police respond to rape. This leads into my discussion of victims'/survivors' perceptions of police responses to rape, and the factors which influence victims'/survivors' satisfaction with the police. I discuss underlying community attitudes and myths that surround rape and women who have been raped and influence both the attitudes and behaviour of police officers and victims/survivors. I also examine organisational and cultural factors that lead to the 'lucky dip' – in terms of inconsistent police responses to rape. I consider the elements of satisfactory and unsatisfactory police responses and highlight victims'/survivors' need for procedural rather than outcome justice. Finally, I offer future directions for South Australia Police.

## **1.2 Setting the scene: police responses to rape in Australia**

In considering the responses of South Australia Police to rape, it is important to have a broader understanding of both South Australia Police's comparative openness to external scrutiny and the responses to sexual violence of other Australian police services. There are six Australian states (New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia) and two territories (Northern Territory and the Australian Capital Territory). Each has its own police service, Office of the Director of Public Prosecutions and sexual violence legislation. In the past 20 years many police organisations in Australia have come under considerable external scrutiny, and have been required to develop management strategies to promote transparency and accountability and minimise corruption and misconduct (Fleming & Lafferty, 2000; O'Donnell, 2003; Prenzler & Ronken, 2001). Such reviews have affected: the Queensland Police Service in 1989 ('The Fitzgerald Inquiry'); the New South Wales Police in the mid 1990s ('The Wood Royal Commission'; Wood, 1996); the Victoria Police and the Western Australia Police. These reviews have promoted transparency and accountability and generated reform to police policy and practice (Prenzler, 2000; Prenzler & Ronken, 2001). Conversely, South Australia Police has remained unscathed by external review and, in the absence of empirical evidence to the contrary, claims to be the 'most highly regarded amongst Australian police

services for ethics and honesty' (South Australia Police, 2001a: 34; see also South Australia Police, 2004a; Swanton, Wilson, Walker & Mukherjee, 1988).

### ***Australian police responses to rape and sexual assault***

South Australia Police responses to rape have only recently and peripherally been examined under a Legislative Review Committee, established in 2003 by South Australian Parliament (Legislative Review Committee, 2005) and a review of sexual assault legislation. In the time it has taken me to complete my research, other Australian jurisdictions have taken significant action to serve victims/survivors of rape, as I examine in the next section. Most Australian police services have either actively reviewed their sexual assault policy and procedures, or been the focus of external review. Other government reviews have focused on whole-of-government sexual assault policy and legislative reforms (e.g. Keel, 2005).

#### *Victoria*

The Victorian Government has shown commitment to the interests and needs of victims/survivors of sexual assault over the last decade. A number of initiatives have been undertaken, including the introduction, in 1992, of a Victoria Police Code of Practice which was evaluated and updated in 2005 (Heenan & Ross, 1994; Victoria Police, 2005a). Other reviews were initiated by the Drug and Crime Prevention Committee (Drug and Crime Prevention Committee, 1996), Law Reform Commission (Victorian Law Reform Commission, 2001, 2003, 2004) and the Office of Police Integrity and Ombudsman (Office of Police Integrity, 2005; Ombudsman Victoria, 2006a). The 2006 Ombudsman's review included 11 recommendations addressing police investigation processes (Ombudsman Victoria, 2006a). As a result of this report, many recommendations have already been implemented by a number of Victorian Government agencies (Australian Centre for the Study of Sexual Assault, 2006; Ombudsman Victoria, 2006a, 2006b).

In 2003, the Statewide Steering Committee to Reduce Sexual Assault was established, co-chaired by Victoria Police and the Office for Women's Policy, and brought together government and non-government representatives 'to prevent and improve responses to sexual assault' (Office for Women (Vic), 2005). The Committee has supported a number of initiatives, most recently a five year project between Victoria Police, the University of Melbourne and the University of Ballarat funded by the Australian Research Council. The project, 'a systemic examination of the police response to adult sexual assault [in Victoria]' (SC Taylor, 2005) will result in new, evidence-based policing practices based on an analysis of victims'/survivors' self-reported experiences and police data, including police records and current police practices (Victoria Police, 2005b).

*New South Wales (NSW)*

In NSW, a recommendation from the Wood Royal Commission regarding child sexual assault ultimately led to a greater focus on how all sexual offences were dealt with by NSW Police (New South Wales Police Service, 1999, 2001). In 1997, a research paper was commissioned to review the NSW Police responses to adult sexual assault (Stewart, 1998). As a result, an Adult Sexual Assault Advisory Group was established to develop police policy, standard operating procedures and training programs, the latter targeting investigators/detectives (New South Wales Police Service, 2001). In 2004, the NSW Criminal Justice Sexual Offences Task Force was established. It developed an online survey for victims/survivors and people who work with victims/survivors, asking about their experiences with the criminal justice system (Duff, 2006).

In 2006, the Task Force released a report which included 70 recommendations to improve the State's response to sexual assault, including a number of amendments to current NSW legislation (Attorney General's Department of New South Wales, 2006). As a result, the NSW Government passed the *Criminal Procedure Amendment (Sexual and Other Offences) Bill 2006* (NSW), in October 2006 which addressed some of the recommendations made by the Task Force, such as limiting the warnings given by judges to juries and enabling victims/survivors to give written evidence-in-chief to reduce secondary victimisation.

### *Queensland*

In Queensland, the Crime and Misconduct Commission conducted an inquiry into the training, expertise and supervision of police when investigating sexual assault, and reviewed the guidelines and procedures for the various stages of reporting, investigating and resolution of reported sexual assault cases (Crime and Misconduct Commission, 2003). Ten years earlier, the Queensland Police Service established a Rape Information System (Moran, 1992). The system provided a database of reported rapes which enabled the characteristics of reported sexual assaults to be analysed. In addition, victims/survivors of sexual assault were surveyed about their perceptions of the service offered by the police (Queensland Police Service, 1993). Unlike South Australia Police, who undertook a similar review in 1999, Queensland Police Service published the findings and included initiatives to be undertaken by the police to address some of the shortcomings highlighted in the survey. Based on publicly accessible information, there is no indication whether any of the recommendations have been implemented.

### *Australian Capital Territory (ACT)*

In 2004, Margaret Jones from the ACT Office of the Director of Public Prosecutions and Sergeant Anthony Crocker from the Australian Federal Police together authored a report which looked 'at ways of improving practices and procedures in the ACT criminal justice system as they affect victims of sexual offences'. The report highlighted the need to minimise secondary victimisation and promote consistency of police responses. Recommendations included: informing victims/survivors of their choice to deal with a female officer; offering victims services in a location that is more neutral and less hostile than a main police station; and using specialist investigative units in all cases of reported rape (Sexual Assault Response Program, 2005:1). Being relatively recent, the recommendations of the report are in the implementation stages.

### *Western Australia (WA), Tasmania, Northern Territory (NT)*

Other police services have also been responsive to violence against women and the needs of victims/survivors. In 2002, the Gordon Inquiry, which focused on

family violence and child sexual abuse in Aboriginal communities, resulted in recommendations to improve police responses in WA (Government of Western Australia, 2002). A taskforce was established to implement the recommendations, which included expanding training for police recruits; addressing the distrust felt by victims/survivors toward police; and promoting continuity of assigned police to sexual assault cases (Government of Western Australia, 2002). Additionally, in 2003, the WA Ombudsman undertook an investigation into the police response to family violence which resulted in many recommendations to improve police practices that may also benefit victims/survivors of sexual violence (O'Donnell, 2003).

Tasmania also established a taskforce in 1995 to review the criminal justice response to rape and sexual assault (Tasmanian Task Force, 1998). While a number of recommendations were made, it is not known which of these have been implemented since 1995 (see: Keel, 2005:8). Finally, in the NT, legislative amendments have been made to improve the experiences of victims/survivors through the investigation and prosecution of sexual assault (Northern Territory Law Reform Committee, 1999). A Sexual Assault Task Force has also been established to develop a Sexual Assault Action Plan and a Prevention Plan respectively (Keel, 2005). The NT Task Force was partly motivated by the South Australian Legislative Review Committee's (2005) Inquiry into sexual assault conviction rates (Northern Territory Second Reading Speeches, 2004).

### **1.3 Setting the scene: police responses to rape in South Australia**

An understanding of the South Australian political and social context within which rape occurs is as important as the Australian policing context. South Australia has a population of approximately 1.5 million people, with just over one million living in Adelaide (Australian Bureau of Statistics, 2004a, 2005a). Each year, there are approximately 200 000 police incident reports involving more than 250 000 reported offences (Office of Crime Statistics and Research, 2006). More than half are property offences, with sexual offences constituting less than one

percent of reported offences (Office of Crime Statistics and Research, 2006). From July 2005 to December 2005, South Australia Police figures indicated that reports of rape and attempted rape decreased more than 20 percent (Hunt, 2006).

The low rates of reported rape in South Australia have been attributed to successful policing strategies, with a decrease in reporting perceived as a reflection of:

*The good work [the police] are doing in bringing down ...crime in general across the SA community. These reductions in crime are no accident; rather, they are the product of a hard-working, well-resourced police force.*

(Premier Mike Rann, quoted in Hunt, 2006)

In their British Home Office study of domestic violence, Marianne Hester and Nicole Westmarland argued that an increase in reported crimes of violence against women is a better measure of police performance than a decrease in reporting (Hester & Westmarland, 2005), for it may show improved faith in the justice system. This is particularly likely to be true for rape, which is an under-reported offence. In fact, South Australia Police has claimed success when crime reports increase (see: Day & Graham, 2005; J Morgan, 2004) and decrease (see: Hunt, 2006). Yet, there is no evidence base to support either claim: the efficacy of crime reduction strategies has not been evaluated nor has research been undertaken to determine the factors that influence victims'/survivors' decisions to report to police (Easteal, 1994; Lievore, 2003a; Summers, 2003). It is just as possible that either change indicates poor police performance. For example, an increase in reporting may indicate that sexual assaults in South Australia are on the rise while decreased reporting rates may show a reduction in people's faith in the justice system.

It is particularly difficult to challenge the claim that a reduction in reported rape is an indicator of good practices because there has been limited research in South Australia exploring criminal justice system responses to victims/survivors of sexual assault. Unsurprisingly, there has been even less work that examines how people who have been raped perceive the criminal justice system. Existing data are rarely publicly available and interagency, multidisciplinary studies are rarely undertaken (i.e. health agencies, the justice department, the education sector,

government and non-government agencies all undertake independent research). Despite this, and with the benefit of having worked for the South Australian Government across a range of departments, I located and analysed a number of existing and elusive bodies of work that have been undertaken in South Australia regarding police and justice responses to victims/survivors of sexual assault.

***Reviews of victims'/survivors' experiences with South Australia Police***

The aims and foci of work done to date on South Australia Police responses to rape and the experiences of victims/survivors have varied. Like similar interstate research, this research is often difficult to locate, tends to be undertaken on a small scale and circulated to specific and limited audiences. In the past 20 years, reviews of the South Australian justice system's responses to sexual assault based on the experiences and perceptions of victims/survivors have been undertaken by South Australia Police, the Office of Crime Statistics, and the Department of Health (also known as the Department for Human Services and the Health Commission). The South Australian Department of Justice has acknowledged that this work is important because:

*By asking the victims what they think about police, courts, the effects of the crime, their satisfaction with the system, changes they feel are needed, and what information or assistance they require, we are in a much better position to deliver a service that is both responsive and appropriate.*

(Gardner, 1990: 11)

The first publicly accessible report to emerge, following the legislative changes and reviews of the 1970s and 1980s, was produced by South Australia Police in 1986. The project was initiated in 1981, and was a four year study of reported rapes and rape victims (Weekley, 1986). The aim of the study was to 'improve and streamline police procedures' and 'determine the feasibility of establishing a suitable rape prevention program' (Weekley, 1986: 9). Although Kelly Weekley's study was based on data directly collected from victims/survivors by police, it did not explore victims'/survivors' feedback or satisfaction with police responses. Rather, the report provided descriptive statistics (to which I refer in Chapter Three) about incidents of rape reported to the police between July 1980 and June 1984 (Weekley, 1986).

Police Commissioner David Hunt prefaced the report by stating that:

*Our society has traditionally regarded rape as a very serious crime. It is also an issue which has traditionally been clouded by misconception and erroneous beliefs. This situation has been changing, particularly over recent years, with an increasing number of studies into rape by researchers from various professions and academic disciplines. Society's understanding of rape has improved as a result. In South Australia, this improvement has been followed by improvements to the ways in which some aspects of rape are dealt with. Law reforms and victim support are examples of this.*

(cited in Weekley, 1986: foreword)

Despite this, Hunt did not indicate how Weekley's work would be incorporated into South Australia Police's responses to sexual assault.

Unlike Weekley's report, the South Australian Office of Crime Statistics review of victims of crime, undertaken in 1987, did include feedback from victims/survivors. The Office of Crime Statistics study used a survey of victims of crime – including victims/survivors of sexual assault – and focused on their experiences with and attitudes toward the South Australian criminal justice system (Gardner, 1990). All the participants had reported an offence to police. Of the 494 victims of crime involved in the study, 23 were victims/survivors of sexual violence. Fifteen sexual assault victims/survivors were asked about their satisfaction with the criminal justice system. Eighty percent indicated they were 'quite satisfied' or 'very satisfied'. While victims of crime should be kept informed about the progress of investigations, according to Julie Gardner:

*Police did not appear to encourage or facilitate this right. Although it has always been the intention of the South Australian Police Department that the onus of the right to information be on the victim, victims in our study were either not being told of this right or told how to exercise it.*

(Gardner, 1990: 25)

A study undertaken by Yarrow Place Rape and Sexual Assault Service ten years later found that the victims/survivors who did engage with police reported mixed experiences and varying levels of satisfaction. Yarrow Place was established in 1993, primarily as a statewide counselling and medical service for adult victims/survivors of sexual assault (replacing two separate services; Sloan, 1997), and is funded by the South Australian Department of Health (Arman & Westhorp,

2000). Using a questionnaire, focus groups, and a phone-in, its study examined services available to victims/survivors of rape and sexual assault in rural South Australia (Sloan, 1997). Seven phone-in respondents (35%) reported sexual assaults to South Australia Police. Two of the seven respondents were wholly satisfied with police responses. Three respondents reported mixed experiences, two because of poor police attitudes and one due to a lack of information provided. Two women were dissatisfied. One was blamed by police for an assault while the other felt threatened and disbelieved by police (Sloan, 1997: 44). The majority of respondents did not report rape or sexual assault to police (n=13) due to personal barriers (e.g. self-blame, embarrassment) or reasons related to the criminal justice system (e.g. blame, disbelief, fear of a breach of confidentiality). Four women (20%) did not know police services were available.

In a significant, coordinated interagency approach, Yarrow Place and South Australia Police's Sexual Assault Section organised a conference in December 1997 to discuss the prevention of sexual assault. Presentations were given by Gill Westhorp, then the director of Yarrow Place, Assistant Commissioner Rob Leane of South Australia Police, Paul Rofe, the Director of Public Prosecutions and other representatives from criminal justice agencies, universities and sexual assault and support services (Yarrow Place Rape and Sexual Assault Service, 1997). The conference provided a valuable public forum for South Australia Police to describe how they provided services to victims/survivors of sexual assault.

In his two-page presentation, Assistant Commissioner Leane:

*Outlines the SA Police Department's three tiered, coordinated approach to the crime of rape and sexual assault: prevention, detection and a compassionate victim service. It highlights how the focus has changed from one of purely law-enforcement to, where appropriate, a victim-centred approach.*

(Leane, 1997: 64)

Little detail was provided by Leane as to how the coordinated approach applied in practice, although the 'compassionate victim service' Leane referred to was the Sexual Assault Section (also known as the Sexual Assault Unit, which I shall explain in Chapter Three). Leane claimed that the key element in the prevention

of sexual violence was the ‘empowerment’ of women by encouraging them to make an ‘informed decision to either exercise caution, avoid unnecessary risk or avoid a situation all together’ (Leane, 1997: 64). Rather than targeting potential or actual offenders, this strategy encouraged victim-blaming, a concept I define and examine in the next chapter. This is not an unusual crime prevention strategy, as highlighted by Victorian research which focused on drink spiking strategies (Lawson & Crookes, 2003). But neither is it very helpful in dispelling myths that surround rape, as I show in Chapter Two.

Two years later, South Australia Police conducted a survey seeking feedback from clients of the Sexual Assault Unit. The only known public reference to this survey is in the Legislative Review Committee’s *Inquiry Into Sexual Assault Conviction Rates Report* which cites the South Australia Police submission to the Committee (Legislative Review Committee, 2005). The Sexual Assault Unit ‘formulated an exit questionnaire …[with] a focus on the level of support and professionalism the victim experiences’ (South Australia Police, 2004e: 7). There were 94 respondents (80 females, 14 males), including both adults and children, who commented on the services offered by South Australia Police to victims/survivors of sexual assault. Limited survey results were included in the South Australia Police submission to the Legislative Review Committee (South Australia Police, 2004e).

According to South Australia Police, ‘overwhelmingly the response was positive in describing their experience’ with police (South Australia Police, 2004e: 7). However, this is not entirely accurate, with the results offering both hope and disappointment. Seventy-five percent of respondents rated their ‘level of care and support from the police who first contacted them as above average or excellent’ (South Australia Police, 2004e: 7). Yet despite South Australia Police’s claim that the response was ‘overwhelmingly positive’, only two thirds (66%) felt they were kept informed by the investigating officer and 70 percent ‘of victims said they would prefer to give a statement to a female officer’ (South Australia Police, 2004e: 7f). The overwhelming preference to deal with female officers is significant given that, since 2004, South Australia Police no longer has a female-only Sexual Assault Unit (refer Chapter Three). While half (51%) described services received from detectives as above average or excellent, 28 percent rated

them as below average. A further 17 percent felt that the police response was below average or poor in meeting their needs (68% rated it above average or excellent).

Considering this South Australian research collectively, it is clear that victims'/survivors' experiences with police are mixed. It is within this climate that South Australia Police undertook the *Criminal Investigative Processes Project* – an internal review of 'practices and procedures underpinning sexual assault investigations' (South Australia Police, 2004e: 9f). The outcomes of this internal review, led by senior South Australia Police officers, is not public, although it was referred to in the South Australia Police submission to the Legislative Review Committee (South Australia Police, 2004e). As a result of the recommendations of the review, the Sexual Crime Investigation Branch was established in 2004, superseding the Sexual Assault Unit. The introduction of the Sexual Crime Investigation Branch means that rape is now dealt with by detectives from either the Sexual Crime Investigation Branch or Local Service Areas. In Chapter Three, I examine the likely impact of Sexual Crime Investigation Branch on the quality and consistency of South Australia Police responses to rape.

According to Chief Inspector Tony Harrison (as he then was), who played a lead role in the *Criminal Investigative Processes Project*:

*Extensive consultation on the role of the new unit has been undertaken with key stakeholders including the Yarrow Place sexual assault service, the Victim Support Service and child abuse units at the Women's and Children's Hospital and Flinders Medical Centre.*

(quoted by Hunt, 2004: 6)<sup>2</sup>

Although Michael Dawson, the Chief Executive of the Victim Support Service Inc (a community based, not-for-profit organisation that provides a range of services for victims of crime), applauded South Australia Police's good intentions, stating that, 'in principle the concept of forming a specialised branch of officers and detectives to handle sexual assault cases ...could become world's best practice in reducing trauma to victims' (Dawson, 2004: Section 14.1), he was critical of

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<sup>2</sup> All quotes attributed to individual SAPOL officers by the media were forwarded to the appropriate SAPOL member for verification. Refer Appendix A.

South Australia Police's 'consultation' process. Based on his experience, the 'consultation' resembled information sessions, with South Australia Police advising stakeholders of their predetermined intentions (Dawson, 2004). In establishing the Branch, South Australia Police drew from models used by other policing agencies that were espoused by police organisations as good and best-practice. Direct feedback was not sought from victims/survivors (G Stevens, 2004). Without feedback, it is not surprising that the changes South Australia Police made do not necessarily benefit all victims/survivors, as I show in Chapter Three.

### ***Reviews of South Australian Sexual Assault Legislation***

The first significant reforms of rape policy and legislation occurred in South Australia in the mid 1970s. At that time, the South Australian Premier Don Dunstan and his Labor Government positioned South Australia at the forefront of Australian jurisdictions in addressing the rights and needs of victims of crime (Gardner, 1990; MacIntyre, 2005; Sallmann & Chappell, 1982; Sarre, 1994). In 1975, the Attorney-General, Peter Duncan, commissioned a special report on rape ('the Mitchell Report') by the Criminal Law and Penal Methods Committee (Naffin, 1984; Sallmann & Chappell, 1982). The recommendations of the Committee and resultant discussions led to the most comprehensive sexual assault law reforms in Australia (Sallmann & Chappell, 1982). In 1975 and 1976, changes were made in three key areas: the law; evidentiary requirements; and police practices. First, legislation was amended to: acknowledge that rape could occur within marriage; expand the definition of rape beyond vaginal penetration; include oral and anal sex and thereby recognise that men could be victims/survivors of sexual assault (Sallmann & Chappell, 1982). Secondly, in 1976, the *Evidence Act (Amendment Act)* was drafted to protect victims/survivors of sexual assault from being cross-examined about prior sexual experience (Gardner, 1990). Thirdly, in 1975, the Rape Enquiry Unit was established by South Australia Police as a 'victim-focused' service with female officers dedicated to taking statements from sexual assault victims/survivors (Attorney General's Department, 1983).

Despite these auspicious beginnings, South Australia has since lagged behind many of the other Australian states. Almost a decade later, in 1984, a review by the Women's Adviser's Office of the Department of Premier and Cabinet of the impact of the 1970s law reforms in South Australia was undertaken (Naffin, 1984). Ngaire Naffin surveyed a number of organisations and individuals and concluded that the offences of rape and indecent assault under sections 48 and 56 (respectively) of the *Criminal Law Consolidation Act 1935* (SA) should be replaced with a graded series of sexual assaults (Naffin, 1984). These recommendations were not enacted and South Australian law remained substantially unchanged for 20 years.

In 2005, the South Australian Premier, Mike Rann, announced that laws relating to rape and sexual assault would be 'comprehensively overhauled' following his re-election in March 2006 (Office for Women (SA), 2005). On 9 November 2005, Rann told Parliament:

*The law relating to rape, sexual offences and domestic violence has moved ahead in other jurisdictions. In South Australia the conviction rate in rape cases that go to trial is unacceptably low ... It is now time to overhaul and reform rape laws in South Australia. This is a ghastly, evil, cowardly crime. It is now time that our laws were comprehensively reappraised and updated to reflect current views and knowledge.*

(South Australian House of Assembly, 2005: 3903)

A review of South Australian law was initiated by the Attorney-General's Department in 2006, in conjunction with the Premier and the Minister for the Status of Women (L Chapman, 2006). The recommendations of the report, undertaken by Liesl Chapman, resulted in two bills currently before Parliament, the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill 2007* (SA), and the *Evidence (Miscellaneous) Amendment Bill 2007* (SA), to amendment substantive offence and evidentiary rules (M Atkinson, 2007).

The impetus for this legislative reform was partly the result of a previous Legislative Review Committee enquiry initiated on 3 December 2003 (Legislative Review Committee, 2004a, 2004b, 2005). The aim of the review was to inquire and report on:

*The reasons for low conviction rates in respect of sexual assault and what legislative changes might be considered:*

*To make it more likely that offenders will be punished;*

*To minimise the trauma of the prosecution process for sexual assault victims.*

(Legislative Review Committee, 2004a: 2)

Some of the submissions to the Committee (e.g. from Victim Support Service Inc, Women's Legal Service, Gay Men's Health, the Stop Rape Now Coalition, Northern Women's Community Health Centre, the Victims of Crime Coordinator for the South Australian Attorney-General's Department, parents of child victims/survivors and adults who had been raped) critiqued South Australia Police's responses to rape victims/survivors. The report found that:

*the majority of complainants are satisfied with their first contact with police. However, some submissions indicated that police responses to reports of sexual assault were inconsistent and at times insensitive to the victim, both in terms of procedure, such as the amount of time taken to record a statement, and in the comments police officers made to victims. Additionally, in some circumstances victims felt they had to insist that the matter be investigated by police.*

(Legislative Review Committee, 2005: 2)

### ***The South Australian Office of the Director of Public Prosecution's responses to rape***

Although not the focus of my study, the justice and political systems of South Australia and their responses to victims/survivors of sexual assault provide a contextual framework for South Australia Police's inconsistent responses to rape. In the next section, I provide a brief overview of the South Australian Office of the Director of Public Prosecutions (ODPP), as the ODPP's policy decisions appear to have an impact 'upstream' on the activities of South Australia Police. In 1997, Paul Rofe QC, then the Director of Public Prosecutions (DPP) was quoted as saying:

*I see the role of the prosecution as ensuring that the appropriate cases are prosecuted ... 'reasonable prospect of conviction' is the test in place around Australia for whether or not a prosecution should be launched and is, in a lot of cases, a value judgment ... the other factor which must be taken into account is whether the prosecution is in the public interest and, I think it is safe to say, that in every case of sexual*

*assault, the prosecution is in the public interest.*

(Rofe, 1997: 68; emphasis in the original)

The policy and guidelines of the South Australian ODPP also emphasise that, ‘the more serious the offence the less likely it will be that the public interest will not require that a prosecution be pursued’ (Office of the Director of Public Prosecutions (SA), n.d.:4). Despite this, and Rofe’s assurances that the prosecution of all sexual assault cases is in the public interest, victims/survivors who have the support of police to pursue their case through court are often dismissed by the ODPP as having un-winnable cases.

In 2005, a ‘secret policy’ of the ODPP in South Australia was revealed in the media (Hunt, 2005). Although officially described as ‘a preference’ (Office of the Director of Public Prosecutions, 2004: 12), Rofe apparently gave South Australia Police a ‘directive’ to report rather than arrest (and apprehend) alleged sex offenders (Hunt, 2005; Office of the Director of Public Prosecutions, 2004). According to the only South Australian newspaper, *The Advertiser*, a tabloid owned by News Corporation, Rofe said this was: ‘because arresting the suspect created in the minds of the victims an expectation that prosecution action would follow, arrests in these circumstances would be undesirable’ (cited in Hunt, 2005). This approach could significantly undermine the faith of victims/survivors in the South Australian justice system and directly contravenes good practice principles and victims’ rights. In their submission to the South Australian Legislative Review Committee Inquiry into Sexual Assault Conviction Rates, the *Stop Rape Now Coalition*, a coalition of organisations and individuals committed to the elimination of sexual violence in South Australia, recommended:

*That the policy to only prosecute ‘where there is a reasonable chance of a conviction’ is not applied to rape/sexual assault cases. That other matters are taken into account, such as the victim’s wishes and whether prosecuting this matter would assist in preventing sexual violence even if the accused is acquitted (for example, by sending a message that this behaviour will not be tolerated and will be prosecuted).*

(Stop Rape Now Coalition, 2004: 24)

Back in 1997, Rofe might have suggested that this was not so far from his view; by 2004 it seems that the policy of his office had changed. In 2005, a new South

Australian DPP, Stephen Pallaras QC, was appointed. Pallaras has been quoted as saying that the court process leaves female victims/survivors of sexual assault feeling 'beaten up' (quoted in Naughton, 2005). How his appointment will impact upon rape victims/survivors is yet to be seen.

#### **1.4 Lifting the curtain: my research**

It is within this climate of acknowledged need for better services for victims/survivors of sexual violence, impending legislative change and organisational change within South Australia Police (with the introduction of the Sexual Crime Investigation Branch) that I present my research. In this chapter I have focused on the justice and political contexts within which police respond to rape. However, in the main, my thesis focuses on victims'/survivors' perceptions of South Australia Police responses to rape, and the factors which influence victims'/survivors' satisfaction with the police. In Chapter Two, I discuss the underlying community attitudes and stereotypes about rape and women that are fostered within English-speaking societies<sup>3</sup> and the myths that surround rape and women who have been raped. Based on international research, I explore these false beliefs that are reflected in the attitudes and behaviour of the police, the judiciary, jurors, the community and victims/survivors themselves. In Chapter Three, I examine other influences that lead to inconsistent police responses to rape. These influences include both organisational and cultural factors and individual characteristics of police officers.

In Chapter Four, I explain how and why I undertook my research. I outline the semi-structured, in-depth interviews conducted with 11 South Australian women who had been raped. In Chapters Five and Six, I consider the respondents' interaction with South Australia Police, the existence of the 'lucky dip' in terms of unpredictable police responses and the elements that comprise both satisfactory and unsatisfactory police responses. I examine the influence of individual and

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<sup>3</sup> For the sake of brevity, throughout this thesis, when I refer to English-speaking societies I specifically mean the United Kingdom, North America (United States and Canada) and Australasia (Australia and New Zealand).

collective factors on the quality of police responses to rape victims/survivors. I analyse the perceptions of the participants, their need for procedural rather than outcome justice and their understanding of how police responses could be improved. I compare and contrast the experiences and perceptions of the South Australian women with the results of other studies, both in Australia and internationally – and confirm that inconsistent police responses are common to South Australia as well as other English-speaking societies. As a consequence I contend that a significant challenge facing women who have been raped is the uncertainty of receiving an appropriate and thorough police response if they decide to report a rape. Finally, in Chapter Seven, I explore the hope and dissatisfaction found by participants in South Australia Police's responses to rape and offer future directions for South Australia Police based on my research. My recommendations and suggestions for good practice are based, not only on analysis of the experiences and advice of the participants of my study, but other similar studies that have highlighted the existence of unpredictable police responses and considered good practice.

### ***A note on terminology***

Throughout the thesis, I refer to ‘victims/survivors’ and ‘women who have been raped’. Some of the women involved in my study voiced a strong dislike for the ‘victim’ label and others rejected being called a ‘survivor’. The labels ‘victim’ and ‘survivor’ are highly emotive and political and can be described as existing on a continuum (see: Keel, Fergus & Heenan, 2005; Koss & Harvey, 1991). The term ‘victim’ implies passivity and powerlessness (McCarthy, 1997): it has been suggested ‘when one becomes a “victim” and not a person who has experienced sexual assault the rest of one’s identity is obscured’ (Spangaro, 1993: 15). However the label of ‘victim’ emphasises that the respondent has been criminally offended against, and in some cases re-victimised through her experiences throughout the criminal justice process (Easteal, 1994). Conversely, ‘survivor’ is associated with re-empowerment and the recovery process (McCarthy, 1997). As Jan Jordan (2001a: 9) notes: ‘an unintended consequence resulting from over-emphasis of the survival aspects can be a silencing of the victim’s voice, and a minimising by some women of the effects of sexual violence’. I consulted with

Yarrow Place. Its workers preferred the use of ‘women who have been raped’. However, in some instances the phrase is cumbersome. Thus, I tend to use ‘victims/survivors’ most often. In referring to the women who participated in my study, I also use ‘participants’, ‘interviewees’ and ‘respondents’.

## **1.5 Conclusion**

By seeking feedback from victims/survivors, policing agencies become informed and accountable. My study does not purport to represent the experiences of all victims/survivors of rape in South Australia. However, it does offer an opportunity to consider the perceptions, experiences and expectations of adult female victims/survivors directly. While several reviews by various government departments and agencies have explored how police and other justice agencies should respond to victims/survivors of sexual violence, very few studies or reports have sought to consult or work with victims/survivors themselves. This in part could be because it is a difficult task: victims/survivors are understandably reticent to discuss their experiences and are sometimes mistrustful of police services, their motives and their commitment to improvement. I was driven to undertake this research because when I worked for South Australia Police, I read Police Incident Reports and victim statements from hundreds of reported rapes. Although most victims/survivors of sexual assault were treated with respect by police, I saw numerous examples where women who had been raped received poor services from police. In this study, I aimed to amplify the voices of victims/survivors to highlight the inequity of police responses. As noted by the Women’s Legal Service in South Australia: ‘mechanisms which give voice to the experiences of victims of sexual violence are absolutely necessary for effective law reform’ (cited in Legislative Review Committee, 2005: 6, para 2.16).

Although South Australia Police has not received the same level of scrutiny or review for its sexual assault investigation practices as other police services, my findings indicate that South Australian victims/survivors experience mixed police responses and believe police responses can be improved. This is supported by the limited international research available. Yet, faced with a lack of data, research or

evaluation (or perhaps partly because of it), the media has reported the Police Minister asserting that South Australia Police remained the ‘best [police service] in the country’ (Bildstien, 2006). At this time of progress and change, in the aftermath of the introduction of the Sexual Crime Investigation Branch, South Australia Police needs to work collaboratively with victims/survivors to provide a consistent standard of care that reflects victims’/survivors’ perceptions of what constitutes ‘world’s best practice’ (South Australia Police, 2004e: 18).

## **Chapter Two**

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### **To report or not to report: The impact of community attitudes and rape myths**

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*We live in a patriarchal society and ... that contributes towards the way that men see women and that affects women. I mean there are different levels of violence towards women and it can be really subtle but if it's accepted ... it's just going to continue on. And some women ... can't even see it ... and they think it is OK [for men] to behave in a derogatory manner and I think that it's going to be a really, really long time before it is understood any better.*

(Charlotte)

#### **2.1 Introduction**

In this chapter, I examine the ‘socio-cultural origins’ of rape (Scully, 1990: 162), and the relationship between social norms and community attitudes toward rape. I argue that even with a clear legislative definition, rape is more often defined in judgmental, stereotypical terms. As noted in Chapter One, many advances in the 1970s led to more equitable laws and public policy worldwide. However, this commitment to reform was short lived, and social norms and community attitudes have not necessarily evolved in line with legislation (Graycar & Morgan, 2002). This is reinforced by survey data which indicates that many Australians continue

to accept stereotypes about rape, such as women make false claims of rape (Easteal, 1992; Office of the Status of Women, 1995; N Taylor & Mouzos, 2006). Society treats rape as a distasteful and private sexual issue: something not to be openly discussed. As a result, victims/survivors expect, and often receive, a hostile or disinterested reception from peers, family or police. These negative social reactions often lead to self-blame, internalisation of rape myths and secondary victimisation (Ullman, Townsend, Filipas & Starzynski, 2007).

Community attitudes and social norms about rape provide the context and attitudinal framework within which police and victims/survivors interact in the aftermath of rape. Community attitudes are pervasive (Flood & Pease, 2006), influencing these interactions in three ways. First, negative attitudes and stereotypical beliefs held by the wider community may be accepted by some police officers, who may then treat victims/survivors with disbelief, scepticism and apathy. Secondly, many victims/survivors may expect that police officers accept these rape myths, and fear ineffective or unhelpful police responses. Thirdly, victims/survivors may accept negative community attitudes about ‘real rape’ and ‘real victims’ leading to self-blame. In all three scenarios, community attitudes and stereotypes about rape influence victims/survivors by either preventing them from reporting rape to police or engaging with the criminal justice system.

## 2.2 What is rape?

Individual perspectives, in conjunction with rape myths, the cultural context, individuals’ experiences and theoretical or political standpoints make it difficult to define rape (Flood & Pease, 2006). Most definitions fall into one of two categories: offence-based or experience-based (Australian Bureau of Statistics, 2004b). Since 1976, rape has been defined in South Australia, under section 48 of the *Criminal Law Consolidation Act 1935* (SA) as follows:

*A person who has sexual intercourse with another person without the consent of that other person -*

*(a) knowing that that other person does not consent to sexual intercourse with him; or*

- (b) *being recklessly indifferent as to whether that other person consents to sexual intercourse with him.*

Section 5(1) of the *Criminal Law Consolidation Act 1935* (SA) provides the following definition:

*'sexual intercourse' includes any activity (whether of a heterosexual or homosexual nature) consisting of or involving -*

*(a) penetration of the labia majora or anus of a person by any part of the body of another person or by any object; or*

*(b) fellatio; or*

*(c) cunnilingus.*

While an explicit legislative definition of rape is useful in explaining what rape is in legal terms, it does not necessarily assist victims/survivors or relate to their personal experiences. As a result, socially accepted stereotypes about rape distort and minimise the range of sexual experiences acknowledged as rape. Even when a woman's experiences meet the legal definition of rape, a victim/survivor may not perceive it as such (Gavey, 2005). Furthermore, neither consistent police responses nor the apprehension and conviction of a perpetrator are assured in such cases. The influence of community attitudes has been acknowledged by South Australian police and prosecutors alike. Almost ten years ago, both Assistant Commissioner Leane and the Director of Public Prosecutions, Paul Rofe QC, stated that 'community values' need to be addressed in order to prevent rape and sexual assault in South Australia (Leane, 1997: 66; Rofe, 1997: 69).

### **2.3 Rape myths and 'real rape'**

The perceptions of individuals and their attitudes towards rape are reflections of society's knowledge and awareness of sexual violence. Yet the reality of rape is rarely communicated openly. Laura Russo's work on date rape published by the Australian Institute of Criminology (AIC), defined rape myths as 'false beliefs about rape and sexuality that disadvantage women and are incongruent with the experiences of people who have been raped' (Russo, 2000: 2). Rape myths trivialise rape and blame rather than empathising with people who have been raped (Murnen, Wright & Kaluzny, 2002). According to Kimberly Lonsway and Louise Fitzgerald (1994) there are three common characteristics to myths. They

are: widely and persistently held beliefs; explanations of cultural phenomena that are considered important; and justification for existing cultural arrangements, in this case by denying male violence against women.

An example of a far-reaching and widely accepted rape myth is the ‘real rape’ myth. Susan Estrich (1987), a law professor in the United States, established the term ‘real rape’ to describe an assault perpetrated by a stranger, involving a weapon, a struggle and injuries to the victim (R Atkinson, 2001; Estrich, 1987; Galliano, Noble & Puechl, 1993; Gilmore & Pittman, 1993; Kelly, 2001; Koss & Harvey, 1991; Lievore, 2003a; Victorian Law Reform Commission, 2001). The victim of a ‘real rape’ is female, presenting a barrier for male victims of rape to report sexual assault in fear of humiliation (Crome, 2006; Neame & Heenan, 2003). The perpetrator of a ‘real rape’ is a stranger; with the myth of ‘stranger danger’ propagated as the biggest threat to women despite all evidence to the contrary (A Clarke, Moran-Ellis & Sleney, 2002; Jordan, 2002c). As highlighted by Russo (2000), characteristics of ‘real rape’ are not reflected in victims’/survivors’ experiences.

Rape involving perpetrators known to victims/survivors is more common than stranger-rape, as has been shown in Australia (Australian Bureau of Statistics, 1996, 2003; Weekley, 1986); Canada, New Zealand and the United States (Tjaden & Thoennes, 2006). In 2003, only one percent of reported sexual assaults in Australia involved a weapon (Australian Bureau of Statistics, 2004c; see also Cook, David & Grant, 2001; Victorian Community Council Against Violence, 1991; Victorian Law Reform Commission, 2001). Few rapes lead to visible injuries (Cook *et al.*, 2001; Heenan & Ross, 1994; Moran, 1992; Stubbs, 2003; Victorian Community Council Against Violence, 1991; Victorian Law Reform Commission, 2001). Despite this evidence, rapes that reflect stereotypes are more readily accepted as ‘real’ by both people who have been raped and criminal justice agencies.

The media and police (see: McCulloch, 1993) tend to promote the idea of extraordinary cases as the norm – such as those involving home invasions; elderly victims or extreme violence. My point is illustrated by a quote attributed to

Detective Senior Sergeant Paul Lewandowski of South Australia Police's Sexual Crime Investigation Branch:

*To have someone break into your house, armed with a weapon, in this case a knife, who disguised himself in fear of having his victims recognise him, bound and gagged his victims before committing the offence of rape against the will of the victim – how much more traumatic can it be?*

(quoted in *The Advertiser*, 2005a: 1)

By focusing on an unlikely, stranger-perpetrated rape and extensively quoting a senior police officer, South Australia's newspaper, *The Advertiser*, has reinforced rape myths. In this case, a 'real rape' involves a break in, a weapon, a stranger and a gag. By publicising these offences, they become the benchmark of serious, important, and 'traumatic' rapes. These mythical rapes become accepted as the norm, through advertising, the media, sport, music and social interactions (Golding & Friedman, 1997). As a result of selective reporting, the public – including victims/survivors and police officers – develop, accept and retain a skewed and artificial understanding of rape.

The government also propagates stereotypes and myths about sexual violence. A recent Commonwealth Government campaign targeting violence against women provided 'information for young people, parents and the community on identifying and avoiding abusive and violent relationships and where to find help' (Commonwealth of Australia, 2004). The booklet was posted to all Australian households and addressed violence and sexual assault within a relationship. However, the section on rape did not focus on sexual assault in any depth (beyond 'no means no') nor provide any understanding of the facts of rape. Such an initiative is inadequate because it does not begin to address the widespread ignorance about the reality of rape nor the stigma attached to people who have been raped.

Within this environment of limited public awareness campaigns and rape myths and stereotypes, women who have been raped are most likely to turn to family and friends for support and advice (Arman & Westhorp, 2000; Australian Bureau of Statistics, 1996; Mouzos & Makkai, 2004). How these people react has a significant effect on whether victims/survivors then decide to involve police

(Lievore, 2005). Often family and friends are ill-equipped to provide appropriate support or advice. Feeling inadequate or embarrassed to talk about rape, their reticence to discuss openly an assault may compound a victim's/survivor's own feelings of responsibility and/or shame (Lievore, 2005). The discomfort and silence around rape emerged as a powerful influence on the participants in my study, affecting how they perceived rape and themselves. One participant did not report rape to police after her mother told her that it would anger her father. In another case a woman had no intention to report a rape until she was encouraged to do so by her intimate partner. The responses of family and friends significantly impact on the likelihood that victims/survivors will report rape to police.

## 2.4 ‘Rape-prone’ social norms

English-speaking cultures are fundamentally patriarchal and traditionalist (Ward, 1995), with ‘a social and political system in which men control, and have power over, women’ (Kelly, 1988: 20). Arguably, this control by men over women has been legitimised through law and tradition (Kelly, 1988). In her first book published almost 20 years ago, Jennifer Temkin (1987; 2002) noted that rape occurs in Britain because of: ‘the type of society in which we live, and the attitudes it fosters towards violence, women and relationships between the sexes’ (Temkin, 2002: 206).

Such societies, characterised by male domination (Edwards, 1985; Gavey, 2005; Lievore, 2003b; Stuart, 1993), where ‘the tendencies to blame and denigrate women are at the core’ (Ward, 1995: 38), propagate the acceptance of rape myths. According to South Australian Federal Senator Natasha Stott Despoja:

*We still have a culture that blames the victim [of sexual violence]. It's a convenient culture, and it doesn't matter who you are, or in what circumstance it happens, it still results in the victim feeling that this is her responsibility, her fault.*

(quoted in Neame, 2004: 5)

Rape is not an ‘isolated act of aggression’ (Stuart, 1993: 97), it is endemic. Researchers have labelled English-speaking societies, including Australia, as ‘rape cultures’ that ‘actively tolerate rape’ while ostensibly condemning it (Gavey,

2005: 30). Australia has been described as ‘rape-supportive’ (Ward, 1995) and ‘rape-prone’, with a high incidence of rape and ‘increasing toxicity (in terms of violent and degrading images) of pornography’ (M Goldsmith, 1992: 259).

In their meta-analysis of 39 studies exploring the correlation between masculine ideology and sexual aggression, Sarah Murnen, Carrie Wright and Gretchen Kaluzny (2002) considered ‘rape-prone’ cultures, primarily within the United States. They highlight that ‘rape-prone’ societies (as opposed to ‘rape-free’ societies), emphasise traditional gender-roles and maintain myths about women and sexual assault. These traditionalist cultural norms remain ‘a backdrop against which women make sense of their experience and within which much public discussion and responses take place’ (Kelly, 1988: 34). As a result, women are more segregated, with less power and status than men (Murnen *et al.*, 2002). In such societies, women are believed to possess ‘feminine’ traits of passivity and emotionality. With regard to sex, it is accepted that women want men to initiate sexual behaviour; lie and say no when they mean yes; act or dress provocatively to attract men; and label consensual sex as rape if they are caught being unfaithful.

Like Liz Kelly (1988) and Temkin (1987), Nicola Gavey (2005: 190), a feminist psychologist from New Zealand, emphasises that:

*Making connections between everyday sexual practices (such as sexual pressure within marriage) and sexual violence has been important for highlighting the role of normative culture in sustaining problems such as rape.*

Australian cultural norms are pervasive, based on outdated models of women, crime and society. While Australian society remains fundamentally ignorant about the reality of rape and sexual assault, myths and stereotypes will continue to guide ‘rape-prone’ attitudes of police and victims/survivors toward sexual violence (Golding & Friedman, 1997; Kelly, 1988; Murnen *et al.*, 2002; Neame, 2004; Temkin, 2002; Wilson, Goodwin & Beck, 2002).

## **2.5 Community attitudes regarding rape**

According to Michael Flood and Bob Pease, in their critical literature review of community attitudes towards violence against women, attitudes ‘are socially constructed and based on shared knowledge that people use to make sense of the world’ (Flood & Pease, 2006: 15). Colleen Ward (1995) provides further clarity, stating that attitudes are ‘global’, ‘general’ and ‘enduring’ (p.40). By examining the attitudes held by Australians in general, it is possible to begin to understand the social context that influences the attitudes of, and relationship between, police officers and victims/survivors.

### *Australians’ rape beliefs and attitudes*

In 1992, a national survey on beliefs about rape was conducted by the AIC (Easteal, 1992). The AIC is a statutory body that produces research on crime and criminal justice that guides the development of Australian Government public policy. The survey was made available in Murdoch-owned Australian newspapers and was also mailed out on request. Respondents were self-selected and not considered a representative sample (Easteal, 1992). In total, 6588 surveys were completed. Respondents were required to indicate their agreement or disagreement with a number of statements about rape and rape myths. Of the 1123 male respondents, 45.8 percent either disagreed or were undecided whether ‘all kinds of men’ are rapists (Easteal, 1992: 23). Victim-blaming was evident, with 22.5 percent of all respondents agreeing that ‘women who hitchhike have only themselves to blame if they are raped’ and 27.5 percent indicating that they believed (or were undecided) that a woman’s behaviour may be considered justification for rape (Easteal, 1992:26, 28). Patricia Easteal concluded that although the majority of respondents did not openly accept rape myths, even with a self-selected (pro-victim) group of respondents, a substantial subset of society continued to adhere to stereotypes about women and sexual assault (Easteal, 1992).

Since Easteal's study, other studies have examined community attitudes towards violence against women, particularly domestic/family violence<sup>4</sup> (see: N Taylor & Mouzos, 2006). In 2006, a Victorian survey examined community attitudes towards violence against women, focusing on domestic violence and sexual violence/harassment. A random sample of 2000 people was interviewed by telephone (N Taylor & Mouzos, 2006). The data was compared with a previous 1995 Australia-wide study of community attitudes (Office of the Status of Women, 1995). Although the surveys were not directly comparable due to methodological differences, the 2006 report highlighted that:

*66% of respondents in 2006 agreed that women rarely make false claims of being raped compared with 59% in 1995;*

*Six percent of respondents in 2006 agreed that women who are raped often ask for it compared with 15% in 1995.*

(N Taylor & Mouzos, 2006: xiv)

The results from the 2006 survey indicated that, while community attitudes exist across a continuum, rape myths continue to be accepted by a significant (albeit diminishing) proportion of Australian society (N Taylor & Mouzos, 2006).

Weighted data from 1003 respondents found that 15 percent of both males and females agreed that 'women often said "no" when they mean "yes"' with a further eight percent indicating they were unsure (N Taylor & Mouzos, 2006: 73). Forty-four percent of male respondents (n=488) agreed that 'rape results from men not being able to control their need for sex' (N Taylor & Mouzos, 2006: 74). As highlighted by Natalie Taylor and Jenny Mouzos, acceptance of rape myths and negative attitudes influence:

*(a) the perpetuation of offenders committing violence against women, (b) whether victims perceive themselves as victims, (c) whether and how victims react to violence, (d) judgements that the community makes about women and violence, and (e) willingness of the community to intervene with or react against violence against women.*

(N Taylor & Mouzos, 2006: 115)

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<sup>4</sup> Throughout the thesis I use 'domestic/family violence' except when referring to the findings of a specific report or study where the researcher has indicated a preference for either 'domestic violence' or 'family violence'.

### **Rape beliefs and attitudes of South Australians**

The pervasive nature of ‘real rape’ myths leads to them being held as the standards to which rape victims/survivors are compared – by themselves, their peers, families and criminal justice agencies. Two small scale studies have examined attitudes towards rape in South Australia. An Adelaide study undertaken by Sally Goodwin, a psychology honours student, assessed rape attitudes of convicted rapists (n=20), convicted armed robbers (n=35) and a control group of non-criminal males (n=44; Wilson *et al.*, 2002). Respondents were presented with two vignettes that described similar rape scenarios – one where the perpetrator knew the victim and one where they were strangers. Participants were asked how likely it was that they would behave like either man if they could be assured that no one knew. Approximately half the participants indicated some likelihood of raping an acquaintance (48% non-criminals; 55% of robbers and 62% of rapists). Far fewer indicated a likelihood of raping a stranger (21%, 25% and 25% respectively). Participants’ responses indicated that a stranger rape was considered significantly more serious than rape of an acquaintance. The study found that myths such as ‘women cry rape’; ‘women provoke rape’ and ‘rape victims are promiscuous’ were commonly accepted by male participants (Wilson *et al.*, 2002: 86).

In 1997, a Family Planning South Australia project focused on young men’s attitudes towards acquaintance rape (Golding & Friedman, 1997). The research involved a survey completed by 998 young South Australian men aged between 14 and 26. A convenience sample was used. Males were approached in shopping centres, social events and schools and tertiary education campuses, workshops and youth forums across the Adelaide metropolitan area. Eleven scenarios of heterosexual acquaintance rape were presented, and while 68.3 percent (n=682) of respondents disagreed that it was ‘okay’ for a male to force a female to have sex in any scenario, 31.7 percent (n=316) agreed that it was ‘okay’ to force a woman to have sex in one or more scenarios (Golding & Friedman, 1997). The statements that attracted the most agreement were: ‘she has had sex with him before’ (21.1% of all respondents agreed); ‘they have been going out together for a long time’ (20.3% of all respondents agreed); ‘she allows him to touch her below the waist’

(20.0% of all respondents; Golding & Friedman, 1997: 19). Of the 316 young males who agreed with one or more of the statements, 59 percent (n=187) agreed that it was okay for a male to force a female to have sex in at least four of the 11 scenarios (Golding & Friedman, 1997). Although small, these two studies support the likelihood that a significant minority of South Australians continue to support rape myths. In Chapter Three, I explore the similar range of attitudes and perceptions held by South Australia Police officers.

## **2.6 The impact of community attitudes and rape myths on victims/survivors**

In the introduction to this chapter, I acknowledged three ways that community attitudes and rape myths negatively influence interactions between police and women who have been raped. Leaving aside police responses to rape, which I analyse in the next chapter, I consider how victims'/survivors' beliefs and attitudes towards rape, themselves and police reflect community attitudes and stereotypes.

### ***Under-reporting and non-reporting of rape***

Research from Canada (Gartner & MacMillan, 1995; Nuttall, 1989), the United States (Feldman-Summers & Norris, 1984; Pino & Meier, 1999), England (Kelly & Radford, 1996) and Australia (Department for Women, 1996; Lievore, 2003a). shows community attitudes and 'real rape' myths influence the decision-making of victims/survivors, Shirley Feldman-Summers and Jeanette Norris (1984) found that: 'perceived outcomes, social expectations and situational characteristics of the rape were effective predictors of reporting or not reporting a rape' (p. 569). Victims/survivors rarely report incidents of sexual assault to police (Australian Bureau of Statistics, 2005b; Bargen & Fishwick, 1995), with interpersonal violence surveys indicating that less than ten percent of rapes are reported to police (Dal Grande *et al.*, 1999; de Visser, Smith, Rissel, Richters & Grulich, 2003). In 1999, a Human Services Survey in South Australia undertook a random telephone survey involving 6004 interviewees, with 7.6 percent of respondents

over the age of 18 years (n=457; 79 males and 378 females) experiencing sexual assault in either a domestic violence situation (2.6%), a non-domestic violence situation (4.2%) or both (0.8%). Only 8.4 percent of (non-domestic violence related) sexual assault victims/survivors reported the incident to police. Similarly, of the representative sample of women who reported sexual coercion in the Australian Study of Health and Relationships, 37.9 percent (n=739) disclosed to someone, and of these women, 8.4 percent reported the sexual coercion to police (de Visser *et al.*, 2003).

National victimisation surveys indicated slightly higher reporting rates for sexual assaults, between 15 percent (e.g. Australian Bureau of Statistics, 1996, 2005b; Carcach & Makkai, 2003) and 20 percent (e.g. Australian Bureau of Statistics, 2003, 2005b). The Women's Safety Survey (WSS; Australian Bureau of Statistics, 1996) found that approximately one in five women who experienced sexual assault did not disclose to anyone and took no action. More commonly, victims/survivors disclosed informally to others (Australian Bureau of Statistics, 1996). Ten years later, the 2006 Personal Safety Survey found a slight increase in the number of females who reported sexual assault to police, whether it occurred during the previous 12 months (18.9% compared to 14.9% in the WSS; Australian Bureau of Statistics, 2005b) or since the age of 15 years (15.9% compared to 9.0% in the WSS; Australian Bureau of Statistics, 2005b). The National Crime and Safety Survey (Australian Bureau of Statistics, 2003) reported similar findings, with 80 percent of adult female victims/survivors stating they had not told police about the most recent incident of sexual violence, despite 77 percent perceiving the incident to be a crime (Australian Bureau of Statistics, 2003). *Crime and Safety 2002* also included reporting rates for assault, robbery, break-in and motor vehicle theft which were considerably higher than sexual assault, at 31, 50, 75 and 95 percent respectively (Australian Bureau of Statistics, 2003).

A study was undertaken by Yarrow Place in 2000 to examine the incidence, severity and impact of sexual violence in South Australia (Arman & Westhorp, 2000). University students from the University of South Australia and Adelaide University were informed of the survey via links on the Universities' web sites, emails, student newspapers and posters and fliers displayed on the universities

campuses. Valid responses to the anonymous online survey, based on the Sexual Experiences Survey designed by Mary Koss, were received from 689 people between the ages of 18 and 25. The survey found that 59.3 percent of female respondents had experienced at least one sexual assault, and 35.5 percent of females had experienced at least one incident of rape since the age of 16 (Arman & Westhorp, 2000). Although overall, 40.2 percent of respondents told someone of the incident, 92.3 percent informed friends and only 6.4 percent told anyone else. The survey did not examine specific engagement with the police or criminal justice system (Arman & Westhorp, 2000).

Victimisation surveys have shown that the main reasons people cite for not reporting sexual assault are that they have dealt with it themselves, felt it was a private matter and/or did not think it was important enough to involve police (Carcach, 1997; Lievore, 2003a; Mouzos & Makkai, 2004). In NSW, a phone survey of 897 victims/survivors found the most common reason for not reporting a sexual assault was because victims/survivors felt guilty (NSW Sexual Assault Committee, 1993). Many victims/survivors believed that it was their responsibility to avoid rape (Hatty, 1989; Jordan, 2002b). In South Australia, Yarrow Place surveyed clients who did not report rape to police (2002; cited in South Australia Police, 2004e). They found that the main barriers to reporting were: a fear of police; fear of violent retribution from the offender; feelings of guilt or responsibility; or uncertainty of what had actually occurred due to drink spiking or drugging (Yarrow Place, 2002; cited in South Australia Police, 2004e: 6f). Many of the reasons cited by victims/survivors in these studies are based on either personal acceptance of rape myths or an expectation that others accept such myths as true.

If a woman has been raped by a stranger, and/or has been injured, she is more likely to identify herself as a 'real victim' and expect that the police will too (Lievore, 2003b; Mouzos & Makkai, 2004; Starzynski, Ullman, Filipas & Townsend, 2005). While statistically rare (Australian Bureau of Statistics, 1996, 2003, 2005b; Carcach & Makkai, 2003), such rapes reflect the majority of cases reported to the police (Australian Bureau of Statistics, 1996; Mouzos & Makkai, 2004). As a result, reported rapes sustain the 'real rape' myths, becoming the

benchmark for ‘serious’, ‘reportable’, ‘real’ offences. Therefore, regardless of legislative definitions; many rapes are not perceived as ‘serious’ or criminal (Lievore, 2003a; Mouzos & Makkai, 2004; Regan & Kelly, 2003), particularly in cases where the perpetrator is an intimate partner or family member (DJ Stevens, 2001).

### ***Barriers to reporting rape to police***

Research shows that victims/survivors are reticent to involve police for two different types of reasons: first, personal barriers and, secondly, barriers due to the justice system (Bargen & Fishwick, 1995; Department for Women, 1996; Easteal, 1994; Feldman-Summers & Norris, 1984; Gilmore & Pittman, 1993; Jordan, 2001a, 2004a, 2004b; Kelly, 2001; Lievore, 2003a, 2003b). Personal barriers are more influential than reservations about the justice system in affecting whether women in Australia will report rape to police (Lievore, 2003b; Mouzos & Makkai, 2004; NSW Sexual Assault Committee, 1993). Personal barriers to reporting include feelings of shame, embarrassment, denial and the social stigma attached to rape (Lievore, 2003a). When individual victims/survivors agree with ‘violence-supportive understandings’ of rape (Flood & Pease, 2006: 19), they are more likely to blame themselves and less likely to involve police. In this way, community attitudes and rape myths often become internalised by victims/survivors (Domalewski, 2000; Kelly & Radford, 1996).

A lack of confidence in police has been cited in empirical studies and other reports as a significant reason for not reporting rape to police in New Zealand (Jordan, 2001a); England and Wales (Kelly, 2001; Regan & Kelly, 2003; Temkin, 2002); Europe (Regan & Kelly, 2003) and Australia (Alder, 1994; Bargen & Fishwick, 1995; Easteal, 1994; Heenan & Ross, 1994; Lievore, 2003a; NSW Sexual Assault Committee, 1993; Russo, 2000). Victims/survivors sometimes expect police will be unsympathetic, unhelpful (Alder, 1994; Heenan & Ross, 1994; Regan & Kelly, 2003; Temkin, 2002) or unable to take meaningful or beneficial action (Flood & Pease, 2006; Lievore, 2003a; NSW Sexual Assault Committee, 1993). Some victims/survivors consider that they do not have enough evidence to make a report, may have a poor understanding of what to expect from

police or how to officially report a rape. Delaying the decision to report rape due to fear of police disbelief tends to compound the problem; directly contributing to police disbelief (Cling, 2004; Department for Women, 1996; Jordan, 2001a, 2004a, 2004b).

In predicting likely police responses, women who have been raped often refer to the media, negative experiences of others or fictional images of police.

Victims/survivors often expect police to apply stereotypical beliefs, even if victims/survivors do not personally believe rape myths (Neame & Heenan, 2003). In many cases, their perceptions reflect reality. 'Real rape' myths influence police, courts, juries and the judiciary (Kelly, 2001; Lievore, 2003b; Morris, 1987; N Taylor & Joudo, 2005). Studies internationally have found a higher likelihood of police support and court conviction in cases where an assault mirrored a 'real rape' in Australia (Fitzgerald, 2006; Hatty, 1989; Mason, 1995; Stubbs, 2003; Victorian Law Reform Commission, 2003); Scotland and England (Chambers & Millar, 1986; Gregory & Lees, 1999; Harris & Grace, 1999; Temkin, 1999, 2002) and the United States (Bouffard, 2000; R Campbell & Johnson, 1997; Estrich, 1987; Koss & Harvey, 1991; LeDoux & Hazelwood, 1991). Mary Heath (1998: 24), a feminist legal academic, states:

*The law does not adjudicate impartially on the question of rape but rather participates in social constructions of what counts as sex, what counts as rape, who will be recognised as a rapist and whose violation amounts to rape. These constructions run deep in legal history and legal culture. They both form and are formed by the wider context of Australian colonial history and culture and in which the shape and meaning of sexuality and sexual coercion continue to be intensely debated ... Changing the words on statutory pages alone will never be sufficient to overcome the competing, powerful, though unwritten social and legal subtext which continues to be revealed in disputes over rape law reform.*

Within this subtext, consistent police responses to 'real rape' might be expected, yet, as I show in Chapter Three, community attitudes and rape myths do not lead to predictable police responses. Even in cases where a rape is acknowledged as genuine or 'real', the person who has been raped may be negatively received by society and blamed for not avoiding rape (e.g. the offender could not control his

sexual urges; Taylor & Mouzos, 2006). From her personal experience, Estrich found that:

*Even the real rape victim must bear the heavy weight of the silence that surrounds this crime. At first, it is something you simply don't talk about. Then it occurs to you that people whose houses are broken into or who are mugged in Central Park talk about it all the time. Rape is a much more serious crime. If it isn't my fault, why am I supposed to be ashamed? If I shouldn't be ashamed, if it wasn't 'personal' why look askance when I mention it?*

(Estrich, 1987: 1087)

I examine these feelings of blame and responsibility, as acknowledged by the participants of my study, in Chapter Five.

### ***Just world theory, victim-blaming and 'real victims'***

'Victim-blaming' is linked to both 'real rape' myths and an acceptance of a just world. People in general want to believe that the world is fundamentally safe; and that they can control their own lives and experiences by acting appropriately. Just world beliefs are premised on the idea that victims of crime or misfortune are somehow responsible and blameworthy for their own victimisation (Bollmer, 1998; Burt, 1980; Carrington, 1998b). According to Julie Bollmer, an American psychologist:

*People with a high belief in a just world will do one of two things: either they will try to eliminate the suffering of the innocent victims or else they will derogate them for their fate. Since it is impossible to reverse the crime of rape, and thus relieve the victim of her suffering, the rape victim is often subjected to derogation and blame. In this manner, the person who believes in a just world can maintain this belief as there is no longer a suffering person, but a woman who deserves her misfortune. The individual may blame the victim on any number of dimensions including her clothing (i.e. revealing blouse, short skirt, etc.), her behavior, (i.e. drinking, flirting, etc.) or her personality (i.e. she is a liar, she wanted attention, etc.).*

(Bollmer, 1998: 2)

Such beliefs propagate myths about 'real rape' and appropriate victim behaviour, conjuring the image that all rapes are perpetrated by strangers in dark alleys to women of dubious characters (Carrington, 1998b; Domalewski, 2000; Leane, 1997; Whatley, 1996).

Despite women being viewed as weaker and subordinate to men (Jordan, 2002b; Konradi, 1996), their responses to rape and violence continue to be measured against a male standard of physical resistance (Graycar & Morgan, 2002). Women are supposed to fight assailants such that there are visible injuries consistent with this resistance. Yet, police also advise women not to fight or struggle against attackers for fear of suffering further violence (Jordan, 2002b; Kelly, 1988). Regardless of the strategy, women learn it is their responsibility to avoid rape. Consequently, many acquire an unrealistic fear of inevitably being raped unless they remain vigilant (Morris, 1987; Reber, 1985; DJ Stevens, 2001). Wendy Chan and George Rigakos (2002: 751) argue that:

*The idea of a stranger lurking behind the bushes waiting for his victim has been an effective mechanism for the social control of women, making them more dependent on men for their protection.*

Rape undermines both a woman's position in society and her self-esteem because it is an ever-present threat (W Chan & Rigakos, 2002; Summers, 2003; Victorian Community Council Against Violence, 1991). Women consider the threat of sexual assault when making decisions relating to socialising, transport options and home safety. These myths also impose blame on women who have been raped for not conforming to stereotypical ideals or heeding their responsibility to avoid being victimised (Hatty, 1989; Leane, 1997).

People, including police, tend to underestimate the psychological and emotional impact of sexual assault on victims/survivors, expecting stereotypical responses (R Atkinson, 2001; Heenan & Ross, 1994; Jordan, 2002c; Temkin, 1999). Research from Australia and the United States shows that a significant number of people are diagnosed with Posttraumatic Stress Disorder (PTSD) after being raped (American Psychiatric Association, 2000; Blair, 1985; Cling, 2004; D'Arcy, 2005; Kilpatrick, Saunders, Veronen, Best & Von, 1987; Koss & Harvey, 1991; Olle, 2005; Rosenman, 2002; Stuart, 1993). More than 30 years ago in the United States, Ann Wolbert Burgess and Lynda Lytle Holmstrom (1995: 27) developed the specific term Rape Trauma Syndrome to describe:

*An acute phase and long term reorganisation process that occurred as a result of [rape]. This ... syndrome of behavioural, somatic and psychological reactions was deemed an acute stress reaction to a life threatening situation.*

Because it uses sex as a weapon, ‘rape is both violent and sexual...both physical and mental’ (Jordan, 2002b: 31). The lack of understanding about the traumatic impact of rape means that women who have been raped are often further victimised by the justice system and the wider public.

Recently, research undertaken in Chicago by Sarah Ullman and colleagues (2007) using a sample of 636 women, found that PTSD may be exacerbated by stereotypical community attitudes and the responses of others. Negative social reactions, based on rape myths and social norms have been associated with prolonged trauma and protracted recovery (Ullman *et al.*, 2007). Like other members of the community, victims/survivors try to make sense of sexual assault (Ullman *et al.*, 2007). Their findings indicate that negative community attitudes and faith in a just world aggravate victims’/survivors’ ‘behavioural and characterological self-blame’ (Ullman *et al.*, 2007: 25). This presents a further challenge for police, for, in offering justice to victims/survivors of rape, police officers may be required to overcome not only their own negative attitudes but those of victims/survivors themselves.

## **2.7 Conclusion**

In this chapter, I began by considering how rape is legally defined in South Australia and compared this to the understanding of ‘real rape’ that Australian society accepts. I explored the perceived and actual responses of the community to rape and women who have been raped. The pervasive influence of stereotypes leads to victim-blaming and minimisation of offences such that victims/survivors of rape are judged by a much higher and more subjective standard than is enforced on victims of any other offence (Carrington, 1998b; Hunter, Bently Cewe & Mills, 2002).

The acceptance of ‘rape-prone’ community attitudes and social norms about ‘real rape’ is unpredictable and variable. Whether or not people accept rape myths is influenced by cultural, social and religious factors in addition to individual factors, such as gender, age and education (Domalewski, 2000; Flood & Pease,

2006). There remains a substantial minority who do believe that in certain situations, forced sex is acceptable or that some women ‘ask for it’. These social mores and attitudes influence victims/survivors, police and the justice system alike, such that, ‘at each stage of the legal process stereotypes and prejudices play a part in decision making’ (Kelly, 2001: 5f). By examining community attitudes and social norms that surround sexual violence in Australia in this chapter, I established the social context within which rape is reported to, and investigated by, police. I also examined how community acceptance of rape myths has a significant impact on the wellbeing of victims/survivors.

Gavey (2005) emphasised that, although police and justice system responses have improved in the last 30 years, the overall criminal justice system response continues to be inconsistent, reflecting mixed or negative social values. Rape myths contribute to under-reporting and the silence that surrounds rape (Gilmore & Pittman, 1993; Jordan, 2001a). Myths promote an erroneous hierarchy of rape seriousness to which police and society often refer when confronted with a report of rape. Yet as I show in Chapter Three, the application of stereotypes by police is neither standard nor predictable. It might be expected that to maximise positive police responses an assault should be ‘legitimate’ and reflect ‘real rape’ stereotypes (Kelly & Radford, 1996: 21). In reality, there are no standard rape or victim characteristics that ensure a positive and consistent reception from police. Police responses are far more complex and unpredictable.



## **Chapter Three**

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### **‘The lucky dip’: Unpredictable and inconsistent police responses**

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*A small number of factors contribute to women’s perceptions that their interactions with criminal justice personnel were helpful. These factors include belief, respect, information, and being taken seriously, as denoted by police taking swift action. The women’s accounts of their interactions with legal and forensic medical personnel simultaneously provide grounds for hope and are disappointing. While some women encountered individuals who were compassionate and knowledgeable about sexual assault, the majority were either further harmed or, at a minimum, disillusioned through their involvement with the criminal justice system.*

(Lievore, 2005: 59; emphasis added)

### **3.1 Introduction**

Police are ‘the gatekeepers to the justice system’ (Jordan, 2002a: 321). As the first people in the criminal justice system to whom victims/survivors disclose a rape, police often provide a measure of what to expect from wider society (Victorian Law Reform Commission, 2003). Thus, the importance of appropriate police responses should not be underestimated – yet they cannot be expected as a matter

of course. In this chapter, I summarise what victims/survivors perceive to be satisfactory police responses. Research from Australia, New Zealand, England and Wales indicates that victims/survivors identify that good police responses involve: ‘being believed, being treated with respect and understanding; retaining some degree of control over what happened; [and] continued information and liaison’ (Kelly, 2001: 21; see also Jordan, 2004b; Lievore, 2003a, 2005; Temkin, 1997, 1999). Certainly, the same research shows that police responses to victims/survivors are rarely consistent. This thesis takes its name from a quote taken from Denise Lievore’s Australia-wide project on victims’/survivors’ help seeking decisions after sexual assault. She highlighted that victims’/survivors’ mixed and unpredictable experiences with service providers (including police) provided ‘grounds for hope and are disappointing’ (Lievore, 2005: 59). By describing ‘satisfactory’ experiences with police, I show that, in reality, there is considerable diversity between what victims/survivors want, what they expect and what they actually experience.

In Chapter Two, I examined community attitudes toward rape, and the social context within which rape occurs. I considered the impact of rape myths on the attitudes of victims/survivors, police and wider Australian society and introduced the widely held assumption that ‘real victims’ will report rape to police despite numerous personal and systemic barriers (and low official reporting rates). South Australia Police responses to violence against women – whether domestic/family or sexual – are influenced by these stereotypes. The ‘lucky dip’, which is the title of this chapter, is a descriptor given to the South Australia Police responses to domestic/family violence (Cartwright, 2003), in reference to the:

*enormous variation in knowledge, skills and experience [that] influences the application of policing directives in this area and subsequently, the quality and consistency of service delivery to the public.*

(Cartwright, 2003: 4)

In this chapter, I analyse some of the reasons for variable and inconsistent police responses to rape. Individual factors significantly affect the appropriateness of police responses to rape (Burgess & Hazelwood, 1995; Fitzsimmons, 1998; Gregory & Lees, 1996; Hatty, 1989; Jordan, 2002a, 2004a; Kelly, 2001; Temkin,

1999; Westmarland, 2001). Characteristics such as attitudes, gender, interpersonal skills, experience and years of police service all influence police responses at a personal level (Fitzsimmons, 1998). From their Victorian research, Kate Gilmore and Lisa Pittman (1993: 10) highlight that:

*No police organisation that employs a staff of many thousands to carry out a myriad of complex tasks is able to ensure that each person, on every occasion, will adopt the attitudes and behaviours that are necessary to provide an optimal service.*

Collective factors also influence how police officers respond to rape. Often these collective pressures contradict each other: they may encourage individual officers to conform to patriarchal norms and old school police culture, yet also require them to meet competing pro-victim police policies and practice requirements. Sub-cultures within police organisations may also influence how individual officers respond to reported rape, with certain groups of police (e.g. specialist units) typically providing more appropriate responses to rape than other groups (e.g. investigators; Heenan & Ross, 1994; Temkin, 1997; Victorian Law Reform Commission, 2004).

Because individual and collective factors influence individual officers differently, there is a lack of consistency in how police view and treat women who have been raped. This has been found in Australia (Bargen & Fishwick, 1995; Stewart, 1998; Victorian Law Reform Commission, 2003, 2004); New Zealand (Jordan, 2001a); the United States (Belknap & Hartman, 2000; LaFree, 1981) and England and Wales (Ringham & Salisbury, 2004; Singer, 1999). Although there has been limited Australian research in this area, I draw from key international studies and my own research, as outlined in Chapters Four to Six, to argue that this is true for South Australia Police. I examine the impact of inconsistent and unpredictable police responses on victims'/survivors' decision-making. Victims'/survivors' negative expectations and perceptions of police significantly reduce the number of cases reported to police (the biggest attrition point in the criminal justice system). Poor experiences may also result in further victimisation and further purging of cases from the justice system. The goal to my research is to identify how police could better serve the needs of women who have been raped to ensure that both

expectations and experiences are primarily positive (Kelly, 2001; Temkin, 1997, 1999).

### **3.2 South Australia Police practices and procedures**

Police respond to rape in a variety of ways, within and between police jurisdictions. Research from Australia (Gilmore & Pittman, 1993; Heenan & Ross, 1994; Mouzos & Makkai, 2004), England (Kelly, 2001; Temkin, 1997, 1999) and New Zealand (Jordan, 2001a, 2001b) have all concluded police responses to rape are varied and may depend on the stage of contact with police (i.e. reporting, statement taking, investigating etc). Positive police responses involve ‘notification, participation, information and respectful acknowledgement’ (Holder & Munstermann, 2002:13). Negative responses may be dismissive, cursory, apathetic or characterised by blatant disbelief.

Between 1975 and 2004, South Australia Police rape investigation procedures did not change significantly. Because all of the participants in my study contacted South Australia Police during this time, prior to the establishment of the Sexual Crime Investigation Branch, throughout this thesis I refer primarily to the Sexual Assault Unit. However, the next sections remain relevant to people who currently report rape to South Australia Police. For, as I alluded to in Chapter One, the Sexual Crime Investigation Branch, by only responding to the minority of reported rapes, continues to foster mixed and unpredictable police responses to rape.

#### ***Reporting to the South Australia Police***

People typically report rape to South Australia Police at the scene of the assault, at a police station or by telephone (Legislative Review Committee, 2005). If the report is made in person, the initial contact officer – typically a patrol officer or someone working at the counter of a police station – may possess varied expertise, attitudes and training. In many instances, the initial contact officer will be a constable – possibly a probationary constable. Many of these officers have limited

exposure to rape offences, and, as identified by a South Australia Police officer, ‘probies don’t have confidence when [they are] first at scene’ (R11; refer Appendix B & C). Their role is to take a brief statement of what has occurred, enter a Police Incident Report and organise for detectives to be informed.

### ***The Sexual Assault Unit (1975 – 2004)***

From 1975 (when the Rape Enquiry Unit was established) until 2004 (when the Sexual Crime Investigation Branch was established) all sexual assault offences in metropolitan South Australia were investigated in a common manner. In the cases of contemporaneous reports, a patrol officer was tasked to attend the scene and establish the basic details of the offence. The scene may have also been attended by Local Criminal Investigation Branch detectives; Crime Scene Investigators (as required); and a Sexual Assault Unit member who would each have been involved to collect evidence and assist the investigation (South Australia Police, 2004e).

The Sexual Assault Unit was established (initially as the Rape Enquiry Unit) to ‘provide a customer-focused approach to victims of sexual assault, embracing the United Nations Declaration of Victims’ Rights’ (South Australia Police, n.d.:1). The Sexual Assault Unit’s vision stated:

*The Health and Welfare of all Victims of Sexual Assault to be recognized as of Paramount Importance. The attitude of all police when dealing with sexual offence reports is to be one indicating support for the victim and genuine belief in the complaint.*

(South Australia Police, n.d.:1, emphasis in the original)

The Sexual Assault Unit did not investigate rape or sexual assault. Rather, the Unit provided support to victims and advice and training to detectives from Criminal Investigation Branches and Child and Family Investigation Units of Local Service Areas.<sup>5</sup>

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<sup>5</sup> Statements made by the Legislative Review Committee to the contrary are incorrect e.g. ‘the Sexual Assault Unit (SAU) … investigated major offences such as rape’ (See: Legislative Review Committee, 2005: 36, para 4.2 – 4.4).

The Sexual Assault Unit obtained an exemption under the *Equal Opportunity Act 1985* (SA) which enabled it to be entirely staffed by female officers (South Australia Police, 2004e). The primary role of a Sexual Assault Unit member was to take detailed rape statements from all adult victims/survivors of rape living in Adelaide, soon after a rape or sexual assault was reported (Legislative Review Committee, 2005; Sexual Assault Unit, 2001). Once the statement was complete, it was forwarded to the allocated investigator (detective) to take action (South Australia Police, 2004e) and the victim/survivor became the responsibility of the Local Service Area within which the offence occurred. The women who took the statements received in-house training and possessed considerable expertise, as reflected in a reclassification of Sexual Assault Unit positions from Constable to Senior Constable rank in 2003 (the last year of operation; South Australia Police, 2003). Officers of the Sexual Assault Unit were also responsible for booking medical examinations and contacting Yarrow Place to provide counselling, information and support for adults who had been sexually assaulted (Yarrow Place Rape and Sexual Assault Service, 2001).

### ***The Sexual Crime Investigation Branch (since 2004)***

The Sexual Crime Investigation Branch was established to provide ‘a specialist criminal investigation service for the prevention, detection and investigation of sexually related crimes’ (South Australia Police, 2004c: 1). While none of the participants in my study dealt with the Branch – their reporting predated its existence – its existence is significant when considering the experiences and recommendations of the participants in this study. The structure of the Branch is threefold: an investigative arm; an intelligence section; and a Victim Management Section. The latter replaces the Sexual Assault Unit. Three of the primary objectives of the Sexual Crime Investigation Branch are to: ‘ensure the effective management of victim welfare’; ‘ensure investigations are conducted in a timely manner’; and ‘ensure a consistency of process for sexual crime investigations’ (South Australia Police, 2004c: 1). With the establishment of the Branch, South Australia Police state that:

*Significant changes in the practices associated with sexual crime investigations have been developed and implemented ... All initiatives*

*introduced are intended to reduce the impact of sexual assault investigations on the victim as well as ensuring the effective use of police resources. It is expected that these changes will also ensure investigations are conducted in a timely manner, increase victim retention rates and improve conviction rates for sexually related crimes.*

(South Australia Police, 2004b: 217)

The role of the Sexual Crime Investigation Branch is also to improve responses to victims/survivors in Local Service Areas by providing advice and assistance to local investigators (South Australia Police, 2004b). Despite these assurances, various support agencies have voiced concerns about some of the Branch's practices, as I highlighted in Chapter One (Dawson, 2003; Stop Rape Now Coalition, 2004).

The Branch's mandate is only to investigate: 'stranger rapes, rapes with aggravated violence, serial sexual offences or sexual offences that are complex, protracted and resource intensive' (South Australia Police, 2004e: 10 - 11). Such rapes make up the minority of reported rapes, as noted by Kelly Weekley (1986), in her four year review of reported rape from July 1981 to June 1984. She reported that 39.6 percent of reported rapes were perpetrated by strangers, 24 percent involved a weapon (including the perpetrator's fist) and 15.1 percent involved 'brutal beatings' or 'total force' (These figures were not cross referenced; Weekley, 1986). More recently, stranger-perpetrated rapes have represented approximately 20 percent of rapes reported to South Australia Police (Wundersitz, 1996). As most reported rapes do not fall within the mandate of the Sexual Crime Investigation Branch, the statement-taking and investigation of all other rape cases are the responsibility of investigators in each of the 14 Local Services Areas (in both Criminal Investigation Branches and Child and Family Investigation Units; Legislative Review Committee, 2005). By using both generalist and specialist police officers, South Australia Police risks maintaining inconsistent police responses to rape.

### **3.3 Satisfaction with police responses: Expectations and experiences**

Satisfaction levels of victims/survivors vary, both within and between different jurisdictions. Police responses may be reported as satisfactory, unsatisfactory or mixed, depending on the different stages of reporting and investigation.

Victims/survivors continue to be dissuaded from reporting rape to police if they believe that police are unable to guarantee responses that reflect belief, professionalism, empathy and respect (Jordan, 2004a; Lievore, 2003a). Studies have used various dichotomies to measure satisfaction levels of victims/survivors with police responses to rape: satisfaction/dissatisfaction, appropriate/inappropriate, positive/negative, responsive/not-responsive, helpful/unhelpful. Jordan (2001a), in her New Zealand study, used in-depth structured questionnaires to interview 48 women who had been raped. While in most cases, positive feedback outweighed negative (64% were satisfied or very satisfied with the initial treatment received from the police and 40% were satisfied/very satisfied with the overall police response), overwhelmingly women reported that they had received service from police of varied quality.

In England, participants in Jennifer Temkin's studies reported considerable dissatisfaction with police responses (Temkin, 1997, 1999). Thirteen of the 23 women (57%) involved in Temkin's Sussex study (1997), and 'most' of the 17 London participants (Temkin, 1999: 26) were unhappy with the lack of support, contact and information given to them by police – particularly investigators (1997: 517f). Overall responses from the Sussex participants were divided – with 57 percent wholly or mainly positive and 43 percent negative – about the services provided by police (Temkin, 1997). Most victims/survivors were positive about: contacting police; reporting rape; the medical; and the sensitivity and skill of the police who took their statements. However, respondents criticised the immediacy of victim statements, often taken soon after a rape was reported, when women were tired and distressed. Further criticism from two of the 23 women was based on the lack of continuity in the contact officers and the requirement to retell their experience to a second officer (Temkin, 1997).

Melanie Heenan and Stuart Ross's study found an equal number of people were dissatisfied (41.3%; n=59) as satisfied (42%, n=60) with Victoria Police's responses, with an additional 9.1 percent (n=13) reporting mixed responses. Positive police responses were described as 'understanding'; 'supportive'; 'sensitive'; 'caring'; 'empathic' and informative (Heenan & Ross, 1994: 78). Conversely, negative responses were characterised by 'disbelief'; 'little information given'; 'not being taken seriously' or implying the rape was the victim's responsibility (Heenan & Ross, 1994: 78f). Slightly more positive results were reported in Gilmore and Pittman's study, also undertaken in Melbourne (Gilmore & Pittman, 1993). Gilmore and Pittman found Victoria Police's responses were varied, with police perceived as 'responsive' (51.6%) or 'very responsive' (21.5%) in most cases. Examples of appropriate behaviour were: encouraging victims/survivors to make choices about their involvement in police procedure; supporting their decisions; showing flexibility in the police approach; and accepting victims' need to rest before giving statements (Gilmore & Pittman, 1993).

More recent national Australian research undertaken for the International Violence Against Women Survey by the Australian Institute of Criminology (AIC), reported combined satisfaction rates of women who had reported physical or sexual violence to police (Mouzos & Makkai, 2004). While the majority of the 737 women were satisfied or very satisfied with the police response (59%, intimate partner and 65%, non partner), a higher proportion of women who were assaulted by an intimate partner were very dissatisfied (20% compared to 14%, non partner). Jenny Mouzos and Toni Makkai (2004) noted that the police took a 'hands off' (p.93) approach to violence perpetrated by intimate partners. Other Australian research supports this, highlighting that there are few incentives to report intimate partner sexual violence (Heenan, 2004; Lievore, 2003b; Rathus, 1995).

Poor police responses to intimate partner rape may be linked to police acceptance of social norms, the myth of stranger danger and the belief that a 'real rape' cannot be perpetrated by an intimate partner. Such attitudes are also held by some victims/survivors. For, rather than perceiving violence perpetrated by current or

previous intimate partners as a crime, women are more likely to see the behaviour as ‘wrong but not a crime’ or ‘something that just happened’ (Mouzos & Makkai, 2004: 96). As a result, women are more inclined to turn to informal types of social control than the justice system (Mouzos and Makkai, 2004).

Lievore interviewed 30 Australian victims/survivors who had contact with police (Lievore, 2005). In describing their satisfaction, over half the participants (n=16; 53%) focused on unhelpful examples of police behaviour, four gave mixed examples, and only a third were positive (n=10; 33%). ‘Unhelpful’ behaviours included: disbelief, lack of empathy or insensitivity, ‘trivialisation of complaints’ and a ‘lack of action’ (Lievore, 2005: 53). ‘Mixed’ experiences were characterised by a change over time, such that initially helpful police became apathetic, the police ‘forgot about the woman’ or were limited in their assistance (Lievore, 2005: 53). Finally, ‘helpful’ police responses were characterised by belief, support, communication and action (Lievore, 2005: 53).

Even in studies where most women reported satisfaction with police, the satisfaction rate was low enough (60-70%) to justify concern. These resounding findings are the results of work undertaken by feminist academics, government and non-government agencies alike across jurisdictions. Despite different underlying ideologies, definitions of ‘satisfaction’ and aims, the studies all found that while many victims/survivors are able to describe adequate or exemplary police responses to rape, victims/survivors can also give vivid and disturbing examples of inappropriate police behaviour.

Victims’/survivors’ satisfaction levels can be directly attributed to the abilities, attitudes and behaviour of individual officers. Issues such as the role and responsibility of an officer, his or her attitudes and use of discretion all impacted on the satisfaction of victims/survivors. According to David Dixon, ‘discretion inevitably (for good and bad) pervades policing’ (1999: 97). Australian police have considerable discretionary power at all stages of the reporting and investigation process. Such powers are necessary to deal with the complexity of issues faced by police (Dixon, 1999). However, discretion is not always well used by police (Parker, 2004).

Discretionary powers may lead to inconsistent police responses, when police refer to rape myths rather than legislative definitions of rape in responding to victims/survivors. Rebecca Campbell and Camille Johnson (1997) gave 91 American police investigators a questionnaire to complete anonymously. The police were asked to define rape in their own words.<sup>6</sup> Participants referred to both personal beliefs and statutory guidelines in composing their response. Despite clear legislative guidelines, the police officers did not have a uniform understanding of rape. How rape was perceived by the majority of respondents indicated a considerable disparity between the key legal elements of rape and personal attitudes which were closely aligned to stereotypes (e.g. 'rape is just rough sex that a girl changed her mind about later on', Campbell & Johnson, 1997: 266). While Campbell and Johnson's research did not explore the effects of attitudes on police behaviour, Victorian research found that police officers believed that inconsistent or traditionalist attitudes held by their co-workers led to inconsistent and sometimes inappropriate police responses to sexual assault (Heenan, 2005; Heenan & Ross, 1994).

### ***Impact of roles on attitudes and belief of police officers***

The attitudes of attending police officers are a major determinant of victim/survivor satisfaction (Kerstetter & Van Winkle, 1990; Tasmanian Task Force, 1998; Temkin, 2002) and are critical in influencing whether future interaction with police is sought (Jordan, 2001a; Lievore, 2005). The role of an individual officer (e.g. a general duties officer, a detective, a victim contact officer) impacts on their attitudes and likelihood to believe victims/survivors (Heenan & Ross, 1994; Temkin, 1997). Research has shown that responses of general duties police are often good (Gilmore & Pittman, 1993; Heenan & Ross, 1994; Jordan, 2001a; South Australia Police, 2004b; G Stevens, 2004; Temkin, 1997, 1999; Victorian Law Reform Commission, 2004). In Jennifer Temkin's

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<sup>6</sup> The actual question was 'As you know, it's the legislators that make the laws and decide how to define crimes and what punishments will be. But you are actually in the community, dealing with victims and criminals. Based on your work as a police officer, how do you define rape/sexual assault?' (Campbell & Johnson, 1997: 260)

Sussex study, the majority of women (83%; n=19) were positive about the attitudes and manner of police officers, appreciating non-judgmental and sympathetic attitudes (Temkin, 1997: 519f). Temkin reported that seven of the 23 respondents (30%) had initially approached police with trepidation and poor expectations, yet found individual officers provided support beyond that which might have been ‘reasonably expected’ (Temkin, 1997: 523; see also Temkin, 1999).

Officers who take victim statements are most often complimented for their approach despite their unenviable role (Gilmore & Pittman, 1993; Heenan & Ross, 1994; Jordan, 2001a; G Stevens, 2004; Temkin, 1997, 1999; Victorian Law Reform Commission, 2004). Problems tend to emerge when detectives/investigators become involved in a case. At that stage, victims' rights and needs are often subjugated to investigative and administrative priorities, as has been found in Australia (Heenan & McKelvie, 1993; Heenan & Ross, 1994); the United States (McCahill, Meyer & Fischman, 1979) and the United Kingdom (Temkin, 1997). An investigator must assess the validity of a rape allegation. This can be achieved through the collection and review of the evidence (Heenan & Ross, 1994), but may also involve the interrogation of victims/survivors. The use of such an approach is partly because ‘a culture of scepticism continues to inform police responses; despite guidelines that encourage a culture of belief’ (Kelly, 2001: 23).

Heenan and Ross (1994) asked 155 Victoria Police officers whether they had any reason to doubt that the ‘victim was telling the truth about the alleged rape’. They found that 44.4 percent of investigators/detectives reported disbelieving the victim compared to 21 percent of uniformed members (Heenan & Ross, 1994: 71. The Victorian Law Reform Commission reported that Criminal Investigation Unit members (investigators) thought that at least half of all withdrawn reports of rape were false (Victorian Law Reform Commission, 2003, 2004). Investigators were identified by both uniformed officers and Community Policing Squad members<sup>7</sup>

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<sup>7</sup> equivalent to police officers in Child and Family Investigation Units in South Australia Police.

as most likely to be ‘disbelieving’; ‘negative’; ‘offhand’; ‘sceptical’; with ‘preconceived ideas about [the] victim’ (Heenan & Ross, 1994: 85f).

Although over ten years old, the research of Heenan and Ross is the only independent review of Victoria Police’s Code of Practice (and, to my knowledge, the only non-government, independent review ever undertaken of Australian police policy regarding sexual assault; Victorian Law Reform Commission, 2003).

Australian research has also highlighted that detectives often refer to preconceived notions of a ‘real victim’ to assess whether to believe a reported rape and put effort into investigating it (Heenan, 2005; Sexual Assault Response Program, 2005). Again drawing from Heenan and Ross’s Victorian study, 82 police officers (56.1% of whom were investigators) believed reported rapes were false. Police were most likely to believe reports where the offender was known to the victim/survivor (unlike the ‘real rape’ stereotype), and least likely to believe if the victim/survivor had a psychiatric or criminal history (Heenan & Ross, 1994). In justifying this, some officers stated that there were ‘inconsistencies’; victims/survivors were ‘vague’; or alternatively could describe elements of the offence ‘in minute detail’ (Heenan & Ross, 1994: 72f). Police also cited a lack of cooperation as an indicator that the report was false (Heenan & Ross, 1994). However, each of these reported behaviours is highly correlated with trauma and distress and likely to be displayed by victims/survivors of rape (Burgess & Hazelwood, 1995; Jordan, 2002c). Furthermore, as identified by a detective in Heenan and Ross’s (1994) research, there was ‘a huge difference in the quality of workmanship, enthusiasm and professionalism displayed by [other officers]’ (p. 86). Thus, an officer’s attitudes toward rape and how they respond to rape victims/survivors are not only the product of their position.

### **3.4 Individual factors**

Individual factors such as personal attitudes, rank, gender, interpersonal skills and empathy all affect the provision of quality service by police to women who have

been raped. Even with a policy that officially recognises the need to treat women who have been raped with ‘tact, sensitivity and empathy’ (South Australia Police, 1994:1), an organisation may still be unable to ensure consistently positive police responses. It is not enough for an officer to be merely professional without showing regard and care for women who have been raped (Karp, 1996; Temkin, 1999). Police officers must balance empathy and concern with a professional and objective demeanour (Burgess & Hazelwood, 1995). This ability should not be underestimated. To balance a professional yet individualised response to victims/survivors requires a combination of personal attributes and professional training. Many police officers experience vicarious victimisation and ‘burn out’ in making such an emotional commitment (Reese, 1995; Temkin, 1999). Other police officers develop a veneer of self-protection which may cause them to appear uncaring and cold (Reese, 1995). In New Zealand, Jan Jordan found that the: ‘characteristics that women said they appreciated in the police can be summarised as those reflecting a caring professionalism underpinned by respect for and belief in the victim/survivor’ (Jordan, 2001a: 110). This is supported by research undertaken in Australia (Heenan & Ross, 1994), England (Temkin, 1997), and the United States (Burgess & Hazelwood, 1995).

### ***Disbelief and false reports***

Belief can have a significant impact on victims’/survivors’ perceptions of police and whether they pursue a case through court (Blair, 1985; Corbett & Larcombe, 1993; Jordan, 2004a). Temkin (1997) found that participants who reported ‘positive’ experiences with police (57%) appreciated being believed, rather than flawless treatment. As I have already indicated, police officers believe many reports of rape are false and women who report rape are just ‘crying rape’ (Stuart, 1993: 99; see also Gregory & Lees, 1999; Jordan, 2001a; Kelly, 2001; Nixon, 1992). A false report is defined as ‘a claim made to convince another of victimisation ... [where] any aspect of an event including the act, perpetrator and location ... can be fabricated’ (Petherick & Lowe, 2003:146). Many police expect victims/survivors lie, lead men on and then regret sex (Heenan & Ross, 1994). Internationally there is no evidence that there are more false reports of rape than other offences (Gilmore & Pittman, 1993; Graycar & Morgan, 2002; Temkin,

2002). In fact, there has been very limited research on the prevalence and details of false reporting (Kelly, 2001; Sexual Assault Response Program, 2005).

Research from Australia (Heenan, 2005; Heenan & Ross, 1994; Kelly, 2001), the United Kingdom (Temkin, 1999, 2002; Williamson, 1996), the United States (R Campbell & Johnson, 1997) and New Zealand (Jordan, 2001a) has shown that the suspicious nature of police cultures (Reiner, 2000) propagates the myth of the prevalence of false reports and transfers the blame from offenders to victims. Disbelief partly stems from the conflicting requirement for investigators to be offender-focused, suspicious, and reliant on evidence rather than victim-focused and accepting the veracity of a reported rape (Heenan & McKelvie, 1993; Victorian Law Reform Commission, 2003, 2004). Disbelief is further exacerbated by the underlying understanding that police have an ‘innate’ ability to discern truth from fiction, that they can “just tell” when a report is false’ (Victorian Law Reform Commission, 2004: 94; see also Jordan, 2001a). Often police use subjective judgment to assess the truth of reports, determining if reports are ‘plausible’ based on ‘gut feelings’ (Heenan & Ross, 1994: 72ff). They may execute this ‘duty’ to filter cases in a less than subtle fashion (Gilmore & Pittman, 1993: 42).

Just as there are ‘real victims’, there are also ‘real rapists’ (Jordan, 2002c). Police are reticent to accept that rapists may be normal men, including men they know and respect. In the words of Jordan (2002c: 15):

*The kinds of men who may commit date or partner rapes do not usually conform to the image of the stereotypical rapist, and may even bear a close resemblance to ...[the police officers] themselves. It is difficult in such circumstances to identify the perpetrators of these offences as the villains whom they joined the police to pursue and whose conviction and imprisonment they seek.*

Because police officers have considerable discretion in deciding which cases will be pursued through the criminal justice system (Jordan, 2002c; Reiner, 2000; Temkin, 2002), many victims/survivors feel they have to prove the genuineness of the reported offence to convince police to act (Jordan, 2004a). This is less likely to be the case when victims/survivors deal with female officers.

### **Gender**

Police services and victims/survivors alike believe that women possess the innate and intuitive ability to deal with women and children who have been raped (Jordan, 2002a; Westmarland, 2001). The mere belief that the deployment of a female officer will guarantee an empathic and warm police response indicates the pervasiveness of sex role stereotypes within police organisations (Jordan, 2002a). However, while policewomen may be assigned to crimes targeting women and children due to the patriarchal police culture, it is also true (in part because of this experience) that many women have considerable expertise and skill in these areas (Belknap & Shelley, 1992; Plotnikoff & Woolfson, 1998; Westmarland, 2001).

Jordan found that the gender of the police officer is of ‘critical relevance’ to some women who have been raped (2002a). This is particularly true at the reporting stage (A Campbell, 1996). Certainly, many participants in my study held an unequivocal preference for a female officer when giving a statement (refer Chapter Five; see also Jordan, 2001a). A Canadian review of police practices found that most victims/survivors of sexual violence prefer to deal exclusively with a female officer throughout the investigation (A Campbell, 1996).

Male police officers in Australia (Heenan & Ross, 1994; Schuller & Stewart, 2000), England (Temkin, 1997) and New Zealand (Jordan, 2001a) have been criticised for being insensitive, uncomfortable or disbelieving when dealing with women who have been raped. A Queensland study involved 212 police officers who were each presented with various rape vignettes. Regina Schuller and Anna Stewart (2000) found that male officers (regardless of age and rank) were more likely to consider an offender’s claim of innocence as credible; attributed more blame to victims/survivors; and were more sceptical of the allegation of rape than female officers. Furthermore, in vignettes where the victim was intoxicated, while there was an increase in male officers’ scepticism and attribution of blame to victims, they attributed no further blame on offenders (Schuller & Stewart, 2000). These findings are supported by other research (e.g. Bargen & Fishwick, 1995; Easteal, 1994; Jordan, 2001a; Lowenstein, 2001; McCahill *et al.*, 1979) including a recent AIC study, where female jurors were more likely to perceive a female

victim as credible and attribute blame to a male offender than male jurors (N Taylor & Joudo, 2005).

Only one participant in Temkin's Sussex study (1997) reported a negative experience. In this case, the woman was required to give her statement to a male officer who, she felt, did not 'understand her feelings' (Temkin, 1997: 515). Jordan's New Zealand findings also reflected this (Jordan, 2001a, 2002a). Her participants reported feeling that some male police officers were uncomfortable having to ask detailed questions. Equally, some women who had been raped found it 'embarrassing' to have to detail sexual acts to a male police officer (Jordan, 2001a: 332). This was reflected in the experiences of some of the women I interviewed, who reported that male police officers were sometimes judgmental, cold and uncomfortable, as I elucidate in Chapter Five.

In interviews with 48 female victims/survivors, Jordan (2002a) found that while victims/survivors may have voiced gender preferences based on similar expectations, the reality was that some women who had been raped had positive experiences with male officers and others had negative experiences with female officers (see also Herman, 2005; Temkin, 1999). Although studies using self-report scales have found that women tend to score more highly than men on emotional empathy (i.e. 'vicarious experience of another's emotional state'; Riggio, Tucker & Coffaro, 1989: 93; see also Parker, 2004), and empathy has been linked with helping behaviour (Riggio *et al.*, 1989), women who had been raped were sometimes disappointed with female officers' lack of understanding:

*Some of the women expressed surprise when the women officers they saw displayed hostile, disbelieving attitudes. Since police women operate within the same organisational culture as policemen, and may struggle even harder for acceptance within it, such outcomes should probably not be totally unexpected.*

(Jordan, 2001b: 692)

Jordan found that neither gender nor training were as important as experience, competence and suitability of the individual officer in ensuring best treatment of the victim, fostering a supportive and empathic relationship and validating the victim's/survivor's experience (Jordan, 2002c).

This is supported by a Home Office study of 42 (of the 43) police forces in England and Wales (Plotnikoff & Woolfson, 1998) that explored police responses to domestic/family violence. Specialist domestic violence officers were selected for their ‘inter-personal skills (empathy, compassion and being a good listener); [and] communication skills’ (Plotnikoff & Woolfson, 1998: 12). Gender was not a selection criterion. Despite this, Joyce Plotnikoff and Richard Woolfson (1998) found that in 40 of the 42 policing organisations, the majority of domestic violence officers were women (in 12 forces they were all female). A small study involving the South Australia Police focused on how patrol officers respond to citizens (Braithwaite & Brewer, 1998). The study found that male officers were more likely to use ‘coercive’ tactics – such as controlling statements, threats or physical force – than female officers, who were more likely to be supportive, complimentary and empathic towards citizens (Braithwaite & Brewer, 1998). Arguably, female officers are more likely than men to respond empathically and possess effective interpersonal skills (see: Karniol & Shomroni, 1999; Riggio *et al.*, 1989).

### ***Interpersonal skills***

Effective interpersonal skills of individual police officers play a significant role in victim/survivor satisfaction. Positive police responses require: support for the victim/survivor; the recognition that she is an individual and not merely a source of evidence; ongoing contact and information about any developments in the case (Temkin, 1999; see also Heenan & McKelvie, 1993). The *Victims of Crime Act 2001* (SA), based on the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (Office of the United Nations High Commissioner for Human Rights, 1985), recognises that victims of crime have the right to ‘be treated with courtesy, respect and sympathy’ (section 6(a) of the Act), and the ‘right to information about criminal investigation and prosecution’ (section 8).

Neither of these rights can be assured when dealing with police. In Temkin’s London study (1999), ‘most’ of the participants were wholly or partially dissatisfied with the information provided by the police. Some reported receiving no contact from the police after giving a statement and not being provided with

contact details of an investigator to be able seek further information (Temkin, 1999). In their Victorian study, Gilmore and Pittman (1993) found that in two-thirds of cases, victims/survivors did not understand the process of reporting and their choices within this process. In almost half of cases (44%) this was partially attributed to the inadequate information provided by police. Poor communication and a lack of information left victims/survivors feeling bitter, afraid, distressed and powerless. As a result, many felt police were apathetic and women who had been raped were disinclined to pursue their cases through the justice system.

Even in South Australia, where victims of crime legislation applies, victims/survivors report that they are not 'informed, on request, about ... the progress of investigations into the offence' (*Victims of Crime Act 2001* (SA), s.8(a)). In South Australia Police's internal survey, only two-thirds of respondents (66%) felt they were provided with follow-up by the investigating officer (South Australia Police, 2004e: 7f). South Australian research has found unpredictable police responses to people with mental illness (Fitzsimmons, 1998) and youth (Parker, 2004). Using a critical ethnographic approach, Peter Fitzsimmons (1998) undertook in-depth interviews with ten people with schizophrenia who had collectively experienced almost 40 interactions with South Australia Police. He found that police with good interpersonal skills were able to minimise trauma and humiliation by reinforcing the worth of the individual as separate from their illness (Fitzsimmons, 1998). Arguably, when dealing with women who have been raped, police officers with strong interpersonal skills may be able to reduce secondary victimisation by affirming a victim's/survivor's individuality, and separating her identity from her status as a victim of crime.

This is relevant to my argument because variable individual factors affect South Australia Police's responses to all violence against women, including rape. However, some of these factors, attributed to individual officer's attitudes and beliefs, may be just as much the result of organisational factors. For example, poor communication may also be influenced by competing organisational and workplace demands.

### **3.5 Organisational factors**

Many factors impress upon individual police officers how to investigate or assist with reported rape. From her review of Australian, British and United States research, Liz Kelly (2001) concluded that police culture, norms and practices significantly affect individual police officers' responses to rape. These organisational factors are each weighted by individuals to reflect their subjectively-assessed relative importance. All police organisations have policies that specify how alleged victims/survivors should be treated as well as who must be informed and involved in the reporting and evidence collection processes. When dealing with reports of violent crime, police also employ certain schemata, based on past learning and experience – both personal and anecdotal. Thus, police learn the 'real' nature of rape and rape victims from their peers and superiors. These perceptions may be moderated – or exacerbated – by police officers' own attitudes and those of the broader community.

#### ***Police cultures***

Police cultures are 'complex set[s] of learned and shared beliefs, customs, skills, habits, traditions and knowledge common to members of a police organisation' (O'Loughlin & Billing, 2000: 65). Police cultures across English-speaking police organisations are neither homogenous nor universal – with Janet Chan emphasising the existence of many cultures within one policing organisation (J Chan, 1997). However, because police organisations in the United Kingdom, New Zealand and Australia have evolved from similar origins, it is possible to draw parallels from research across these jurisdictions. Thus, Robert Reiner's analysis that United Kingdom police cultures are characterised by suspiciousness, conservatism, cynicism, authoritarianism and machismo (Reiner, 2000), may be equally applicable to Australian police cultures. This has been shown by Chan (1999), and reinforced by the Public Service Association of South Australia, which argues that there exists 'a culture of bullying within South Australia Police, arising in many cases from a culture of expecting orders to be followed without question' (Public Service Association, 2003:7).

Despite almost one in five Australians speaking a language other than English at home and two percent of South Australians identifying as Aboriginal or Torres Strait Islander descent (Australian Bureau of Statistics, 2001; Department of Immigration and Multicultural Affairs, 2005), only 3.11 percent of surveyed South Australia Police employees spoke a language other than English at home,<sup>8</sup> and 1.16 percent of South Australia Police employees identified themselves as Aboriginal or Torres Strait Islander descent (South Australia Police, 2005b). While the Australian population is diverse, police organisations typically comprise white, working class males from English-speaking backgrounds between the ages of 20 and 54 years (Corbett & Larcombe, 1993; McCulloch, 1993; South Australia Police, 2005b; Spargo, 1998). Based on current figures, four of every five sworn South Australia Police members are male (76.4%; South Australia Police, 2005b; see also South Australia Police, 2001a, 2004a). The majority of male officers are senior constables, outranking most female police the majority of whom are constables (South Australia Police, 2001a, 2004a, 2005b). Between 2000-01 and 2003-4, the number of female commissioned officers (ranked Inspector or higher), doubled from three to six (total number of commissioned officers increased from 107 to 111; South Australia Police, 2001a, 2004a).

As the product of male-dominated organisations, while police cultures mirror broader society as described in Chapter Two, they are characterised by the most conservative, patriarchal elements of social norms (Imlah, 1993; James & Warren, 1995; Jordan, 2005; Reiner, 2000; Young, 1991). Male police officers – particularly ‘street cops’ (J Chan, 1999) from the ‘old school’ style of policing – are most likely to propagate the conservative, patriarchal elements of traditional police cultures (Imlah, 1993; Jordan, 2005). In their meta-analysis of 39 studies, Sarah Murnen, Carrie Wright and Gretchen Kaluzny (2002) concluded peer attitudes and all-male peer groups propagate masculine ideology (Murnen et al., 2002; see also R Campbell & Johnson, 1997; Flood & Pease, 2006). The strong link between masculine ideology – the very cornerstone of many police roles –

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<sup>8</sup> The value of this data is questionable as it includes inactive and unsworn employees, and data is unknown for 2699 employees (South Australia Police, 2005b).

and sexual aggression supports the belief that many police officers identify ‘with the predominantly male perpetrators of sexual offences, [and foster] a suspiciousness towards women who make rape allegations’ (Jordan, 2005: 31; see also Hatty, 1989; McCulloch, 1993).

Researchers and women police officers have argued that police cultures and structure together devalue women, such that ‘police attitudes to women as victims is often paralleled in their attitudes to women as police officers’ (Nixon, 1992: 44; see also Angus, 1986; Gregory & Lees, 1999; Manders, 1999; Reiner, 2000; Westmarland, 2001; Young, 1991). I illustrate the patriarchal and sexist nature of police services with two examples: how female officers are perceived within policing organisations, and how police respond to domestic/family violence.

In 1998, the South Australia Police commissioned an independent evaluation of its equity and diversity policies, strategies and practices (Spargo, 1998). Kate Spargo’s evaluation was primarily based on questionnaires disseminated to all South Australia Police members. The responses of almost 1000 South Australia Police (sworn and unsworn) employees illustrated the male chauvinist nature of South Australia Police culture. The majority of female respondents (65%, n=169) agreed that ‘sexist attitudes and behaviours are entrenched in SAPOL’ (Spargo, 1998: 53) with only 18 percent of female respondents (n=33) disagreeing. Interestingly, as many male South Australia Police members agreed (43%, n=280) as disagreed (42%, n=276) with the statement. More than half the respondents (n=532, 57%) and two-third of the female respondents (n=173, 66%) also indicated that female officers gained acceptance in South Australia Police by ‘becoming one of the boys’ (Spargo, 1998).

Sexist treatment of female police officers was further reinforced by the incidence of sexual harassment reported by survey respondents. Fifty-five percent of female South Australia Police employees indicated that they had ‘been subjected to uninvited teasing, jokes, remarks or questions of a sexual nature by other staff’ on at least one occasion (Spargo, 1998: 82), with 40 percent of female respondents also indicating they had ‘been given uninvited sexually suggestive looks or gestures by other staff’ at least once (Spargo, 1998: 83), and 32 percent of female

respondents experiencing ‘uninvited or deliberate touching’ by other staff (Spargo, 1998: 84). The actual numbers of women experiencing these forms of sexual harassment was not reported, although 62 percent (n=161) of female respondents agreed that they ‘would remain silent if being harassed by male officers’ (Spargo, 1998), with only 20 percent (n=52) indicating they would report the incidents. Similar trends have been reported across Australian police services.

In 2000, the Australasian Council of Women and Policing conducted a survey with more than 60 Australian female police officers (Bradley & Tynan, 2000). They found female officers had mixed experiences with co-workers from the time they entered as recruits. Years of service did not significantly affect their experiences (that is, the newer recruits did not always experience better treatment from other officers than those who graduated decades earlier; Bradley & Tynan, 2000). The research indicated that women were more often tasked to sexual and domestic/family violence rather than ‘more highly prestigious’ sections such as drugs, investigations or tactical response (Bradley & Tynan, 2000: 7f; see also Austin, 1996; Spargo, 1998).

In part, this is because female officers possess the requisite traits, as I discussed earlier in this chapter. However, the deployment of women also reflects the low priority with which police regard domestic/family violence. Many instances of sexual assault are perpetrated by intimate partners or family members, and there is considerable overlap between how domestic/family violence and sexual assault is treated by police. Rape between intimate partners is considered less serious by police than ‘real rape’ (Lowenstein, 2001; Morris, 1987), and domestic/family violence is seen by police to be a ‘second class crime’ (Plotnikoff & Woolfson, 1998: 20) – more private than criminal (Angus, 1986; Belknap & Hartman, 2000; Edwards, 1985; Healy, 1984; O'Donnell, 2003; Plotnikoff & Woolfson, 1998; Reiner, 2000; Scutt, 1995; van de Werken, 2002). Police tend to minimise the impact of domestic/family violence and employ an ‘air of tedium’ when dealing with female victims of intimate partner violence (O'Donnell, 2003: 14).

South Australian research supports these conclusions, with South Australia Police's Dean Angus (1986: 8; now a Commander) acknowledging, 20 years ago, that:

*police departments do recognise that police attitudes and actions are governed by the patriarchal model of behaviour ... police attitudes do affect the quality of police actions at domestic violence situations and ... often the police contribution is less than adequate.*

His conclusions were reiterated in another early South Australian study that reviewed South Australia Police's response to 40 reported cases of domestic violence (Healy, 1984). Judith Healy found that when police attended domestic violence cases, they were more likely to take no further action (n=10; 25%) than apprehend a perpetrator (n=1; 3%). In three instances the police did not attend at all (8%; Healy, 1984). When police did act, they were more likely to remove victims/survivors from the family home (n=9) than perpetrators (n=6; Healy, 1984). Even 20 years later, there is a perception within South Australia Police that the units that deal with domestic/family violence, such as Child and Family Investigation Units, 'are not engaged in real police work' (Cartwright, 2003:2).

A recent study commissioned by the South Australian Attorney-General's Department and the Crime Reduction Section of South Australia Police, and undertaken by Frank Morgan, from the Crime Research Centre at the University of Western Australia, examined a pilot study undertaken to improve South Australia Police responses to victims/survivors of domestic violence (F Morgan, 2004). The No Domestic Violence (NDV) Pilot Project was conducted in two Local Service Areas. By:

*Ensuring a consistent and committed approach to the way in which police respond to DV incidents, we can demonstrate that DV is an important public issue that must be addressed. It is time to let the perpetrators know that they will be held accountable for their actions and that DV will be treated in exactly the same way as any other criminal offence.*

(F Morgan, 2004: 3)

Evaluation of the project included telephone interviews conducted by Attorney-General's Department staff with 20 victims/survivors of domestic violence. The study supported the existence of the 'lucky dip' (Cartwright, 2003: 4), with victims'/survivors' reporting a range of experiences with South Australia Police.

Most were positive, characterised as ‘professional’ and ‘respectful’, with police taking incidents seriously and providing advice and information to the women (F Morgan, 2004). However, three respondents indicated they would not report a further incident to police, primarily because of police apathy, poor communication and a lack of follow-up (F Morgan, 2004). Morgan found:

*When dissatisfaction was expressed about police response this was generally with regard to a particular aspect of the police response rather than general performance. Only two of the [20] interviews could be said to be generally negative about the police response.*

(2004: 67)

It is important to highlight that this project reviewed a good practice model adopted by South Australia Police from the United Kingdom (West Yorkshire). Thus, even when South Australia Police has endeavoured to implement good practices (rather than just standard practices), evaluation indicates that good policies cannot guarantee consistent practices. These examples relating to female police officers and domestic/family violence support the assertion that police responses to women, violence against women and sexual assault are complex, affected by police cultures, attitudes and beliefs.

### ***Schemata and heuristics***

Police attitudes and resulting actions are often influenced by previous interactions with victims and offenders (Imlah, 1993; Young, 1991). For example, repeated interactions with apparently uncooperative or passive victims/survivors of domestic/family violence may lead to police officers developing and retaining negative, victim-blaming attitudes (Lievore, 2003b). This is despite considerable literature to explain victims'/survivors' reticence to pursue police action in such cases (Heenan, 2004). These types of perceptions are based on the use of heuristics: ‘any sophisticated, directed procedure that functions by reducing the range of possible solutions to a problem’ (Reber, 1985: 323). In social interactions, heuristics are incorporated into broader rules of thumb, known as schemata, that act as ‘mental shortcuts’ (Gleitman, 1991: 469), guiding perceptions and judgments about others through the use of previous experiences and logical deductions to fill knowledge gaps. Schemata and heuristics serve two

key roles; they assist in dealing with complex interactions with victims/survivors and in judging the veracity of reported rapes.

Rather than assessing every situation entirely on its specifics, schemata assist police in their day-to-day processing of information, expediting the investigation of offences (Jordan, 2004a; Young, 1991). Problems occur when schemata are based on cultural stereotypes, such as the rape myths examined earlier in this thesis. The application of cultural stereotypes can lead to ‘illusory correlations’ which ‘come about because certain co-occurrences are more readily noted and remembered than are others. One reason may be because they are the ones that are expected’ (Gleitman, 1991: 470). These illusory correlations are often generically applied to whole groups of people. Because this understanding is handed down from seasoned officers to new recruits within the patriarchal police environs (James & Warren, 1995; O'Loughlin & Billing, 2000), police are socialised to accept stereotypic attitudes which soon become entrenched, displacing more equitable beliefs (Parker, 2004). For example, if a detective has previously investigated a rape only to have the alleged victim admit that it was a false report, the investigator will be more suspicious and reticent to commit to a full and objective investigation of the next reported rape. For, by his/her calculations and expectations, it is probably also a false report.

### ***Police policy and guidelines***

#### *South Australia Police policy: General Order 3895 (Sexual Offences)*

In theory, schemata and heuristics should be moderated by enlightened policy and official guidelines. South Australia Police is guided by a General Duties Manual (South Australia Police, 2001b) which is an internal rule book incorporating the *Police Act 1952* (SA), police regulations and general orders. General Order 3895 addresses sexual offences and is updated as required. As at 27 June 2001, it stated:

*The health and welfare of the victim of a sexual assault is of paramount importance. Unless it is impracticable, a victim should be medically examined before their statement is taken. When you interview a victim of a sexual assault be aware of the possible impact of the sexual assault. Some common effects are shock, powerlessness*

*or helplessness, feeling dirty, feeling violated, or being upset, scared, angry, or confused.*

(South Australia Police, 2001b: 267)

Interestingly a previous version of the General Order (November 1994), referred to common effects of Rape Trauma Syndrome, the posttraumatic stress suffered by victims/survivors of rape that I introduced in Chapter Two, including: ‘giggling; sullenness; reluctance to communicate; desire to be alone; composed demeanour; display of hostility’ (GO 3895). The 1994 version then stated:

*The basic attitude of all members when dealing with initial reports is to be one indicating support for the victim and obvious belief in the complaint ... Tact, sensitivity and empathy are to be exercised when ascertaining the truth of the report.*

(South Australia Police, 1994)

It is unclear why these sections were removed in later versions of the General Order, as although they are clumsily worded (i.e. implying women who have been raped are typically difficult and often make false reports), they are more directive than the 2001 version.

In either case, South Australia Police policy recognises the traumatic impact of rape and the need for police to believe victims/survivors and be empathic. Such policy has been found to have less impact on police responses to rape than personal attitudes and personalities of individuals (O'Donnell, 2003; Olle, 2005; Temkin, 1999). Jordan's research in New Zealand (2001a) concluded that personal biases of officers, and the acceptance of 'real rape' myths significantly influence police responses, regardless of pro-victim policies or practices (see also Temkin, 1999). Australian research supports this (Heenan & McKelvie, 1993; Victorian Law Reform Commission, 2003, 2004). In South Australia, the Central Violence Intervention Program reported that in their experiences with South Australia Police, 'policy is not always reflected in practice' (Cartwright, 2003: 2). In Victoria too, police have been unable to guarantee appropriate or consistent responses even with progressive and equitable police policy clearly specifying how women who have been raped should be treated.

*Victoria Police Policy: Code of practice and guidelines for investigators*

Heenan and Ross undertook an evaluation of the Victoria Police Code of Practice in 1994, two years after it had been introduced. The key aims of the Code included providing a coordinated interagency response to sexual assault and increasing the confidence of, and decreasing secondary trauma to, women who had been raped (Heenan & Ross, 1994: 9; see also Victorian Law Reform Commission, 2003). The Code emphasised the need for a sensitive and supportive police approach that allowed victims/survivors to retain as much control over investigative processes as possible (Heenan & Ross, 1994). Victoria Police specifically addressed the impact of trauma on the affect of rape victims/survivors in their Guidelines for Investigators (FCM 92-5; Guideline 51, p. 9; cited in Heenan & Ross, 1994: 99):

*A victim may appear very composed and be able to calmly discuss the incident. You should not infer from this that the victim is unaffected by the assault or is lying – the victim may be able to control their true feelings or may be suffering from physical exhaustion. Alternatively a victim may be in a very distressed state, (crying, shaking etc) and not be able to relate details of the incident in an accurate or chronological manner. You should not infer from this that you are being given false or misleading information.*

The evaluation aimed to determine the process required to implement the Code and to examine the outcomes of the introduction of the Code (Heenan & Ross, 1994: 23). Data was gathered from Crisis-Care workers, Victoria Police members, Forensic Medical Officers and victims/survivors.

Heenan and Ross (1994) highlighted the minimal impact of guidelines on police behaviour. They found that almost half the police interviewed (45.4%) had not read or did not possess a copy of the Code of Practice (Heenan & Ross, 1994: 39). Police responses remained inconsistent as did reported victim/ survivor satisfaction (42% mostly satisfied with police treatment; 41.3% mostly dissatisfied; Heenan & Ross, 1994: 77). This study highlighted the impotence of policy and guidelines alone in overcoming previous police training and ingrained views held by police.

None of this is news. Research since the 1970s has identified similar problems and recommended similar changes to police practices (Bush, 1977). Almost 20 years later, the Victorian Law Reform Commission (2003) continued to report little change. Despite policy clearly stating that police must thoroughly investigate all reports of rape without presuming them to be false, some officers continued to assess the truth of a report on their preconceptions of a victim/survivor (Heenan, 2005). Heenan suggested that any change in police practices and attitudes relies on both effective policy and training and the will of both the individual police and the organisation to change (Heenan & McKelvie, 1993).

### *Organisational priorities*

Unpredictable police responses may be the result of a clash between policy, personal beliefs and organisational targets. In prioritising work tasks, pressure from managers, work partners and competing workload demands are balanced with an officer's own beliefs and goals. Detectives are rewarded for pursuing 'outcome justice' in terms of the number of cases cleared. Officers' commitment to 'procedural justice', through the use of fair and transparent procedures that promote victims'/survivors' satisfaction, tends to be only acknowledged in high profile, successfully resolved cases. More often, the investigation of rape tends to be resource-intensive with few organisational incentives for detectives to prioritise sexual assault cases. As noted by a member of the WA Police, in reference to the minority of sexual assault and family violence cases that actually result in a conviction, 'the police service is driven by promotion and all of that. If you're going to be continually charging people where charges are having to be withdrawn or costs might be awarded against you, you wouldn't last five seconds' (quoted in O'Donnell, 2003: 22). Thus, in responding to a rape, a police officer may be in the unenviable position of balancing an equitable and just response to a victim/survivor with competing organisational priorities. Variable police responses to rape result from the individually assessed solutions to this equation.

South Australia Police assesses police performance – both individual and sectional – using statistical indicators of ‘outcome justice’ (e.g. how many cases are cleared). Every Local Service Area and section has documented priorities and key performance indicators with outcomes reviewed at Performance Outcome Reviews (POR; South Australia Police, 2004a). These Reviews aim to:

*Strengthen the overall performance culture within SAPOL by promoting accountability ... by reviewing a range of input, output and outcome measures for each area. The POR process facilitates benchmarking and enhances our overall problem solving approach to managing issues within SAPOL.*

(South Australia Police, 2004a: 62)

The Performance Outcome Reviews are chaired by the South Australia Police Commissioner who questions representatives from various police sections who must verbally defend their performance.

Sexual offences are rarely broached in Performance Outcome Reviews and have certainly never been the focus of a ‘themed’ review (as opposed to bushfires, road safety and drugs; South Australia Police, 2004a: 62). As a result, police officers may infer that sexual violence is not an organisational priority. The limited mandate of the Sexual Crime Investigation Branch reinforces that most rapes are neither important enough to be allocated to the specialist Branch nor afforded a high priority in Local Service Areas. By not prioritising sexual and domestic/family violence, South Australia Police management tacitly condones violence against women (Edwards, 1985; O'Donnell, 2003; van de Werken, 2002). This organisational oversight of sexual offences (compared to high profile drug or traffic offences) re-emphasises the significance of individual factors in promoting effective interactions between police and women who have been raped.

### **3.6 Impact of inconsistent police responses on service delivery**

#### ***Impact on the person who has been raped: Secondary victimisation***

Fair and equitable service delivery ('procedural justice') is rarely an organisational priority for policing organisations. The impact of resulting

inconsistent and unpredictable police responses to rape is significant on many levels. Poor or mixed police responses affect how victims/survivors perceive and recover from rape. In worst case scenarios, dissatisfactory police responses can lead to secondary victimisation. Secondary victimisation occurs when women who have been raped are subject to further trauma because of scrutiny, disbelief, insensitivity or another inappropriate response by criminal justice agencies. The police can be interrogatory or dismissive in their responses to victims/survivors, disempowering and distressing women further (Corbett & Larcombe, 1993; Mawby, 1999; Stuart, 1993; SC Taylor, 2004). Often police do not realise how much deliberation and fear underlies a victim's/survivor's decision to make an official report. As I mentioned above, it is important for police to understand the impact of rape on a person's behaviour and affect, for:

*If the police had a fuller and better informed understanding of the trauma induced by rape, they would recognise that victims routinely engage in minimising behaviour and will often try to avoid disclosing sexual violation. If the police understood the difficulties associated with approaching them to report a sexual assault, they would appreciate why some women tell 'lies' to conceal aspects of the offence. They would appreciate how humiliating the process can feel for complainants, and how shame can be a silencing mechanism.*

(Jordan, 2002c: 21)

Thus, the trauma experienced by victims/survivors may be moderated by police responses, exacerbating (or minimising) the likelihood of secondary victimisation (Starzynski *et al.*, 2005). Judgmental or negative police responses may also prevent individuals from seeking help elsewhere, which in turn may prolong a victim's/survivor's suffering and cause her to internalising feelings of blame, guilt and helplessness.

### ***Impact on the efficacy of the criminal justice system: Attrition***

Mixed or negative police responses also contribute to the very high attrition rates of reported sexual assault and rape (Cook *et al.*, 2001; Kelly, 2001; Kerstetter, 1990; Temkin, 2002). According to the Australian Bureau of Statistics, sexual assaults have the highest proportion of any offence category of police investigations finalised without any action taken against a perpetrator (53% in 2003; Australian Bureau of Statistics, 2004c: 6; see also Australian Bureau of

Statistics, 2004b). In the United Kingdom (Kelly, 2001) and NSW (Fitzgerald, 2006) researchers have determined that the greatest attrition of rape cases from the justice system occurred at the police investigation stage, rather than the prosecution and court stages. Jacqueline Fitzgerald, of the NSW Bureau of Crime Statistics and Research (BOCSAR), found that less than 20 percent of sexual offences reported to NSW Police led to criminal proceedings being initiated (Fitzgerald, 2006).

Police have considerable discretion in deciding whether a case should be presented to an Office of the Director of Public Prosecutions for consideration. Kelly's (2001) review of international literature, including Australian research, concluded that:

*The initial response of police officers, their skill and expertise as investigators and evidence gatherers, as well as their treatment of complainants are vital elements in criminal justice system responses. Insensitive treatment compounds feelings of powerlessness and humiliation and officers may use overt or covert methods to either encourage or discourage complainants from pursuing prosecution.*

(Kelly, 2001: 17)

Reports of rape may be purged at the investigation stage by either police or victims/survivors themselves (Bouffard, 2000; Kelly, 2001). Who makes the final decision is often immaterial. In either case it is often a sign of insensitive treatment that has led to victims/survivors losing faith in either, or both, themselves and the justice system (Lievore, 2003a).

For the minority of victims/survivors who do report rape to police, many decide not to pursue police action. Jordan (2001a) concluded that seeking no further police action often indicated the withdrawal of trust and confidence in police. Reports were not pursued in Victoria due to fear of the legal process or police or, alternatively, the shocked state of the victim/survivor (Gilmore & Pittman, 1993). Heenan and Ross's Melbourne study (1994) revealed that while police were uninterested in the reasons underlying victims/survivors decisions to withdraw a report, Crisis Care surveys indicated that victims/survivors lacked faith in the criminal justice system and specifically lacked faith in the police, particularly when they felt disbelieved (Heenan & Ross, 1994: 67).

While a withdrawal of a report of rape has not been found to reflect the veracity of the report (Jordan, 2001a), police may misinterpret a victim's/survivor's withdrawal or ambivalence as justification for no further police action (Kelly, 2001; Victorian Law Reform Commission, 2004). Analysis undertaken by the NSW BOCSAR indicated:

*In cases that are cleared without any charges being laid, police commonly include a notation on their system such as arrest not desired or no formal action in relation to the suspected offender. These descriptors, however, provide no insight into why the offence was cleared but criminal proceedings not commenced.*

(Fitzgerald, 2006, emphasis in original)

In Gilmore and Pittman's Victorian study (1993), a significant concern was that 30 percent of participants decided not to pursue further police action. In 80 percent of these cases, this could have been avoided through changes to police responses. In a quarter of cases (24%), police officers made personal recommendations to victims/survivors to not continue police action. This may be attributed to two polarised reasons: police disbelief or police sensitivity (see: Kelly, Lovett & Regan, 2005). The latter was found to be significant by Kelly whose discussions with Robyn Holder, the Australian Capital Territory Victims of Crime Coordinator, led her to conclude that, by emphasising the difficulty of the court process, police may encourage victims/survivors to not pursue their case through the justice system (Kelly, 2001: 43).

Another Victorian study, undertaken in April 1991 by the (now disbanded) *Real Rape Law Coalition*, a collective of workers from sexual assault and support services, utilised a phone-in and recorded 267 reports of rape. Only one third of these were ever reported to the police (33%; n=88), with 60 percent (n=53) never being pursued by investigators. Of those not pursued, 74 percent were filed by police officers (Stuart, 1993). The filing of cases left people who had been raped feeling: 'anger, hurt, disappointment, and/or a sense of being cheated or let down by the legal system' (Stuart, 1993: 99). Lievore (2005) similarly concluded that police inaction or pressure to withdraw a report were key reasons for victims'/survivors' unhappiness with police responses. Thus while it is reassuring to suspect that police officers file cases to protect victims/survivors from further

scrutiny and trauma, it may be true that, in some cases, reports are finalised without regard for the victim's/survivor's wishes or welfare.

*Attrition in South Australia: The PD207A Supplementary Report*

In South Australia, many cases of rape are purged from the criminal justice system at the reporting and investigation stages. Many cases are filed because victims/survivors request no further police action. South Australia Police has a form which victims/survivors must sign if they do not wish for any further police action (*PD207A - Supplementary Police Information report – No Action Taken*; Legislative Review Committee, 2005; South Australia Police, 2004e). Once signed, police take no further investigative action unless a victim/survivor reopens a case. While South Australia Police policy allows a report to be re-opened on request, in practice this is difficult to achieve and rarely occurs. This is particularly true when there is no forensic evidence, no contemporaneous victim statement and little support from investigators. Furthermore, there is little incentive for police to reopen these cases as statistically such cases are 'cleared', a positive outcome for the performance of investigators and Local Service Areas.

There are few guidelines specifying how and when the PD 207A form can be used. In 2001, the relevant South Australia Police General Order stated that: 'if a victim withdraws their complaint a copy of the PD 207A ... must be forwarded to both Sexual Assault Unit and the Investigation Section following up the report' (South Australia Police, 2001b: 225). South Australia Police investigators should only recommend 'no further action' in three instances, if: it is at the victim's/survivor's request, further investigation may unreasonably exacerbate the trauma experienced by the victim/survivor, or further investigation is impossible and 'all lines of enquiry had been exhausted' (South Australia Police, 2004d). If the recommendation was based on: a lack of evidence, no identified perpetrator, or disbelief (see: Bargen & Fishwick, 1995), a detective may have breached his or her duty. Despite this, as my analysis in Chapter Five of participants' experiences shows, some women felt pressured into signing the form unaware that, in most cases, this closed their file and resulted in the destruction of any existing forensic evidence.

In 2004, South Australia Police proposed to change the process to ensure that victims/survivors have the opportunity to discuss their decisions with two separate police officers. This was because South Australia Police had concerns that victims/survivors did not necessarily understand the implications of this form and/or were pressured by investigative officers to complete it. In 2004, South Australia Police reported that 'options such as deferred or staggered decision making and victim anonymity within the system are ... being explored' (South Australia Police, 2004e: 3, footnote 2). To date, there has been no public indication that this practice has changed.

### **3.7 Conclusion**

Deep seated stereotypes and social norms examined in Chapter Two influence the expectations of victims/survivors, the perceptions of officers, and the resulting range of victims'/survivors' experiences with police. Researchers in England, New Zealand and Australia have all concluded that victims/survivors have reported mixed experiences and therefore mixed satisfaction with police. Existing research about victims'/survivors' satisfaction with police shows that some consider merely 'appropriate' police responses to be 'satisfactory'. Other victims/survivors seek some form of procedural justice: wanting police officers to be 'helpful' and 'responsive'.

Inconsistent police responses are the product of the interplay between individual factors, such as roles, attitudes, gender and interpersonal skills and organisational factors, such as heuristics and other accepted, learned behaviours. Organisational factors also include a dominant traditionalist, patriarchal culture. The impact of unsatisfactory or unpredictable police responses is significant, discouraging victims/survivors from report rape to police or pursuing their cases through the criminal justice system. In some cases, poor police responses also lead to secondary victimisation and prolong the traumatic impact of rape and its aftermath.

To examine how the ‘lucky dip’ – in terms of inconsistent police responses – impacts upon victims’/survivors’ satisfaction, I interviewed 11 South Australian women who had been raped. In the next chapter, I explain how I approached, recruited and spoke with the participants. From my analysis of the interview data in Chapters Five and Six, I provide guidance in Chapter Seven to assist police in responding more effectively and responsively to victims/survivors of rape and achieve justice in terms of both outcomes and police procedures.

## **Chapter Four**

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### **‘Working together’ with South Australian women who have been raped**

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*SAPOL’s Mission Statement is ‘working together to reassure and protect the community from crime and disorder’. Through such a philosophy SAPOL acknowledges that the reduction of crime and disorder evolves from building problem solving partnerships [with] ... the community.*

(South Australia Police, 2004a: 52)

#### **4.1 Introduction**

Although South Australia Police officially acknowledges that in order to reduce crime it must build ‘problem solving partnerships [with] ... the community’ (South Australia Police, 2004a: 52), it has undertaken very little research to examine victims’/survivors’ attitudes, expectations and experiences of police responses to rape (South Australia Police, 2004e; Weekley, 1986). Rosalind Beck highlighted, in her study of indecent exposure, ‘victims are a valuable and under-utilised source of information’ (Beck, 1999: 95), particularly in evaluating criminal justice agencies. In determining how to offer satisfactory responses to people who have been raped, South Australia Police needs to reflect upon how it

is (and should be) ‘working together to reassure’ victims/survivors of rape (SAPOL, 2004a; South Australia Police, 2004a: 52). To achieve this, police must understand victims’/survivors’ experiences and the role police play in victims’/survivors’ decision-making and recovery.

In this chapter, I explain how I recruited participants and undertook semi-structured, in-depth interviews with women who had been raped. Flexible, qualitative research approaches that empower interviewees are recognised by researchers as optimal when examining violence against women. By encouraging participants to openly discuss a range of issues, my techniques promoted a more trusting environment, with greater exploration of the data than quantitative research methods would have allowed. I critique my methods, examining my recruitment and interview practices, and provide recommendations for future research. As both sexual assault and policing are difficult topics to research, I discuss the challenges and ethical issues I faced in undertaking my research, including the impact of my employment with South Australia Police and the vicarious traumatisation I experienced as a researcher.

My findings do not focus on the nature of police procedures and attitudes per se but on the perceptions and understanding of victims/survivors regarding those practices and attitudes. Whether accurate or inaccurate, positive or negative, perceptions can be used to measure how effectively South Australia Police engage and communicate with victims/survivors. In Chapters Five and Six, I show how the expectations and experiences of my participants reflected the research cited in Chapters Two and Three. Community attitudes and social norms contributed to individual and systemic barriers and prevented participants from effectively engaging with police. Those who did report rape to police experienced inconsistent police responses, due to individual and organisational factors.

## **4.2 In context**

There is little incentive for police services to establish victims’/survivors’ perceptions or satisfaction levels. For, without evidence to the contrary, it is more

difficult for independent researchers to refute claims that police already provide consistently 'optimal' service delivery (Angus, 2003: 2). As noted by Malcolm Young (1991), a former English police superintendent who later gained a doctorate in anthropology:

*to reinforce a belief in their own omnipotence and popularity, the police have made increasing use of market research to show they are well liked; especially by that important category 'the silent majority' ...although those polled have invariably had little or no contact with the police in any capacity.*

(p.22f)

Recent South Australia evidence supports Young's statement. According to the *Commissioner's Statement in South Australia Police's 2003 – 2004 Annual Report*, 85.6 percent of South Australians have confidence in their police (compared with 81% nationally). No source of these statistics is cited in the report.<sup>9</sup> A survey conducted in 1987 found satisfaction levels were highest for people who had not had direct contact with police, as Young surmised (Swanton et al., 1988: 5f).

Between 1969 and 1987 three national surveys all indicated that South Australia Police was the most highly regarded police service across six Australian states. In 1987, public respect for the police was based on a single question: 'considering everything about the way the police do their job, would you say that you have: (1) great respect for the police, (2) little respect for police, (3) mixed feelings about them, (4) no opinion, or (5) don't know?' (Swanton et al., 1988: 2). Two thirds of the 294 South Australian participants (66.6%) reported having 'great respect' for the South Australia Police (Swanton et al., 1988). However, the majority of respondents had never reported an offence to police or sought their assistance (Swanton et al., 1988). Those who had requested assistance from South Australia Police did not always hold them in such high regard, with almost a quarter (23.1%) dissatisfied with the response either due to police inaction or a failure to keep them informed (Swanton et al., 1988).

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<sup>9</sup> 85.6 percent is higher than the South Australian figures from both the 2003 and 2004 *National Survey of Community Satisfaction with Policing*, conducted by AC Nielson on behalf of the Australasian Centre for Policing Research (Steering Committee for the Review of Government Service Provision, 2003, 2004).

Random surveys are far more popular with policing organisations than questionnaires asking victims of crime for their opinions and experiences. More often, police prefer to rely on ‘objective’ statistics to measure their success. The *South Australia Police 2003 – 2004 Annual Report* stated that ‘We have successfully achieved the corporate target of a 5% reduction in crime reported by victims in 2003-04’ (South Australia Police, 2004a:4) with reports of sexual offences remaining static (South Australia Police, 2004a). In 2004-05, ‘victim-based crime was reduced by 6.6%’ (South Australia Police, 2005b: 14), with a reduction of 0.8 percent of reported rape and attempted rape since 2003-04 (South Australia Police, 2005b). Because sexual assaults are known to be significantly underreported (Australian Bureau of Statistics, 1996, 2003; Carcach & Makkai, 2003; Lievore, 2003a), a reduction in reports of rape is not necessarily indicative of successful police intervention, as I discussed in Chapter Two. It would be more appropriate for South Australia Police to measure successful sexual assault initiatives by seeking feedback directly from victims of crime.

It seems possible that this reticence on the part of South Australia Police to seek feedback from victims/survivors influenced the responses of the South Australia Police’s Research and Survey Consultative Committee (previously known as the ‘Research and Survey Coordination Committee’) to my study proposal. The Research and Survey Consultative Committee comprises of South Australia Police employees and reviews research proposals relating to police. The Committee provides or denies access to South Australia Police documents and participants. In my case, the Committee was concerned that data in my study would be ‘indicative of the personal perceptions of respondents’ (Angus, 2003: 2). This, in itself, did not appear to be valuable to the Research and Survey Consultative Committee. The Committee felt that feedback might therefore not be representative of the true South Australia Police responses to rape. It is clear that ‘working together’ to build ‘problem-solving partnerships’ with the community (South Australia Police, 2004a: 52) is not equated with direct consultation and liaison with victims of crime. Unlike South Australia Police, I believe that perceptions and expectations are a valuable measure of how well police and community members (particularly victims of crime) work together.

My initial aim was to compare and contrast the perceptions and experiences of both victims/survivors and police officers regarding South Australia Police responses to rape. With approval from the Flinders University Social and Behavioural Research Ethics Committee, I designed a pilot questionnaire for police officers (Appendix B) and with the permission of South Australia Police, asked for feedback and comments from participants of a Detective Training Course (2002). Sixteen officers, both male (n=10) and female (n=6), with a range of work experience with South Australia Police (from four to 20 years) responded (see Appendix C for officers' demographics). Incorporating their feedback, the resulting questionnaire covered issues such as: sexual assault policies and procedures; beliefs regarding the prevalence of false reporting; the use of female police officers in rape cases; the service provided by South Australia Police to victims of rape; and whether respondents would advise victims/survivors to report rape to police. The questionnaire was designed to enable data to be analysed quantitatively and qualitatively.

After piloting the questionnaire, I forwarded the questionnaire to the Research and Survey Consultative Committee for its approval. The initial response from the Committee acknowledged that 'the Committee recognises that the pursuit of such research could have a number of benefits' (Angus, 2002: 1), and included three pages of suggestions to improve or clarify the research proposal and survey. Numerous drafts and submissions to the Committee followed.

Five months after I submitted my final revised application incorporating their feedback, the Research and Survey Consultative Committee replied that the 'request is unable to be approved' (Angus, 2003: 1) in part because my proposed research was 'premised on the basis that existing service delivery within South Australia Police is not at an optimal level or is inadequate' (Angus, 2003: 2). According to the Committee, the application 'failed to achieve an acceptable standard' (James-Martin, 2003a: 1). As a result, I was not able to disseminate the questionnaire to South Australia Police members. Despite this, I did collect some valuable data when pilot testing the questionnaire with participants of the Detective Training Course and in the last section of this thesis I quote some of these officers. The only other contact I had with South Australia Police relevant to

my research, was a brief, informal interview with the officer in charge of the Sexual Crime Investigation Branch, Detective Superintendent Grant Stevens, now an Assistant Commissioner (G Stevens, 2004).

***Undertaking the research as a South Australia Police employee***

When I initiated this research, I had a working knowledge of South Australia Police's responses to rape victims/survivors because, for most of the time this research was undertaken and four months prior, I was a civilian (unsworn) employee of South Australia Police. In my role as the Serious Sexual Offences Intelligence Analyst for the State Intelligence Branch, I accessed in-depth information about the investigation of rape by South Australia Police daily. Because I was primarily tasked with linking serial rape cases, I was privy to the investigation diaries and victim statements from hundreds of rapes and sexual assaults reported to South Australia Police. From this information, I was in a position to see if there were inconsistent responses to rape by police officers at various stages of reporting and investigation. As a South Australia Police employee, I was aware of how police should respond, the requisite stages of a rape investigation and good practices. Undertaking independent research offered an opportunity to analyse this problem in a transparent forum with the benefit of feedback from victims/survivors themselves.

My experience with South Australia Police was not always beneficial to my study. Yarrow Place Rape and Sexual Assault Service, a service that provides counselling and medical examinations for adult victims of sexual assault, was concerned that my work experience would bias my research findings in favour of the police. I worked closely with Yarrow Place counsellors at the design, recruitment and data collection stages to reassure workers and develop effective research materials and methods. Despite Yarrow Place's concern, I did not receive any special treatment by South Australia Police. From the outset of this study, South Australia Police treated me as an external researcher and any internal resources accessed by virtue of my position were unable to be used to support my research. As indicated above, South Australia Police was also suspicious that I would be biased, but their concerns were based on a fear my study would be anti-

police. Rather than resulting in either a strongly pro- or anti- police attitude, I feel my work experience afforded me a greater insight into, and a more equitable attitude toward, South Australia Police than I would have as an outsider.

Despite this, it is not possible to undertake research without personal experiences influencing the research methods or the interpretation of the results. All research is 'value laden' (Heilpern, 1998: 13). My own social experiences as a white, female, middle class, Law and Psychology graduate working in the Public Service inevitably influenced my perceptions of the issues (Bergen, 1993; Fontes, 2004; Ullman, 2005). I was conscious that my personal and work experiences might affect my study and this self-reflection was valuable in heightening my awareness of possible biases and strengthening my attempts to minimise these. I endeavoured to be as honest as possible with participants about my work experience with South Australia Police, particularly when women expressed an interest or concern. Like other qualitative researchers (Bergen, 1993; Reinharz, 1992; Rubin & Rubin, 2005), I aimed to promote an environment of trust where participants felt as comfortable and supported as possible. Having said this, I was still careful not to pre-interpret the women's responses.

### *Underlying theory*

A key goal of my study is to promote workable recommendations to improve police responses to women who have been raped. To do this I wanted my analysis to remain grounded and practical (Tong, 1989). Because the goals of feminist research does not 'always easily translate into concrete practical steps' (Gavey, 2005: 215), I used a pragmatic approach that was influenced by an eclectic range of theories, including the work of feminist academics and academic psychologists.

Liberal feminists, for example, aim to ensure that all forms of sexual violence are responded to 'in the same way that those laws and practices respond to stranger violence against men' (Quince Hopkins & Koss, 2005: 699). I hope for similar outcomes. In examining satisfactory police responses, I rely on victims'/survivors' perceptions and attitudes. I also considered in Chapter Two, how community attitudes and social norms affect the attitudes of both police

officers and victims/survivors by drawing from a range of theories, such as the belief in a just world (Bollmer, 1998; Burt, 1980; Carrington, 1998b). By asking women who have been raped about their experiences and recommendations to improve police responses, I aim to identify how policing organisations like South Australia Police can minimise inconsistent police responses and promote practices considered by victims/survivors to be satisfactory – even exemplary.

South Australia Police is comprised of many individual officers with a range of personal values, experiences and responses to rape and rape victims/survivors. Rather than accepting that ‘rape-prone’ attitudes are an unchangeable aspect of Australian and, more specifically, police cultures, my aim is to identify and address the attitudes that underlie poor or mixed police responses. Social psychologists argue that, although behaviour and attitudes are correlated, attitudes do not necessarily predict behaviour (Ward, 1995). Individual and collective factors that influence police responses to rape are neither discrete nor unrelated. For example, attitudes of individual police officers influence police cultures and schemata and vice versa (Karniol & Shomroni, 1999; Parker, 2004; Wood, 1996). Therefore, as attitudes become embedded in officers’ schemata and organisational cultures, they are more likely to be reflected in police practices. Equally, individual factors, such as gender, have been shown by psychologists to be correlated with empathy (Karniol & Shomroni, 1999; Riggio *et al.*, 1989). It follows then that strategies developed by psychologists to change attitudes and/or behaviour could be adopted by South Australia Police to promote better, more consistent responses to rape.

### **4.3 Methodology**

#### *Recruitment of participants*

Because I was unable to survey police officers, my recruitment material was designed to target people who had been raped. I designed posters and flyers in conjunction with Yarrow Place employees, a graphic designer, a woman who had been raped and an advertising professional (see Appendix D and E). This was to ensure that the brochure and poster were both appropriate and eye-catching. I

placed these on display in the waiting and interview rooms of Yarrow Place, and other support agencies (including Victims Support Services Inc; Flinders University Health and Counselling Service; Dale Street Women's Health Centre; Southern Women's Health Centre and Women's Information Service). After six months of exposure, I changed the colour of the poster in an attempt to remind people that it remained an ongoing study. I also maintained contact with the support agencies to ensure that they knew the study was ongoing. The material invited people to contact me via either a voicemail number or email.

I arranged a private voicemail box through Flinders University for potential participants to listen anonymously to information and leave their contact details. I received a number of calls and messages from women who were interested in my study. I phoned or emailed respondents, depending on their preferred method of contact, and discussed the study and any concerns or queries they had regarding the interview. If a woman agreed to go ahead with an interview, we arranged a time to meet at Yarrow Place and discuss it further and, with her consent, undertake an interview (refer to Appendix F: The consent form).

### *Characteristics of the participants*

Between July 2003 and September 2004, I was contacted by 16 women interested in participating in my study. In one case, a woman's experience fell outside the parameters of the study. Another woman lived interstate and it was difficult to coordinate a time to meet. While interested in participating, one individual did not attend two separate interview times and, after consideration, two others chose not to pursue active participation. Thus, 11 women participated in the study, nine of whom reported a rape to police. Because I recruited the participants through counselling agencies, I accessed an atypical sample of victims/survivors who were more likely to have involved police.

Like the studies of Konradi (1996) and Jordan (2001a), my sample was entirely female, and almost totally Anglo-Australian (one participant was of Southern European descent), English-speaking and able to seek help and speak out about their experience. None of the participants were Indigenous or from culturally and

linguistically diverse (CALD) backgrounds. While I did not specifically target English-speaking, white participants, I did recruit from mainstream agencies. This reduced the likelihood of accessing people from diverse backgrounds (Garrett, 1992; Jung, 1999). In any case, issues relating to rape in Indigenous and CALD communities are complex and cannot be adequately analysed as a side issue within this thesis (see: R Heath & McLachlan, *in press*; Lievore, 2003a, 2005).

All participants were local to Adelaide – the capital city of South Australia. The fact that none of the participants were male was not surprising as rape is undoubtedly a gendered crime. Although I did not seek to only speak with women, many of the agencies who displayed my recruitment material were services for women and I was not surprised that no men approached me to participate in my study. Research indicates that rapes targeting male victims are less likely to be reported to police than rapes of females (Australian Bureau of Statistics, 2004b, 2004c; Heilpern, 1998). This has been attributed, in part, to the ‘real rape’ myths that dismiss the idea of a ‘real victim’ of rape being male (Crome, 2006).

All participants were aged over 18 years at the time of the interviews (ranging in age from 18 to 50 years). This, in part, was to avoid the difficulties associated with the recruitment of underage participants. Victimisation Surveys and recorded crime statistics show that women under the age of 24 years are at greater risk of rape than older women (Australian Bureau of Statistics, 2004c, 2005b). This was reflected in my findings, for although the ages of participants were fairly equally spread across all the age groups, the majority of women ( $n=10$ ) reported being raped between the age of 17 and 27 years (inclusive), with five women having been teenagers at the time of the assaults (range: 13 – 18 years). The rapes occurred between two months and 20 years prior to the interview, when the women were aged from 13 to early forties. The majority of participants ( $n=8$ ) identified themselves as students, some of whom were also in paid employment. Two participants were pensioners or unemployed. One woman was employed full-time. I allocated pseudonyms to the participants to which I refer throughout the thesis (further information about each participant is available in Appendix G).

Four participants revealed being the target of two separate sexual assaults, including two individuals who reported having their drink spiked, with only one of the four women reporting both assaults to police. The majority of participants knew the perpetrators. Of the 15 incidents revealed by the 11 participants, two involved multiple offenders. In these cases, the offenders were strangers or acquainted to participants. Of the other 13 offences, the majority of offenders were known to participants. Over half were acquaintances or friends (n=6), including one offender who was the employer of a participant and one who was the patient of a participant. Five offenders were strangers and two were husbands of participants. At the time of the offences, slightly more than half the participants reported being in a relationship (i.e. husband, de facto or boyfriend; n=6; 54%).

### *Conduct of the interviews*

The majority of interviews were undertaken during business hours at Yarrow Place in North Adelaide. One interview was undertaken at Flinders University Counselling Service and one participant was unable to attend Yarrow Place, and so the interview was completed via telephone, after ensuring that the respondent had contact details for Yarrow Place to provide post-interview counselling. Interviews lasted from 30 to 120 minutes. The interviews were recorded digitally or on a micro-cassette and then transcribed. I made a decision that I alone would undertake the transcribing, to protect participants and promote my familiarity with the nuances, content and flow of the interviews (see: Ullman, 2005). In quoting participants, I focused on the content of what they said rather than the manner. As a result where I have used '...' in quoting victims/survivors, this is an indication of a cut from the original quote rather than a pause.

To undertake in-depth qualitative interviews, I developed a set of guideline questions to direct the semi-structured interviews (see Appendix H), again with the input of social workers from Yarrow Place. In-depth interviews engender a more open communication, better understanding and greater knowledge of the participants' experiences than fixed surveys or questionnaires (Miller, 1997; Rice & Ezzy, 1999; Skinner, 1998). By using guideline questions, participants were able to raise new issues (Lievore, 2005; Reinhartz, 1992; Rice & Ezzy, 1999;

Ullman, 2005) and we could discuss issues that I had not previously identified as significant. This encouraged participants to be ‘active voices, rather than passive “objects” of research’ (Artz, 2001: 11). This is particularly important when researching issues which are both very personal and disturbing. A previous study undertaken by the National Police Research Unit (now the Australasian Centre for Policing Research) on serial homicide focused on the police treatment of victims (McGrath, 1990). In presenting the ‘world of the victim’ (p.15), Gerry McGrath (1990) advocated the use of semi-structured interviews to ensure that, through the use of the participants own words, there was minimal distortion of the views and experiences of participants.

In addition to guideline questions, I developed a theme and coding sheet to code the significant issues that emerged from the interviews (see Appendix I). The themes are broad areas of interest that I saw as significant, based on previous literature and new issues that emerged from the interviews. The codes are sub-categories of the themes. As I undertook more interviews and experiences and perceptions were replicated, I added to the coding sheet. As I had a small number of participants and was very familiar with the data I collected, I chose to code my data manually rather than use purpose-designed software.

#### **4.4 The use of qualitative methods**

With an Honours degree in psychology, I am trained as a quantitative researcher, having used quantitative methods both as a student and a South Australia Police employee (McLachlan & Doherty, 2003). Despite this, like Sarah Ullman who interviewed people who worked with sexual assault victims/survivors (Ullman, 2005), I decided against a quantitative approach. This was for two main reasons. First, there have been many large scale quantitative studies exploring the incidence of sexual assault in Australia and recording under-reporting of rape, including: the Women’s Safety Survey (Australian Bureau of Statistics, 1996), the Australian Component of the International Crime Victims Survey (Carcach & Makkai, 2003), the National Crime and Safety Survey (Australian Bureau of Statistics, 2003), the Australian Component of the International Violence Against

Women Survey (Mouzos & Makkai, 2004) and the Personal Safety Survey (Australian Bureau of Statistics, 2005b). With thousands of participants in each study, these national surveys have provided data relating to the nature and extent of sexual assault and reporting trends within Australia. As a single researcher, I would be unable to add to this body of work meaningfully and significantly through a quantitative approach.

Secondly, there has been considerable research advocating the use of qualitative methods when studying sensitive and/or gendered issues (see: R Campbell, 2002; Rubin & Rubin, 2005). By using a qualitative approach, with in-depth, semi-structured interviews I explored issues in detail (Beck, 1999; Jordan, 2001a; Lievore, 2005; McGrath, 1990; Temkin, 1997, 1999; Ullman, 2005). A key limitation to large scale quantitative studies is that they often identify that sexual assault is considerably under-reported but rarely examine the reasons. As noted by Carlos Carcach (1997) in his analysis of the 1993 National Crime and Safety Survey and the 1996 Women's Safety Survey, more in-depth research is necessary to establish the underlying reasons for the trends in reporting data. As he surmised: 'a more complete understanding of non-reporting, its distribution and its correlates will help us assess the performance of our criminal justice agencies' (Carcach, 1997: 6). This is particularly relevant in South Australia, where the Chief Justice John Doyle of the South Australian Supreme Court has said, of the poor retention and conviction rates for rape:

*I think this is an area that would be worth studying, and none of us really knows. There are all sorts of possibilities.*

*Obviously, there are some false complaints. There then may be genuine victims who just feel that the whole process will be too much and they want to pull out. That is something that I think probably needs to be dealt with, it seems to me, by the way in which the police handle them at the start—by giving them appropriate emotional and other kinds of support.*

(J Chapman, 2005; Legislative Review Committee, 2005: 16, para 2.39)

By using a qualitative approach, I wanted to examine victims'/survivors' experiences with police and identify when and how police offer the 'support' referred to by Chief Justice Doyle.

This thesis centres on people's perceptions. A positivistic, quantitative approach would not allow for an in-depth consideration of people's attitudes, as it is premised on the idea of an ultimate 'truth' or 'reality'. There is no single understanding of rape, as I discussed in Chapter Two, 'victims'/survivors' ways of describing what happened to them, legal definitions and those used in research, and communities' understandings of sexual assault do not necessarily align' (Office of the Status of Women, 2004: 21). By using a naturalistic or interpretive approach, I compared and contrasted the perceptions of victims/survivors and individual police officers (Ellsberg & Heise, 2005). A qualitative approach allowed me to conduct an exploratory study and analyse common themes and experiences with police in detail (Rice & Ezzy, 1999). My approach also resulted in detailed and rich data on issues such as power-relations, interpersonal exchanges and the care and services offered to a client from initial contact with the organisation right through until the situation has been resolved (Fitzsimmons, 1998; Ullman, 2005; Wincup, 1999), and was therefore particularly useful in exploring interactions between police and women who have been raped.

***Linking method to theory: 'Responsive interviewing'***

In embracing a qualitative research approach, I used 'responsive interviewing', a model of qualitative research articulated by Herbert and Irene Rubin (Rubin & Rubin, 2005). The model provided a label for a process already commonly used in feminist research and studies of violence against women and embraced key elements of my research such as self-disclosure and the recognition that all research is essentially biased (Ellsberg & Heise, 2005; Reinarz, 1992; Ritchie & Lewis, 2004). Responsive interviewing:

*is a dynamic and iterative process ... [such that] the specific focus of a study emerges from the interaction between researcher and conversational partner. Qualitative research is not simply learning about a topic, but also learning what is important to those being studied.*

(Rubin & Rubin, 2005: 15)

The approach was both flexible and structured – and allowed for interaction between me, as the interviewer, and participants (Ritchie & Lewis, 2004). Responsive interviewing was premised on the idea that there exist multiple

'realities' based on how people view and interpret events and experiences (Ellsberg & Heise, 2005; Rubin & Rubin, 2005). By focussing on victims'/survivors' perceptions of police responses, I could compare the services that South Australia Police believed it provided with the experiences of victims/survivors themselves. It is accepted by police and academics alike that policing organisations, including South Australia Police, have not and do not always adequately serve female victims of gendered crimes such as domestic/family violence and sexual violence (Angus, 1986; Gilmore & Pittman, 1993; Jordan, 2001a, 2001b; LeDoux & Hazelwood, 1991; South Australia Police, 2004e; Tasmanian Task Force, 1998). It would be imprudently optimistic to assume that rape victims/survivors in South Australia are afforded a standardised quality of service by police which has not been found elsewhere.

Although there is no single feminist methodology, feminist research methods are designed to minimise secondary victimisation and support change that will advance women's status (Beck, 1999; Bergen, 1993; Kelly, 1990; Miller, 1997; Wincup, 1999). In employing responsive interviewing, I was conscious to ensure that the safety and comfort of participants was paramount (Beck, 1999; R Campbell, 2002; Fontes, 2004; Reinhartz, 1992; Renzetti, 1997). Rebecca Campbell termed such an approach 'emotionally engaged research', which 'is guided by an ethic of caring – caring for the research participants, caring for what becomes of a research project, and caring for one's self' (R Campbell, 2002: 123).

Responsive interviewing reflects a victim's rights-based approach. My commitment to victims' rights is apparent in both my methodology and the outcomes of my research. First, I ensured that my research practices respected participants' rights to: 'be believed'; 'be treated with dignity, respect and sensitivity'; and access 'clear, easy to understand and accurate information and adequate explanations' (Sloan, 1997:7). Participants were able to 'ask questions' and 'give informed consent' prior and during their interviews and could 'choose who will be present' (Sloan, 1997:7f). Secondly, the recommendations and findings of my research aimed to promote good police practices that also are also premised on victim's rights. This approach focused on enhancing police policies, practices and procedures to empower victims/survivors. I aimed to identify and

challenge both individual and collective factors that currently inhibit good police responses to rape and often lead to secondary victimisation.

## **4.5 Ethical considerations**

The first of a number of ethical considerations that arose throughout the interview process related to secondary victimisation. To address the possibility that participants might become uncomfortable or distressed, I ensured that counsellors were available to participants after interviews, if requested. In addition, I provided those participants (who had not already received a copy) with a handbook developed by the South Australian Attorney-General's Department. The handbook included contact details of various support agencies to assist victims of crime.

To avoid the re-victimisation of participants, I asked limited information about the rapes themselves. This was made very clear from the outset and was detailed in the introductory letter included in the recruitment material. I did not ask direct questions about a rape, except to determine whether a participant previously knew an offender and when an assault had occurred. My questions broadly covered issues such as: demographic information; factors that influenced their decision to report rape to police; the woman's prior knowledge and experience with police; the consequences of involving police; the broad impact of rape on their life; and recommendations to policing organisations. I did not circulate these questions to the women prior to interview although I did provide them with a general overview of the questions' content (refer Appendix E).

In drafting my guideline questions, I drew from Jan Jordan's New Zealand doctoral research (2001a). Her questions were based on a 1983 New Zealand study initiated by the Minister for Justice ('New Zealand Rape Study' by Young cited in Jordan, 2001a) and had therefore been 'field-tested' for appropriateness in New Zealand. Although her questionnaire was designed to be analysed quantitatively, Jordan developed the wording of the questions in a sensitive and considered manner. In addition, Yarrow Place social workers helped to draft

questions to introduce sensitive topics and minimise misunderstandings about my intention. Because my interviews were semi-structured, I also had the opportunity to be responsive to participants and explain the relevance of questions if women appeared unsure.

I used semi-structured, qualitative research methods to affirm victims'/survivors' rights and empower individuals to control the direction and outcome of the interviews (Burman, Batchelor & Brown, 2001; Reinhartz, 1992; Ritchie & Lewis, 2004). I quickly learned that it was important to allow participants the freedom to either be proactive or reactive in their approach to the interviews. Some women were comfortable talking with very little guidance or input from me (see also: Reinhartz, 1992; Ullman, 2005). Other participants preferred waiting for each question and then supplying information which specifically addressed that query.

In order to ensure the confidentiality of the data and guarantee the anonymity of participants, contact details were kept to a minimum and retained securely and separate from the recordings and transcripts. All participants were allocated a pseudonym. All electronic files were protected by passwords. In addition, no names appeared on the recordings or the transcripts and no other permanent record of the names of participants has been kept. I coded and transcribed all interviews personally (see: National Health and Medical Research Council, 1999).

In addition to protecting the identity of participants, it is important to protect the wellbeing of both the interviewer and participants (Bergen, 1993; Burman et al., 2001; Ellsberg & Heise, 2005; Fontes, 2004; Jordan, 2001a; Liebling & Stanko, 2001; Mattley, 1997; Miller, 1997; Skinner, 1998; Stanko, 1997; Stoler, 2002). In one interview, a participant was unable to attend Yarrow Place. There was no appropriate support centre near her home where she felt comfortable to talk. I was somewhat apprehensive about conducting a face-to-face interview at her house in case she became distressed as I am not qualified to provide specialised counselling. Consequently, with her consent, the interview was undertaken by telephone after seeking guidance from Yarrow Place about the availability of post-interview counselling via telephone.

In protecting myself from the disturbing nature of this research, I considered the possibility of vicarious victimisation (also known as vicarious traumatisation).

There is an emerging literature detailing the personal impact of researching ‘sensitive topics’ such as sexual assault (see: R Campbell, 2002; Ellsberg & Heise, 2005; Kelly, 1988; Renzetti, 1997; Skinner, 1998; Stanko, 1997, 1998; Ullman, 2005). As I outlined in Chapter Two, rape may result in posttraumatic stress for victims/survivors. However, vicarious traumatisation can also have a similar effect on researchers, counsellors, medical staff and police officers who have been exposed to rape experiences and empathically responded to victims/survivors of sexual violence (R Campbell, 2002). In her book, *Emotionally Involved* (2002), Campbell discusses the impact of researching rape. She quotes one of her research assistants who found interviews with victims/survivors to be:

*hard, but they weren't as bad as I thought they were gonna be. I was surprised at how composed and strong these women were, and I found a lot of strength in that. If she can get through being raped and be here today to tell me about it, then I can damn well get through hearing about it.*

(p.76f)

Part way through my research I was very tempted to pursue some form of study that was less confronting. However, like Campbell’s assistant, I was impressed by the strength and honesty of the women I interviewed and felt obliged to continue my research to honour their decisions to come forward and be involved in the study.

As noted by Julie Skinner (1998), study in this area leads to ‘self-searching’. While I advocated post-interview counselling for participants, I also found it valuable to have my own debriefing outlets. I began an ad hoc journal and regularly debriefed with a counsellor. Often it was very difficult to spend a day at work focusing on serious sexual assaults and then come home to consider further experiences of sexual violence – particularly during the transcribing process. After being confronted continuously by detailed reports of rape both through my work and study for two-and-a-half years, I decided that it would be appropriate to change my work. I left South Australia Police six months later. However, less than a year later, I was back working on sexual violence – as the Research Analyst

for the Office for Women/Australian Institute of Criminology Sexual Assault Project. Despite being difficult, or perhaps partly because of this, working with victims/survivors of rape and sexual violence is also very rewarding. It is possible to meet and work with a range of individuals of integrity, who gain considerable satisfaction from their jobs and strive for the opportunity to make a difference. As much as sexual violence can be depressing and frustrating, I have found that working with victims/survivors can also generate and promote hope.

#### **4.6 Critique of my research approach and recruitment success**

A quantitative study is assessed by measuring its validity, reliability and objectivity. Because qualitative research has different objectives, its rigour is assessed by the different but related criteria of credibility, transferability, dependability and confirmability (Ellsberg & Heise, 2005). As I show in Chapters Five and Six, my results reflect the findings from other jurisdictions. This gives weight to the credibility, transferability and dependability of my findings. As noted by Mary Carroll Ellsberg and Lori Heise (2005):

*Qualitative researchers argue that subjectivity is unavoidable, and that the interaction between participants and researchers actually enriches qualitative research. The neutrality of the data rather than that of the researcher is sought, using the criteria of confirmability.*

(p.215)

As a qualitative researcher, I do not claim to be impartial or objective, but I have strived to acknowledge the effects of my personal interests, experiences and biases. By discussing my personal perspectives and experiences I have allowed readers to form their own judgments.

Unlike quantitative methods, a qualitative approach does not require a sample that is representative of the population. Rather, it is more important to ensure that the findings reflect a range of opinions and experiences and, in my case, provide a broad overview of how South Australia Police responds to rape victims/survivors (who are White, female, Anglo-Australian women living in Adelaide metropolitan area). There is no need to have a representative sample to illustrate or emphasise a

particular example, as ‘phenomena need only to appear once to be part of the analytic map’ (Ritchie & Lewis, 2004:83). By reflecting similar research results undertaken elsewhere, my findings are credible and it is likely that I reached saturation point: when no new evidence is likely to be uncovered by undertaking further interviews (Ritchie & Lewis, 2004; Rubin & Rubin, 2005).

While I did not have a large sample size, my sample is proportionately comparable to other studies exploring sexual violence against women (A Campbell, 1996; Lievore, 2005; Temkin, 1997). With 11 participants from this population, my Masters research compares favourably with other qualitative studies of sexual assault both overseas and within Australia as I shall illustrate with some select examples (Bergen, 1993; Jordan, 2001a, 2004b; Konradi, 1996; Lievore, 2005; Temkin, 1997, 1999).

A recent national study undertaken by the Australian Institute of Criminology on behalf on the Australian Government’s Office for Women examined women’s decisions to disclose and report sexual assault and continue or withdraw from the criminal justice process (Lievore, 2005). Like my study, Denise Lievore used a ‘retrospective, non-probability study utilising qualitative research methods and a purposive sampling technique’ (Lievore, 2005: 21). Twelve sexual assault agencies were approached and asked to recruit women who had been raped for the project. Over six weeks Lievore and a co-researcher, Holly Johnson, independently undertook face-to-face interviews nationwide, resulting in the participation of 36 women (including two from South Australia). Even with considerable support from agencies to help recruit participants, travel allowances, two researchers and a national population of over 20 million, their sample was only three times the size of mine.

Researchers who have used a number of different strategies to recruit participants have also shown that using sexual assault agencies and counselling agencies, as I did, is not always the most effective way of maximising participant numbers (Bergen, 1993; Gall, 2004; Kelly, 1987; Konradi, 1996). Indeed Bergen (1993) found that many support agencies were reticent to support her research actively or

assist in recruiting participants due to a perceived conflict of interests (see also: Lievore, 2005; Temkin, 1997, 1999).

Considering the fraught relationship between victims/survivors and police, it is not surprising that the value of police as a recruitment agency is limited. Joanne Gregory and Sue Lees (1999) in their London study had police send a letter to victims/survivors who had reported assault to police, thus protecting their identity from the researchers. They initially received 40 responses, representing a 12 percent response rate, with 26 victims/survivors of sexual assault agreeing to an interview. Jennifer Temkin also recruited participants with the assistance of police officers, who made contact with victims/survivors to determine if they would be interested in participating and with their consent passed their contact details onto Temkin (1997). She also had low response rates, recruiting 23 women in her 1997 Sussex study (an area with a similar population to Adelaide; National Statistics (UK), 2005) and 17 in her 1999 London study (London has over seven million people; National Statistics (UK), 2005). In her London study, Temkin augmented this recruitment approach with newspaper advertisements which provided an additional four interviews (23.5% of total interviews; Temkin, 1999).

Eclectic approaches seem more successful. In Amanda Konradi's (1996) Ohio study 57 women responded to her newspaper editorials (n=4), newspaper articles (n=34) and letters from a district attorney's office (n=8); or indirectly through referrals by victim-witness advocates, the district attorney and counsellors (n=11). Only one person responded to a poster being displayed at a rape crisis centre. Konradi also noted that many people who had been encouraged to participate through referrals would have otherwise not approached her after simply reading information about the study.

Stacy Gall (2004) used a variety of methods to recruit participants over an 18-month period in her Western Australian study of sexual assault victims/survivors. The majority of participants were recruited through articles in various community newspapers (n=57; 43.5%). Gall's other successful recruitment methods were posters at university (n=15; 11.4%); letterbox drops (n=11; 8.3%) and an advertisement in Perth's Women's Information Service newsletter (8.3%). Like

Konradi (1996), very few people responded directly to the poster displayed at a sexual assault centre ( $n=7$ ; 5.3%). Liz Kelly (1987) also found that a variety of recruitment methods was useful. Kelly's most successful method involved giving talks to a number of local women's groups and university students. The effectiveness of using a range of recruitment approaches has implications for future research in this area, as more active and direct recruitment by appealing to a wider audience through newspapers or public speeches for example, seems to encourage more participants to come forward.

### ***Sampling and skewed data***

My study, like most other studies involving people who have been sexually assaulted, involved self-selected participants (Bergen, 1993; Gall, 2004; Konradi, 1996; Temkin, 1997, 1999; compared with Gilmore & Pittman, 1993; Lievore, 2005). Yarrow Place and I discussed whether, by relying on a self-selected sample, data would be skewed. We considered that it was more likely that participants who felt strongly about the perceived quality of the services provided by South Australia Police would come forward. As I disclosed my role with South Australia Police in the introductory letter this may have dissuaded potential participants from pursuing further involvement.

Skewed data might result if participants have had experiences (either positive or negative) with police that they perceive as extreme, and they are motivated to speak out about these experiences. However, in analysing the women's perceptions of South Australia Police, it is important to remember that their responses were not meant to represent the sole 'true' reality of rape (Coleman & Moynihan, 1996; Rubin & Rubin, 2005). I did not aim to verify their experiences (Ullman, 2005), rather I sought to understand their perceptions and 'believe the interviewee[s]' (Reinharz, 1992: 28). Certainly the reasons cited by the women for participating in the study were numerous (see also: Gall, 2004). In some cases, discussing their experiences with police was seen as a positive step toward recovery. Some participants wanted to help police understand victims' perspectives. Others wanted to help future victims by highlighting limitations of the current justice system. Overall, there was no one theme or single attitude from

the women's responses that suggested that my data was polarised or compromised.

## 4.7 Conclusion

As Beck (1999), Julie Gardner (1990) and the Women's Legal Service in South Australia (cited in Legislative Review Committee, 2005) emphasise, good police practices must be responsive to the needs and concerns of victims of crime. By asking women who have been raped what they seek from police, I aim to identify the factors associated with victims'/survivors' satisfaction and strategies for South Australia Police to develop more effective responses to rape and sexual violence. By using a qualitative research approach to interview victims/survivors of rape, I was able to undertake an in-depth examination of participants' preconceptions of police, their expectations and experiences, and their resulting satisfaction with, and recommendations for, South Australia Police.

Often 'good practice' policing strategies and policies are based on models of practice used by other policing services. My study is unique, focusing on victims'/survivors' perspectives of hopeful and disappointing responses to rape by South Australia Police. My research approach highlighted the importance of translating specific experiences and perceptions of individual women into policy suggestions and reform as directly as possible (Ellsberg & Heise, 2005). In this chapter, I discussed my work experience with South Australia Police which motivated me to undertake this study. I identified potential biases of both myself and the participants, and explained how my qualitative approach accommodated these. Both the strengths and weaknesses of my research and recruitment methods were identified and examined.

In the following chapters, I analyse the 11 participants' attitudes towards rape, themselves and police. I refer to their expectations and experiences to illustrate inconsistent South Australia Police responses. While some interviewees experienced apathetic or even negative responses from South Australia Police, some women experienced exemplary service from some police officers. In

Chapters Six and Seven, I identify the elements of good practice that promote victims'/survivors' satisfaction. My findings reinforce that South Australia Police needs to seek and refer to victims'/survivors' perceptions in evaluating and managing performance. It is only by learning from the expectations and experiences of victims/survivors that South Australia Police can truly be said to be 'working together to reassure and protect' victims/survivors of rape and sexual violence.

## **Chapter Five**

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### **World's best practice? South Australia Police responses to rape**

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*South Australia Police have ‘conducted a comprehensive review of practices and procedures underpinning sexual assault investigations’ and have modified their practices to ‘reflect world’s best practice’.*

(South Australia Police, 2004e: 9f, 18)

#### **5.1 Introduction**

In Chapter Three, my analysis reiterated the inconsistency of police responses in several English-speaking jurisdictions. I gave examples of police practices described as ‘supportive’, ‘understanding’, and ‘empathic’ (Heenan & Ross, 1994; Lievore, 2005c). A key element of better practice is to seek to understand victims’/survivors’ concerns. In this chapter, I focus on the diversity of police responses reported by participants in my study. In describing their expectations of South Australia Police, participants cited many of the personal and systemic barriers introduced in Chapter Two. Many felt guilty and responsible for the assaults, and feared police would judge them. Despite this, as I indicated in Chapter Four, the majority of women in my study did report to police. In this chapter, I consider participants’ satisfaction with police responses at various

stages of the reporting and investigation process. I focus on three key points of contact with police – reporting rape; giving a victim statement; and the investigation – and examine victims'/survivors' satisfaction at each stage. While some stages (e.g. initial contact) were considered more positively than others (e.g. the investigation), the range of experiences with police throughout was testament to the unpredictability of South Australia Police's services to victims/survivors of rape (see F Morgan, 2004 for a similar analysis of South Australia Police's response to domestic violence).

By distinguishing between interviewees' experiences at different points of contact with police, the findings of this study can be more easily compared with other key studies (e.g. Jordan, 2001a; South Australia Police, 2004e; Temkin, 1997, 1999). This method also allows for a temporal analysis of participants' experiences and satisfaction as their cases continued through the reporting and investigation process. Although the relationships between South Australia Police and the participants in my study were mixed at best, the longer victims/survivors had contact with South Australia Police, the more likely it was that the relationship would disintegrate.

In this chapter and the next, I analyse the factors identified by participants as inherent to good and poor police responses. Interviewees highlighted qualities of individual police officers such as strong interpersonal skills, a supportive approach and effective communication skills as fundamental to effective police responses. However, in addition to individual factors, satisfactory police responses were also influenced by collective factors such as policy, practices and organisational priorities. The impact of organisational factors was particularly evident when victims/survivors gave a statement and when their case was investigated by detectives. From my analysis in this and the subsequent chapter, I identify how South Australia Police could promote more consistent services to victims/survivors of rape in the final chapter.

## **5.2 Pre-reporting: Expectations of South Australia Police's responses**

Before facing the decision to report a rape to police, four of the women had no previous contact with police. Seven participants had previous mixed experiences with police. Three had positive attitudes towards police, having been exposed to them through their work or as victims of crime. Four women described negative experiences with police, have witnessed or allegedly committed an offence; or been the victim of a crime perpetrated by a police officer.

When deciding whether to report rape to police, some participants drew upon previous experiences with police: as victims; alleged offenders; or co-workers. In addition, interviewees were influenced by the experiences of others or stories they had heard from friends and acquaintances. Many of the women's perceptions and decision-making were influenced by the issues introduced in Chapters Two and Three: including stereotypes, rape myths and the 'real rape' standard. In some cases, women were aware of multiple, negative contacts with police which compounded to become significant barriers to reporting. This presents a considerable challenge for South Australia Police, because these barriers to reporting are not based on current or future interactions between a single victim/survivor and police, but on previous, extreme interactions, often with a number of different individual officers.

### *Stereotypes*

Stereotypes influenced how women named assaults and assessed the expected police responses. For example, Sarah, who had been sexually assaulted by a client, was: 'very hesitant because I know, from hearing various reports of what happens to a majority of victims, that it gets washed under the carpet and I wasn't sure where mine was going to go'. Many women feared that police referred to the 'real rape' stereotypes as a measure of the veracity of their report. When she was raped a second time, Jane expected an insensitive police response, based on personal experience and stories she had heard about other people's encounters with the police. She thought they'd say:

*She asked for it. It's only sex after all. What does it matter? That seems to be the blasé attitude across the board...even coppers have that attitude. I've heard some nasty little horror stories of coppers.*

Imogen, who was raped by her husband, also initially expected the worst, based on the stereotype of police being inconsiderate and sexist, ‘You know ... they’ve got no sensitivity and they don’t understand women ... Maybe that was why I felt they really exceeded any expectations I had’.

Olivia, a victim/survivor of stranger-rape, was not certain what to expect but feared that the police might judge her:

*I was hoping that ... they'd think I didn't do anything wrong. And that they would be supportive ... I was a bit anxious about having to go through with it all. Like talk about it with someone. In case they judged me. And they thought ...that I'd brought it upon me. I'd also had a bit of trouble with one of my friends [who blamed her for the assault] so that didn't make it extra nice personally to go to the police.*

These findings reflect international research. An analysis of 824 incidents of rape found the impact of real rape myths in the United States continued to restrict women from reporting rape, no matter when the rape occurred during the 21-year time period of 1975 to 1996 (Clay-Warner & Burt, 2005). Like previous studies of victims/survivors, all of the participants were fearful of being disbelieved (to varying degrees) or blamed in some way for rape (often feeling that somehow they could and should have avoided being targeted).

### ***Guilt, shame, uncertainty and responsibility***

In addition to fearing judgment by police, some women also compared themselves to the stereotypes of a ‘real victim’ and found themselves lacking (see also: Department for Women, 1996; Kelly & Radford, 1996; Lievore, 2003a). Jane, Sarah and Daphne felt responsible for putting themselves in avoidable high-risk situations. Jane felt particularly blameworthy and did not report rape to police, asking:

*How fucking stupid was I? I should have fucking known. You know? I should have at least organised a taxi to go home. It was late. It was [about 11.00 pm] ... Not the time of night that a woman walks around*

*on her own in an area like that ... Especially dressed in a dress – that's really fucking stupid.*

It is clear that Jane was influenced by rape and gender stereotypes and blamed herself for being raped. Jane was out late and alone in a ‘bad area’, wearing clothes that she considered provocative and offering easy access. Rather than blaming the offender, she felt that she should have controlled the situation by removing the ‘risk’ factors. Jane had been raped previously when she was 13-years’-old and this seemed to exacerbate her feelings of guilt as she believed that because of her previous victimisation, she should have known better.

Police officers do undertake a risk assessment of situational factors and blame victims for effectively bringing an assault upon themselves (Fitzgerald, 2006; Jordan, 2001a; Lowenstein, 2001; Victorian Law Reform Commission, 2004). Detective Senior Sergeant Peter Shanahan of the Sexual Crime Investigation Branch warned women to: ‘stay in well-lit areas; walk with a friend; stay “alert”; walk confidently; go to the nearest place of help if something happened’ (*The Advertiser*, 2005b). Such comments not only impose blame on women who have been raped but also incite fear of the unlikely (see: Crookes & Lawson, 2003). Vanessa Swan, the director of Yarrow Place, challenged South Australia Police’s advice, stating that ‘women should not be too worried about themselves [in public places], because a majority of rapes happen in homes by people known to the victim’ (quoted in Morgan & Elsworth, 2005).

In some cases victims/survivors are unaware that assaults qualify as crimes (Kelly, 1988; Victorian Law Reform Commission, 2003). A lack of awareness may lead to victims/survivors inadvertently accepting myths about what rape is and minimising sexual violence (Kelly, 1988; Starzynski et al., 2005). Because they compared their experiences with ‘real rape’ templates, three participants did not identify assaults as rape but rather as ‘lesser’ offences (i.e. indecent assaults). It was only after disclosure, when other people labelled the assaults as rape that the women realised they had been raped. One participant, who had been digitally raped, thought she had been indecently assaulted until a police officer informed her she had been raped. She had been initially disinclined to involve the police, but was reassured by the police officer, who offered immediate support and

encouraged her to give a statement. Another woman did not realise that a series of assaults were criminal until she sought counselling years later. Often victims/survivors were uncertain whether it was appropriate to involve police.

Sarah was discouraged by her employer from reporting to police and felt guilty for involving police, wondering if she was supposed to keep the assault secret and deal with it alone:

*I kept questioning myself constantly, continually, for a number of days after that ... My thought was that maybe I wasn't supposed to tell anybody. Maybe, it was supposed to be kept quiet ... Maybe I was doing the wrong thing by reporting it.*

Imogen also felt a degree of guilt in having the police arrest her husband: 'it can be very difficult to come to terms with the fact that someone you married or whatever is going to go to Yatala [Labour Prison] ... and you've been the mechanism for that'.

Olivia also felt responsible and would not have reported rape to police had it not been for her boyfriend's encouragement. He was able to reinforce that it was not her fault and the offender needed to be identified and punished. He told Olivia that reporting the assault was the right thing to do, even though:

*I just wanted to forget about it and ... move on and I don't think I would have reported it to the police at all if it hadn't been for my boyfriend. Because I just didn't want to talk about it with anyone. And I was – I don't know – I was sort of worried that it was my fault. And I didn't want to cause trouble for anyone.*

These feelings of responsibility reflect the social standard of 'appropriate female behaviour' introduced in Chapter Two (Lievore, 2003a). Women learn they are accountable for their own disadvantage or victimisation. Philippa and Jane (when she was raped a second time) felt so responsible they did not report rape to police.

The expectations of the women I interviewed were influenced by social and legal standards that not only define a 'real rape' but also who is a 'real victim' (Burt, 1980; Lievore, 2003b). Some interviewees felt responsible and guilty for being raped, based on arbitrary standards of behaviour (Brems & Wagner, 1994). As I argued in Chapter Two, in making sense of rape, victims/survivors also believe

that they live in a world that is just, where certain actions have predictable consequences (Andre & Velasquez, 1990; Brems & Wagner, 1994; Johnson, Kuck & Schander, 1997). Community attitudes impress upon a victim/survivor that, through her own actions and alertness, she could have avoided being victimised, and therefore she was somehow the author of her own misfortune.

### ***Protection, authority and support***

Despite concerns about how South Australia Police might respond, many participants contacted police to ensure their safety and protection. Imogen realised police had the power to protect her by restricting the offender's access to her: 'I knew the authority the police had and ... [that] they were going to be as active if not more so than I or my immediate family would have to be at keeping him away from me'. For Daphne and Shannon, the authority of police was unquestioned. It was an immediate and definite decision to involve police: 'as soon as I took off I was just thinking police, and I just ran straight to the police ... because I thought that would be the safest place to go to. In case if he came out looking for me' (Shannon). Fiona also saw the police as 'protectors' expecting them to be dedicated crime fighters who 'were real good guys [with] a job to do'. Jane and Daphne expected that police would protect them by immediately arresting the offenders. Thus, five of the women assumed that by involving police, their safety would be assured.

### **5.3 Reporting rape to South Australia Police**

As I highlighted in Chapter Two, there is a generally held assumption that all 'reasonable' women seek police assistance immediately after being raped. This is despite the prevalence of 'victim-blaming'; the application of 'real rape' stereotypes; and judgmental attitudes toward victims/survivors. Denise Lievore (2003a) reviewed the international literature on non-reporting of sexual assault for the Australian Institute of Criminology (AIC). Within this report, Lievore (2003a: 38) makes an important point when she states:

*The expectation that women who are sexually victimised will report the abuse to police runs counter to cultural constructions of femininity*

*as passivity, but also fails to take into account the crippling effects of sexual violence on victims' self esteem, confidence and will...*

To assume a reasonable victim/survivor will report to police is based on two assumptions: that people can think rationally at times of great stress and that the involvement of police always provides a tangible benefit. In reality, reporting a sexual assault does not assure a conviction (Fitzgerald, 2006), safety or protection from retribution (Lievore, 2003b). More often, people who report rape are more closely scrutinised by the criminal justice system than either the alleged perpetrator or the offence itself.

Many of the participants had reservations about involving police, with their expectations based on their understanding of police, their limited personal experiences with police and their view of their own culpability. Despite this, nine women reported at least one sexual assault incident to South Australia Police. Six of the nine women who reported a rape to police found the treatment they received at initial contact was positive. This positive feedback substantiates the results of a 1999 South Australia Police survey of victims/survivors who reported a sexual assault to South Australia Police (cited in South Australia Police, 2004e). Of the 94 victims/survivors surveyed, 75 percent rated the 'level of care and support from the police who first contacted them as above average or excellent' (South Australia Police, 2004e: 7). Like the participants in my study, the victims'/survivors' satisfaction dropped markedly as they continued through the investigation process.

### ***Factors influencing the decision to report***

Judith Lewis Herman, a clinical professor of psychiatry at Harvard, wrote about 'the myth of the vengeful victim': based on society's mistrust of emotional, angry victims/survivors (Herman, 2005: 575). Certainly, one participant wanted the offender put on trial and 'humiliated, like I was' (Shannon). Yet, despite the weight given to such myths by offenders (Scully, 1990; Wilson et al., 2002), police (Heenan & Ross, 1994; Jordan, 2005) and society in general (Lievore, 2003a), in my study, most of the participants were driven by multiple, altruistic reasons to report. Many of the women who decided to report rape to police did so

because they believed it was the right thing to do. Eight of the women were motivated to report offences to help others and prevent future offending (Philippa, Olivia, Sarah, Kathleen, Shannon, Imogen, Beth, Jane). Jane involved police, not because of rape per se, but because the offenders drugged her: 'If they hadn't given me the dope to shut me up, I would have said nothing [but] ...if they'd given me drugs, who else would they do it to?' Four women wanted the offence to be recorded officially believing that the offenders were serial rapists and to ensure that: 'what happened to me I didn't want to happen to anyone else' (Kathleen).

Imogen found reporting to be a proactive step she could take in order to prevent future offences:

*I actually get some consolation from the feeling that you've got to stand up and say something ... Because I am sure I wasn't the first. ... And so it's like, 'gee if anyone knew about this before and just let it go – thank you very fucking much' ...*

*[the detective] said, 'look, it's not only yourself you have helped, you have helped other people as well. It's a good thing to have done.'*

*And that has actually been a source of comfort throughout all this, in the middle of all the mess.*

Shannon also felt it was very important for women who have been raped to stand collectively against abuse.

Five women reported rapes in order to identify, label and expose offenders as rapists. Sarah was assaulted by one of her clients. She was told by co-workers that while he had assaulted several women, she was the first to report an offence to police. Beth and Imogen reported offences perpetrated by men who continued to hold positions of authority after the rapes had been reported which, not surprisingly, they found frustrating. Imogen and Shannon were assaulted by their intimate partners. Both women wanted others to know of the offenders' abusive behaviour. When her husband was charged with rape, Imogen faced a difficult decision. She was forced to decide whether she wanted his name suppressed. While this would protect her identity, it also guaranteed his anonymity:

*Obviously my husband's name is suppressed because it'd identify me, but ... the other thing I have noticed is the impunity that the suppression has actually given him ... He knows damn well that nothing's going to come out.*

Holding perpetrators accountable was more important to most participants than retribution. This reflects the findings of a recent American study which found that only five of 21 victims/survivors of sexual crimes specifically wanted offenders to suffer (Herman, 2005). Four interviewees in this study wanted ‘justice’ through the apprehension and incarceration of the offender (Charlotte, Sarah, Shannon, Daphne). Shannon wanted her assailant to be arrested and convicted, so that:

*I'd know he was suffering too as well as myself ... That he had his freedom taken away from him, because he had taken ... my freedom, my choices, my decisions away from me, and that if he got locked up, then his life wouldn't be his own. He'd be told what to do, when to do it and have other people in control of him. Instead of him doing what he wants, how he wants.*

Despite their wish to see offenders publicly exposed, most of the women’s cases were filed, with no further police investigation planned. At the time of writing only one woman was likely to receive any form of outcome justice, by having her case heard in court.

### ***Time lapse and delays***

South Australia Police encouraged victims/survivors to report sexual assaults as soon as possible to promote the likelihood of positive outcomes (in the form of apprehensions and convictions). Senior Sergeant Paul Lewandowski of the Sexual Crime Investigation Branch has been quoted as saying: ‘It’s always important to have information coming to the police straight away ... the earliest report is obviously the best to the police and to the public’ (D Clarke, 2004: 4). Of the nine women who reported rape to South Australia Police, six reported rapes immediately (within hours). Two of these women reported series of rapes at their earliest opportunity. One woman reported a rape within days and another within two weeks of it occurring. One woman did not report a rape to police until more than 20 years had passed. A delay in reporting was believed to be an indicator of dishonesty – a view held by many victims/survivors and police officers (Cling, 2004; Department for Women, 1996; Jordan, 2001a, 2004a, 2004b; Victorian Law Reform Commission, 2001). In her case, Kathleen ‘thought they’d laugh at me and kick me out, because I didn’t go in straight away’.

Shanahan, a member of the management team of the Sexual Crime Investigation Branch, was quoted by the *Sunday Mail* newspaper as saying that delayed reports put detectives 'behind the eight ball' in achieving apprehensions (*Sunday Mail*, 2005). The problem with such advice is that it can act as a barrier to the reporting of rapes which have occurred some time previously. Both Fiona and Philippa felt that they left it too late to involve police and would not be believed. Fiona was assaulted 20 years ago and Philippa a year ago. In both cases, their reticence to report was compounded by the fact that the details they could recall were vague due to being drugged. The women turned to their own limited experience of police (as described earlier) in guiding their expectations. They also considered the 'real rape' mould to measure how receptive they thought the police would be. Using it as a gauge, they considered their recollection of the assault (too vague); their deliberation in reporting it (too long); their previous experience with police (unsupportive) to determine the likelihood that they would receive a positive police response (low).

### ***Decision to not report***

The two participants who did not report rape to South Australia Police (Fiona, Philippa) had previous negative contact with police for doing 'the wrong thing' (Philippa). In Fiona's case, after being drugged and raped by a number of males, she was picked up by police for indecent behaviour after being found in the street, naked and intoxicated. Instead of establishing why she was in such a state, two male officers arrested her and took her to the City Watch House. According to Fiona:

*They never even asked me anything. It's probably like I was drunk at the time and ... I don't know how to explain it ... they picked me up for ... indecent behaviour and that was it. They didn't even find out why I was doing that sort of thing.*

After such treatment, it is no surprise that Fiona was reticent to involve police further. Now, years later, she feels that too much time has passed for her to report the rape and be believed by police.

Philippa had similar feelings, with a few months elapsing after the rape before she was able to consider reporting it to police. Philippa was able to cite the experiences of a friend as further reason for not contacting police:

*Reporting it might have been a better thing. But then ... one of my friends had been raped too and she was getting all the questioning from the police ... and she was very traumatised by that afterwards ... [and] it sort of put me off a bit. Because to have to go through so many hours of questioning and then [not going] to court for it ... makes it so much harder.*

Yarrow Place Rape and Sexual Assault Service (Yarrow Place) indicates that many victims/survivors:

*Consider not reporting due to their perception of the criminal justice system or because of their knowledge of the low level of convictions for crimes of sexual violence. Most clients express concerns of becoming re-victimised and de-powered by a legal process that is not committed to victim's rights.*

(Stop Rape Now Coalition, 2004: 15)

The importance of supportive police responses is paramount (Women's National Commission, 2002). Philippa was given a phone number to call by Yarrow Place if she wanted to report rape: 'I called the number on the letter that they sent me and then that was the wrong number and then I called the police and they didn't know what I was talking about and then I just gave up' (Philippa). This experience shook her confidence in South Australia Police. Despite this, Philippa still feels guilty for not involving police.

Fiona and Philippa have been left with considerable emotional burdens. They feel that not involving police was somehow their fault (despite being unable to access receptive police responses at the time) and that their 'regretful' decisions are now irreversible. While Fiona was assaulted 20 years ago and Philippa a year ago, both feel that rape and the decision not to report have significantly impacted on their lives and psychological health:

*It was a long time ago but still it doesn't really change things, you know? It stuffed up my life well and truly. I think if I'd reported it, if I'd been able to report it back then, well it would have made a difference.*

(Fiona)

When she was raped a second time, Jane also decided not to involve the police. Her previous experience reporting rape caused her considerable trauma without any positive outcome. As a result, when she was raped 12 years later:

*I went, 'I ain't fucking going and talking to nobody. I ain't going to Yarrow Place. Because I know for a fact they have coppers involved and – get fucked – I ain't going through that again. So forget it'.*

(Jane)

In fact, Yarrow Place does not involve South Australia Police without the consent or request of victims/survivors. Yet, whether based on personal experiences or second-hand anecdotes, factual or misguided information, negative perceptions of police significantly reduce the likelihood that women will report rape to South Australia Police.

#### **5.4 The interview and victim statement**

Of the nine participants who reported rape to police, all gave statements to female officers, although the Sexual Assault Unit (see Chapter Three) was not involved in all cases. Feedback from clients of Yarrow Place indicates that:

*The existence of the specialised South Australian Police Sexual Assault Unit encourages reporting. Survivors know they will speak with trained, plain-clothed female officers who have experience and expertise working with victims of sexual violence. When victims are unsure whether or not to report they frequently feel more comfortable to discuss their case initially with officers from the Sexual Assault Unit than with other police and they express more confidence in the accuracy and relevance of the information provided to them.*

(Stop Rape Now Coalition, 2004: 14)

The participants appreciated dealing with female officers. Their attitudes reflected the results of a South Australia Police survey which found that 70 percent of a sample of 94 victims/survivors (including 14 males) preferred to give a statement to a female officer (South Australia Police, 2004e). The main problem with specialist units such as the Sexual Assault Unit is under-resourcing (Women's National Commission, 2002). Violence against women is not an organisational priority and as a result, areas established to assist victims/survivors of rape and sexual assault are often under-staffed leading to delayed services for victims of crime (Women's National Commission, 2002).

### ***Delay***

South Australia Police policy recommends scheduling victim interviews a few days after a rape in an attempt to minimise secondary trauma (Carmody, 1991). Despite this, some of the participants were required to give a statement immediately after they reported a rape and hours after it had occurred (Charlotte, Jane). Charlotte was required to give a statement the same night she had been raped and held hostage, after she had undergone a forensic medical. She was not advised that she could have a support person present, nor were counsellors contacted. Contemporaneous statements are not unusual in Australia (Tasmania: Bamford & Pitman, 2004; also ACT: Sexual Assault Response Program, 2005). In a 2004 study of the Tasmania Police, three (of 13) female interviewees (23.1%) were required to give statements immediately following forensic medical examinations (Bamford & Pitman, 2004).

However, considering the psychological and emotional impact of rape, it is unreasonable to assume that all victims/survivors can think clearly and rationally, following both an invasive assault and an invasive medical procedure. Daphne believed that she:

*was not in any fit state emotionally, let alone intellectually, to be able to string words together [to give a full statement immediately] ... beyond the initial brief one that I'd given to the investigator.*

Yet to allow too much time to pass between an offence and a statement leads to other significant problems. Olivia felt that a long delay was disadvantageous:

*I think I was very fortunate in being able to see them ... a few days after it had occurred ... Had I [waited] two weeks, I don't think my formal statement would have been as good or as accurate ... I had a lot of self-doubt at that time and I think if I had have just dwelled on it I probably wouldn't have gone in to give the formal statement so it was good that we could do it straight away.*

Some participants in my study cited long delays between a sexual assault and a statement. This was typically attributed to the heavy workloads of the Sexual Assault Unit workers, who were unable to schedule an appointment for weeks in some cases due to a considerable backlog of work (Imogen, Kathleen). When weeks pass, victims/survivors may forget details of the offence or begin to doubt

themselves or the support of police. They may be less inclined to continue to seek police action because of personal reasons or pressure from others. The Crown Prosecution Service in England acknowledged that ‘the longer the delay the greater the likelihood of impaired memory, or ready defence contentions of such impairment’ (HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary, 2002: 9). Delays in taking statements were perceived to lead to resultant delays in the investigation of rape and reduce the likelihood of a conviction. According to Kathleen:

*they should ... get everything done as soon as possible ... not being able to get an appointment with the SAU for a month that was kind of bad, and they need to have more people in there ... even if you sort of have like a preliminary statement that the CIB can go on, then get the full statement later.*

International ‘best practice’ (Griffiths, 1999; Sexual Assault Response Program, 2005) suggests that a brief delay between an assault and victim statement is appropriate, but it should be no more than a day and certainly not a few weeks. In most rape cases, as suggested by Kathleen, a brief, contemporaneous statement about the offence and a description of the offender should be sufficient to assist patrols and investigators in their immediate investigative and forensic procedures. There may be rare instances where operational demands require an immediate statement (e.g. when a suspect has been apprehended). However, more often the timing of the statement should be based on the preferences of victims/survivors. According to the Toronto City Auditor (Griffiths, 1999: 56):

*in complete contrast to most crime investigations when prompt interviewing increases the opportunity for accuracy of memory recall, in the case of sexual assault clear recall comes in stages, some time after the event.*

In optimising the timing of a victim/survivor interview police must set achievable time frames (e.g. Victoria Police: Heenan & Ross, 1994) yet be flexible to the needs and preferences of victims/survivors (Office of the United Nations High Commissioner for Human Rights, 1985). The most important issue is to foster an open relationship with victims/survivors to ensure women feel comfortable and confident to re-contact police to provide further details as they are recalled. It is clear that many of the problems attributed to, or resulting from, statement delays

were in fact due to issues of communication and trust between police and interviewees.

### ***Location and provisions***

South Australia Police procedures required participants who made a statement to a Sexual Assault Unit worker to attend Adelaide Police Station and inform counter staff of their appointment. Some of the women found this process daunting:

*Having SAU located in an identifiable police building ... to have to walk into a police station, give your name to a uniformed police officer, then wait for someone to come and collect you or even worse being told, 'here's the lifts' and then having to ring a doorbell to get into the place, it's very formal and intimidating.*

(Daphne)

Similar findings were made in other Australian jurisdictions. In a Tasmanian study, the majority of participants indicated that giving a statement in a police station was highly intimidating (Bamford & Pitman, 2004). Two women were able to give their statement at the Sexual Assault Service with counsellors present. This option was preferred and felt to be 'safer' and less oppressive (Bamford & Pitman, 2004). A recent study in the ACT highlighted the value of offering victims services in a location that is more neutral and less hostile than a large police station (Sexual Assault Response Program, 2005). Similar results were found in Britain (Women's National Commission, 2002).

Imogen, Beth, Kathleen and Shannon were positive (or at least pragmatic) about the interview locations. Kathleen found the room where she gave her statement 'nice' compared with the room where she first reported a rape:

*It was in one of those rooms that they interrogate probably murderers or something like that ... it had a table and a computer and nothing on the walls or anything ... Like I was surprised that the chair didn't have those metal things that they [shackle offenders' wrists to]. And they had like all the recording equipment ... They said they weren't taping it or anything, but [I wasn't so sure]... And I was just sort of sitting in there feeling very small which sort of made it all go really much longer ... It's like sort of meant to be scary but I didn't think (pause), I went in there to do the right thing. I didn't think I should be scared.*

Sarah found the room in which she was interviewed appropriate, describing it as: 'a dull grey. It was a nice colour, but it was a very small room'. Many women found the colours and bland neutrality of rooms a negative factor, neither warm nor inviting. Olivia and Charlotte found the environments cold, bare and oppressive:

*it was uncomfortable and it was cold and, and I'd never really been in an environment like that because I'd only really ever been at my parent's home and at school and there wasn't anything like that at school.*

(Charlotte)

Most statements were typed by Sexual Assault Unit workers, who were physically separated from victims/survivors by a desk and computer. There was little eye contact or opportunity for workers to use gestures and expressions to reassure women. Charlotte, Olivia and Daphne all found the layout and design of the interview rooms less than ideal:

*[The room was] not much to look at. In some respects that's helpful because it keeps you focusing on the task at hand. But ... you can't sit and look at the person while giving the statement because they've got their face buried in a computer ... There wasn't anything to focus on inside the room. There was a bench with a number of papers ... with information about sexual assault but that was never offered to me. To the point that, at one stage when the SAU person went to get her coffee, I began to have a look through all of that and felt really jumpy that I was looking through stuff that I wasn't meant to.*

(Daphne)

Jane, who reported rape in a rural area, was required to make her statement at a local police station, which was not designed to accommodate taking victim statements. She sat at:

*A desk at the side ... you had the front desk, you had like the reception area and then you had like a division and then you had the desks at the back... [In hindsight I think], 'Oh God, how could I have said all this stuff?' you know. But that was the design of the cop station. I mean that had nothing to do with the procedure or anything that was just the way the cop station was designed. And yeah ... I pretty much concentrated on the desk. It was a nice wood-grain desk.*

Physical and psychological comfort played important roles in reassuring victims/survivors and promoting strong working relationships with police. The provision of refreshments was also vital in developing supportive environments.

### ***Refreshments***

In eight of the nine cases where a statement was made to police, food and/or drink was offered to participants. Typically this was a glass of water (Daphne, Sarah) or a cup of coffee or tea (Beth, Shannon, Charlotte). Shannon was given a sandwich and Kathleen was given a packet of Twisties and a can of Coke. In one case:

*A police woman gave me a cup of coffee and she asked me if I'd like a cigarette. And I said no.*

*And she said, 'well often women like to have a cigarette after they've been raped.'*

(Charlotte)

While Imogen planned ahead and brought her own lunch, not all of the women knew that the interviews were going to take as long as they did:

*I thought I'd be out of there by seven and be able to go and hang out [with friends] and just watch DVDs. And I ... got there at three ... and it was just like quarter to 11 when we finished. I'd missed like a proper tea – those little packets [of Twisties] aren't really that good. I could have eaten six packets and still been hungry.*

(Kathleen)

The poor provisions made by South Australia Police to feed victims/survivors are particularly concerning when the average length of interviews is considered.

According to South Australia Police, most statements take between three and 10 hours, with an average of six hours (South Australia Police, 2004e: 15). Of the six women who specified the length of the interviews, three were less than two hours, Daphne's initial interview was five hours, Kathleen's was seven-and-a-half hours and Imogen's was between 16 and 20 hours. Both Daphne and Imogen were required to complete their statements over at least two sittings.<sup>10</sup> As South Australia Police knows the average statement takes six hours, it should be standard practice to fund the provision of a range of food and drink options for victims/survivors.

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<sup>10</sup> Police shifts are typically of eight hours duration.

### ***Overall satisfaction with the interview process***

Overall, seven of the nine women who gave a statement to police were satisfied. Their satisfaction was often based on female police officers' attitudes and empathy. The participants' experiences were reflected in the comments of Senior Constable Annie Barton, previously of the Sexual Assault Unit and now working in the Victim Management Section. Barton, who has 10 years' experience working with victims/survivors, has been quoted in the media as saying:

*As far as I'm concerned, I'm there to help as much as I can. It's important for victims to have someone to listen to what they have to say ... I can connect well with people and I can make them feel comfortable to tell me what they need to tell me ... The people I deal with are incredibly resilient. Knowing the courage it takes to talk about it makes me feel that I'm fortunate I'm in a position where someone will talk to me.*

(quoted in Sheridan, 2005: 54)

Barton's comments were reflected in the experiences of the participants, who were more critical of the process than of the officers involved. Beth found that 'they handled it very sensitively' while Sarah found it to be a huge relief to tell someone and be believed:

*I found it was like lifting a lid off in a sense ... when the female detective just let me talk, I think that there was great benefit ... Part of me felt like it was a sense of relief to not be hindered ... I felt she was really supportive. There was no harshness that I found from her.*

(Sarah)

Satisfaction was also based on the female police officers' ability to listen non-judgmentally:

*She was actually very specific around the offence itself, she wasn't interested in anything else ... She was really cool ... She wasn't really pushy. Like, she was sort of – this is going to sound really strange (considering I didn't know her) – but she had an attitude that was like a caring attitude, like she wasn't sitting there in judgment of me. She had a job to do, I knew that, but she was like, 'Look, if you don't want to answer questions, that's fine, if you do that's fine'...*

*So she was – yeah, she was really cool.*

(Jane)

Despite the positive personal attributes of individual officers, Kathleen, Imogen and Daphne found the process frustrating. Kathleen felt her honesty was under question:

*I felt like I was being led along rather than being able to tell my own story. I had to answer her questions and I told her several times that I couldn't remember everything and that everything was mixed up and it was a traumatic week and I couldn't even remember everything that happened ... and there wasn't any mention of being uncertain or anything in the statement. I told her that and I told her I couldn't remember everything. She kept picking on me, 'but this doesn't match up'.*

*... I mean, I remember now because of nightmares, flashbacks and stuff like that, but I didn't remember then and I just felt sort of like since I couldn't remember it ... I got the impression that she thought I was hiding something.*

Charlotte felt that she was being interrogated rather than interviewed:

*I was just by myself there in a room and I ... gave my statement and then I had to say it all over again and I felt like I was being interrogated. I felt that because this woman had initially said that I was making it all up, I felt like the reason that I was having to say this over and over again was because I'd done something wrong. ... It made me really question myself. You know, I was thinking, 'Is this really happening? And did this happen?'*

*And I felt really uncomfortable and sad.*

The interpersonal skills and empathy of the police officers involved, combined with their explanations of police processes were very significant in influencing women's perceptions of South Australia Police. It is important for police to recognise the vulnerability of women at such a heightened state of self-awareness and the need for a flexible, supportive and responsive approach. Detective Inspector Linda Fellows, the Acting Officer in Charge of Sexual Crime Investigation Branch in 2005, was quoted as stating: 'simply being able to tell their story and be believed and have the matter investigated is sometimes the most important outcome for victims' (quoted in Roberts, 2005: 1). Not all the participants in this study were lucky enough to receive that opportunity.

## **5.5 Case Progress, investigation and follow-up**

Based on publicly accessible information, Bree Cook and her colleagues from the Australian Institute of Criminology (2001) reported that South Australia has a specialised unit for adult victims of sexual assault that ‘suggests that victims of sexual assault are now much more likely to receive sensitive and appropriate treatment from the police’ (p. 63). Although the Sexual Assault Unit promoted better responses at the reporting and statement taking stages, it never included specialist rape investigators. At the investigation stages, the participants of my study dealt with detectives from Local Service Areas who had a range of experiences and expertise working on rape cases. While in some cases, detectives were involved from the moment a rape was reported (Daphne, Imogen) in many instances, investigators did not make contact with women until they had been interviewed: days or weeks after rapes were first reported to South Australia Police. The detectives were then responsible for investigating the cases, collecting evidence and keeping victims/survivors up-to-date regarding police progress.

### ***Provision of information***

Victims/survivors have the right ‘to information about criminal investigation and prosecution’, including ‘the progress of investigations into the offence’ (s.8 of the *Victims of Crime Act 2001* (SA), see also Office of the United Nations High Commissioner for Human Rights, 1985). Yet, information provided by police to victims/survivors regarding case progress has been found to be inadequate in Australia (Attorney General's Department, 2000; Dawson, 2004; O'Donnell, 2003; Swanton *et al.*, 1988); New Zealand (Jordan, 2001a, 2001b); Canada (A Campbell, 1996; Nuttall, 1989) and the United Kingdom (Gregory & Lees, 1999; Mawby, 1999; Ringham & Salisbury, 2004; Singer, 1999; Temkin, 1997, 1999, 2002). In a 1999 South Australian phone survey of victims of various crimes, conducted by the Attorney-General's Department, 23.6 percent of respondents (n=123) were not kept informed about the progress of their cases, even though they had specifically requested updates from the police (Attorney General's Department, 2000). In many cases, women who have been raped do not seek or even expect empathic police responses. Rather they are after the most basic

information about the investigations. In a Canadian study, police interviewed 16 victims/survivors of a serial sexual offender in Toronto and found unanimous emphasis on the importance of knowing: ‘what was going on, and ... for the police to keep them informed ... The victims appreciated it when they were informed, and [were] very concerned when they were not’ (A Campbell, 1996: 232).

Many of the women in my study were overwhelmed by police processes, which were entirely foreign to them. Explanations given by police as to what would happen were rarely comprehensive. Sarah was so confused she gave up:

*In the end ... I felt like it was not going to get heard in court anyway and I hadn't taken on board what they were saying about it ... so I just eventually went and signed this document stating that I wouldn't take it any further.*

Olivia was positive about being treated with respect and being kept informed of the police investigation when dealing with the Sexual Assault Unit:

*The policewoman that I'd spoken to that night, she kept ringing me back saying, 'this is what we are going to do and we are going to help you with this and this', and she was always keeping me up-to-date with whatever was happening. And that made me feel really good.*

However, a communication breakdown occurred once a detective was involved in her case. Olivia’s negative experiences at the investigation stage reflected the experiences of victims/survivors surveyed in a Queensland study. A Queensland Police Service survey of 197 victims/survivors, including 122 who had not reported assaults to police, found most victims/survivors (59%; n=37) felt they were not kept regularly informed of the progress of their case (Queensland Police Service, 1993). Issues such as workload, shift-work and leave all impact on the services provided to victims/survivors (Office of Police Integrity, 2005; Queensland Police Service, 1993). Olivia said that:

*What I think is very important is the communication, always keeping in contact even if you've got nothing to say. I think it is just important to let the victim know that it is still going ahead, that what happened, the police think, is serious and ... not so much they care but they don't think it's some silly thing [on par with] shop-lifting or something. It's not trivial ... And to make the victim know who they are, when they get involved in it and what they are doing. Just keep them informed all the time.*

An open channel of communication between victims/survivors and police provides tangible and intangible benefits to victims/survivors. It can clarify their role within the justice system and reassure victims/survivors that police are taking their report – and their victimisation – very seriously.

### ***Follow-up***

Police initiated and maintained contact with some participants (Imogen; Beth), updating them on the progress of their cases. As Beth had been assaulted in another jurisdiction, the investigation was convoluted and time-consuming. Despite this, she was happy with South Australia Police's assistance because she was given a realistic understanding of the likely delays and was contacted whenever her case progressed.

In some cases contact was not initiated or maintained by police (Charlotte, Olivia, Daphne). Indeed, some women felt police discouraged further contact:

*I'd ring the detectives and ask them to inform me of how they were going with this and they said that they had leave and that they were hunting down leads and it felt like a comedy act. I felt that they weren't giving me any information; I didn't feel that they put my mind at ease in any way, so I left. I rang them from interstate over the years a few times and said, 'Did you ever find any more information? Have there been any similar cases anywhere else?'*

*They said no and they said that it was unusual for me to ring, I mean I'd ring maybe once every six months or so, you know, a couple of times within a two month period and they said, 'None of the other girls have rung. Why are you ringing?'*

*And they said, you know, 'just let it lie. Let it go.'*

(Charlotte)

Due to a number of competing organisational priorities, it is likely that the investigators on this case had filed the case and moved on to investigate other offences that were more easily resolved and of a higher profile. Charlotte's calls could have been an unwelcome reminder of the traumatic long-term impact of rape on Charlotte and the investigator's failure to catch the serial sex offender.

Michael Dawson, the Chief Executive of the Victim Support Service Inc, emphasised that victims of crime receive inconsistent responses from South

Australia Police. He highlighted that victims face particular difficulties accessing follow-up information:

*There is inconsistency with investigating officers responding to victims' needs for information about what is happening with the investigation. Victims often don't hear from the police once the statement has been taken ... Unfortunately this gives the impression that the victim is only of value for police purposes rather than the police being there to protect, help and serve victims.*

(Dawson, 2004: Section 2.1)

When they were required to tell and retell of an assault to many different police officers without explanation, participants felt depersonalised, like a piece of evidence (Charlotte). In some cases, no introductions were made or reasons offered when new, unknown police officers suddenly became involved in an investigation (Sarah, Kathleen, Jane). There was also one instance where an investigator was unavailable, and another gave uninformed advice to Kathleen.

Participants reported greatest satisfaction with South Australia Police when they dealt with a single investigator from the reporting to investigation stages (Imogen, Daphne). Research undertaken by the Toronto Metropolitan Police Force, has supported continuity of contact officers as an element of good police practice. Analysis of data from a survey of 213 victims/survivors of reported sexual assault (Nuttall, 1989) found a significant reduction in victims'/survivors' satisfaction as the number of officers involved increased. Research in Canberra also found there was:

*a lack of coordination of sexual assault investigations, with the result that too many investigators come into contact with the victim; [and] some officers not being suited in personality or attitude to the investigation of sexual assault.*

(Sexual Assault Response Program, 2005: 29)

Daphne felt South Australia Police's organisational priorities restricted the amount of time the investigator could dedicate to her case:

*I did have ongoing contact with ... the investigator, although a lot of that was from me instigating it, like calling her, primarily because it took a long time to go out and arrest this person.*

*Partly because of being short staffed.*

*Partly because as a result of being short staffed they were being tasked onto other issues ...*

*And that was hard for me to take. Knowing that there was an offender, who I had identified who was wandering around and ... I felt like I had no recourse.*

Some participants were unsure if they were expected to contact police for further information and, if so how, or whether follow-up would be initiated by police (Jane, Sarah). As a result:

*I never actually found out what happened. To the blokes who actually did it. [The police] never gave me that information ... But it is obvious from the fact that they came out and got a statement signed that they were going to take it further.*

(Jane)

Some investigating officers encouraged victims/survivors to sign a PD 207A form, requesting no further police action and effectively closing cases. Sarah became so confused she ended up requesting that police took no further action because she did not feel she had other options:

*It wasn't completely clear. And I think if he [the police officer] explained why there was a time limit anyway it would have helped me to, sort of, not get all uptight about it ... whether I didn't take in some of the information, I'm not sure, but I think there was like a lapse in a certain part of the communication.*

As Charlotte noted: 'It wasn't so much about choices. It was more ... I needed information, not choices, more information. No one gave me any information about what had happened'.

Sometimes even when contact was made by police, it felt cursory rather than based on a genuine concern for the women:

*It was like, 'oh, they've got five minutes so they'd just check up.'*

*So more definite continued contact [would be preferable]. You could at least get a phone call to say, 'nothing's happening and this is what we would be doing.'*

*I don't know I was sort of ... [anxious] not knowing what's going on.*  
(Kathleen)

This conduct was the antithesis of the women's expectations about the amount and type of contact the detectives should be maintaining:

*I think he should have called me as soon as he was given the case to let me know who he was and introduce himself. And ... [tell me] what he's going to do and if he needed something from me, what I could*

*help him with. I would have liked to have met him. He should keep in regular contact with me, even if there is nothing that has happened, he could just call me and say, ‘Look I am following up on this, I haven’t had any leads yet or whatever, I just wanted to let you know what’s going on, I haven’t forgotten about you. How are you going?’*

(Olivia)

### ***Overall satisfaction with the investigation process***

The women’s experiences at the investigation stage were mixed. Of the ten women who had contact with South Australia Police officers, three were positive, four described the experience in mixed or neutral terms and three were negative. Both Daphne and Imogen reported that assigned detectives, who had been involved from the initial reporting stage, were very good at keeping them informed and involved in the investigation process:

*Over the following few weeks she met with me individually on a number of occasions to answer questions, to explain what was going on, the processes, the court processes and how long things were going to take, which I found very beneficial.*

(Daphne)

Imogen was particularly impressed with the sympathy and understanding expressed by investigators:

*[There has always been] at least an individual in South Australia Police who I [can] contact and feel that they have a sufficient knowledge that I almost don’t have to go [through the story] from the beginning ... In a strange way, the investigating police have been the closest ... to fellow travellers in the process. Because it’s like, they find out about it at the same time you do, and then they’re talking to the DPP at the same time you are and ... they certainly have more in common than say the DPP or even ... the witness assistance officers at the DPP. Because the police have come right from where you have come from.*

In cases where the women reported neutral (or mixed) experiences – neither (or both) positive and negative – these were often based on a detective’s inability to engage or empathise with the women. In Kathleen’s case, a detective behaved in a way that she felt was patronising and judgmental:

*The first [detective] was nice and the second one ... [was] thinking that he was in the wrong place at the wrong time and didn’t want to deal with me...[He] treated me like a little kid ... [He] seemed to think that it was all my fault and well, it wasn’t my fault, so I objected to*

*that. They tried to explain things to me like I was a little kid as well. And I was just sitting there thinking I already knew all of this and they went through everything about six times.*

In two cases, police did not clearly explain the investigation process. This left participants feeling uncertain about the value of involving South Australia Police. In Jane's experience, police offered no opportunity to seek further information or contact:

*They said that if they had ... any further questions, or they needed further information then they'd get in contact with me. And other than that, I don't remember much else. And they left and I went back to class ... and I never saw them again.*

These three disparate examples of mixed experiences with police indicate the challenges faced by police officers when attempting to offer a high standard of care to victims/survivors. Police must inform and explain police processes and case progress with victims/survivors. Each interaction must be tailored to individual victims/survivors to ensure the right amount of empathy, professionalism and information is given.

In two cases, the insensitivity of police officers undermined any successful interaction between South Australia Police and the women I interviewed. Because of the police approach, Fiona felt like a 'criminal' and was unable to report a rape. She felt that, 'they really let me down. Their duty of care was just like, just not on at all. You know? They didn't get any information from me at all and I was really upset with the police'.

Immediately after being raped, Charlotte had a medical examination and then gave a victim statement. When she returned home, police insensitivity and the clinical nature of the investigation compounded the trauma of rape further:

*I went back out to my room ... and the police had failed to notice a pile of his clothing next to my bed which was evidence and ... I just started crying and thought, 'this is doomed'.*

*There was fingerprint dust everywhere, like all over the window and because there were white things in my room there was black fingerprint dust everywhere on things that never came out ... No one cleaned it up ... and it just felt like a crime scene. And ... I started*

*crying and I said to these detectives that, ‘this is fucked. These are his clothes and you; I have just really lost faith in you.’*

*And they said, ‘Oh, we’ll take that with us as well.’*

*...He’d tied me up with [an article of my clothing], and they took that and they took a few other belongings that I never saw again. I never heard anything more about them and that was that.*

It was apparent that police did not adequately explain to either Charlotte or Daphne that seized items of clothing would never be returned, as their destruction was necessary to extract possible DNA from the material:

*I asked at one point when I’d get it [my underwear] back and it took some time for ... me to understand that I would never be getting that back. That they would be cutting particularly from my bra and my knickers; that they’d actually be cutting pieces out to do the analysis.*

(Daphne)

The mixed experiences of the participants of my study reflect the findings of an internal South Australia Police study (cited in South Australia Police, 2004e).

Half (51%) of the 94 victims/survivors reported the Criminal Investigation Branch’s responses were ‘above average’ or ‘excellent’. Yet almost one in three reported that they were ‘below average’ (28%; South Australia Police, 2004e: 8). This could be partially attributed to a lack of information provided. For, while South Australia Police reported that 66 percent felt they were ‘kept informed of the status of the investigation by the investigating officer’, 34 percent were therefore not kept informed about the progress of their case (South Australia Police, 2004e: 8). Olivia dealt with a detective she never met, and who did not try to hide his apathy and unhappiness at being assigned her case despite the fact that there was a visual image of the offender.

*He’s called me once, and he’s been on the case for about two months now ... I had to keep calling him ... He didn’t call me back and I kept trying and I eventually got hold of him two weeks later and I got the impression he wasn’t really interested in taking care of it. It was more of a hassle for him, more work for him to have to deal with. He didn’t really seem to care and I was really upset about that.*

## **5.6 World's best practice? Satisfactory police responses**

The participants indicated that satisfactory police responses were characterised by procedural fairness and justice in terms of understanding, professionalism and ongoing support and information (Hickman & Simpson, 2003). A satisfactory response was not necessarily synonymous with either faultless interactions with police or a positive outcome but was more often attributed to supportive and empathic police officers (see also: Jordan, 2001a). Although Imogen reported a positive response at all stages with the police, her experience was not trouble-free:

*There was a mix up ... and the offences ended up published ... I live in a very [distinctive location] ... And so, especially given that a month or so earlier there'd been a scene of crime and a thousand other cars outside the door, I think it pretty much gave it away.*

Characteristics and attitudes of individual police officers reportedly played no small part in the provision of satisfactory police responses. Often victims/survivors were very conscious of being scrutinised and judged. Canadian research has found that some victims/survivors remember 'only comments by the officers made in bad taste, comments that the victims remember to this day as if the words were spoken yesterday' (A Campbell, 1996: 227). When police devalued victims/survivors and emphasised stereotypes about rape, their attitudes were often taken up by victims/survivors (R Campbell, Ahrens, Seftl & Clark, 2003; Temkin, 1999). This may have promoted an acceptance of personal culpability for assaults and exacerbated the impact of rape, resulting in ongoing psychological and emotional distress.

South Australia Police claim that their Sexual Crime Investigation Branch reflects 'world's best practice' (South Australia Police, 2004e: 18). What 'best practice' means to victims/survivors is very different to what it means to policing organisations. For example, the Sexual Crime Investigation Branch was established after an internal review of criminal investigative practice within South Australia Police (Hunt, 2004; South Australia Police, 2004e). The review:

*identified shortcomings in sexual assault enquiries.*

*The major problem identified is a 'time-lag' with some cases because officers often were 'detached' from victims in early stages of the specific enquiry. The review found detectives in suburban CIB units*

*investigating the incidents were often not provided with vital statements from the victim – taken by officers in the Sexual Assault Unit – until days after the attack.*

(Hunt, 2004: 1)

As I previously acknowledged, South Australia Police identifies ‘best practice’ in terms of outcome justice – through increased apprehension and clearance rates and a reduction in reported crime. ‘Time-lags’ between taking victim statements and initiating investigations are identified by police as ‘the major problem’ because they significantly reduce the likelihood of offenders being identified and apprehended. Victims/survivors have different priorities. Although it is true that participants often felt ‘detached’ from detectives, this was attributed to the interpersonal skills of individual police officers and the lack of effective communication. South Australia Police’s strategies of overcoming ‘time-lags’ and the early introduction of detectives could still lead to better practices by promoting better information-sharing with victims/survivors.

Two recent South Australian sources cite similar characteristics of unsatisfactory police responses as those identified by interviewees. The first South Australian example is from the Women’s Legal Service (WLS), which argued:

*Women contacting the WLS who have reported sexual assault to the police have reported dissatisfaction with how they have been treated. Complaints include:*

- *Unresponsiveness, including not returning phone calls.*
- *Lack of information about processes, i.e. investigation.*
- *Lack of information about their rights.*
- *Not being informed about perpetrator’s bail conditions.*
- *No reason given for not proceeding with laying charges.*

*Current practice of the SAPOL with respect to victims of domestic and sexual violence reveals a serious lack of communication about police decisions and processes following the report of an offence. Women have contacted the WLS in frustration and made complaints about being fobbed off by police when attempting to gain information about their case. Further, women have complained about inconsistencies regarding information they are given.*

(quoted in Legislative Review Committee, 2005: 41f, para 4.14)

Again, its focus is on best practice being characterised by responsive, informative behaviour rather than increased apprehension rates alone.

The second example is a recent study on domestic violence commissioned by South Australia Police and the South Australian Attorney-General's Department (F Morgan, 2004). As I showed in the first three chapters of this thesis, police responses to domestic/family violence and sexual violence are similar. Using telephone interviews with 20 victims of domestic violence, Frank Morgan found some women were dissatisfied with South Australia Police's lack of or ineffective follow-up, including a failure to return phone calls (F Morgan, 2004). In his evaluation of South Australia Police's No Domestic Violence Project, Morgan concluded:

*There are still instances where the police response is inconsistent and inadequate, as judged by victims of domestic violence and some service providers. SAPOL ... has not yet achieved optimum levels of response to domestic violence by staff in varied roles.*

(F Morgan, 2004: 71)

A study of criminal justice responses to family violence in the ACT also emphasised that to promote satisfactory police responses, police organisations needs to foster stronger, sustainable and consistent relationships (Holder & Munstermann, 2002).

## **5.7 Conclusion**

South Australia Police claims its sexual assault investigation procedures reflect 'world's best practice' (South Australia Police, 2004e: 18). Yet the introduction of the Sexual Crime Investigation Branch does not overcome many of the problems faced by victims/survivors who dealt with the Sexual Assault Unit. The women I interviewed found South Australia Police offered disjointed and unpredictable standards of service, with many women receiving both excellent and inadequate service at the various stages of contact with police. South Australia Police's 'best practice' is currently determined by police administrators without the input of people who have been raped. By exploring the expectations of victims/survivors and their actual experiences with police in this chapter, I showed that stereotypes and myths about rape affect the attitudes and behaviour of both victims/survivors and police officers. Many participants felt guilty and responsible for their

victimisation – a judgment sometimes reinforced by the actual responses of individual officers.

In this chapter, I focused on three key contact points with South Australia Police: reporting, giving a statement and the investigation. At each stage, for each interviewee, different police officers were involved. It is apparent that both individual and organisational factors influenced participants' satisfaction. Being treated with respect and courtesy was critical. Police needed to ensure victims/survivors understood police procedures and were kept updated of progress on their cases. Satisfactory individual responses were professional, empathic, warm and responsive. Negative interactions with police were described as dismissive, belittling and apathetic. Dealing with female police officers with good interpersonal skills was optimal.

At the statement-taking stage, interviewees were happy with services they received from female officers of the Sexual Assault Unit (see also South Australia Police, 2004e). While officers' gender did not guarantee predictable responses – with many male officers also offering excellent service at the reporting and investigation stages – the fear of having to disclose to male officers sometimes prevented women from reporting (Olivia, Philippa, Beth; see also Stop Rape Now Coalition, 2004). At the investigation stage, while some investigating officers provided exemplary service, characterised by professionalism, respect and commitment, again the South Australia Police responses were mixed (see also F Morgan, 2004). Jordan (2001a) found that being believed by police had a significant impact on women who had been raped. In my study, while participants feared police would not believe them, the prevailing issue was the minimisation of rape by police. In some cases, insensitivity by officers and ignorance of the psychological impact of rape was illustrated by their belief that the women should 'let it go' (Charlotte) and 'move on'. Poor follow-up contact by investigators and their overt apathy and disinterest in some cases discouraged victims/survivors.

Victims'/survivors' satisfaction stemmed from having their rights recognised and respected. Beyond attitudes of individual officers, interviewees appreciated police who made the effort and took time to contact them and provide follow up. They

sought understanding, professionalism and the provision of information from the police. Problems emerged due to the 'lucky dip' – when South Australia Police responded inconsistently and unpredictably.



## **Chapter Six**

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### **Satisfaction guaranteed? Factors that led to variations in South Australia Police practices**

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*Police responses to women must always be victim oriented and with her best interests in mind, but the inescapable reality of their position is that they do have responsibility for gathering evidence (the victim being pivotal in this process), they do have to ask difficult and often intrusive questions, and ultimately they have to take whatever steps are necessary to ensure that the case has the best chance of proceeding to prosecution.*

(Nelson, 1995: 296)

#### **6.1 Introduction**

The range of participants' experiences with South Australia Police provides grounds for both hope and disappointment. Victims/survivors received no guarantees of satisfactory police responses. In this chapter, I show that individual factors such as the use of female officers, open and ongoing communication, strong interpersonal skills and supportive attitudes are all paramount in promoting satisfactory police responses. Additionally, organisational factors, particularly police cultures, influence the quality of police responses such that poor police

responses may be the product of myths and stereotypes, organisational scepticism and investigative priorities.

In the first three chapters, I presented an overview of current police practices in Australia. I examined the social context within which sexual violence occurs, and analysed the existing research that indicates inconsistent police responses are common across some English-speaking jurisdictions. I analysed the collective and individual factors within policing organisations which lead to inconsistent police responses and non-reporting of rape. Within the South Australian context of limited research and ‘rape prone’ attitudes, I then introduced my research in Chapter Four.

In Chapters Five and Six, I explored the expectations and experiences of participants with South Australia Police as they progressed through the reporting and investigation process. Statements made by individual South Australia Police officers in my pilot study (see Appendix C) supported the women I interviewed, and I refer to their comments in this chapter.

Like work undertaken in other English-speaking jurisdictions, my research has highlighted the existence of unpredictable and inconsistent police practices. Some responses are excellent: characterised by belief, competency, professionalism, empathy and empowerment of victims/survivors. Some responses are poor due to police attitudes, apathy, poor communication or inadequate follow-up and a clear message that sex offences are not a priority to policing organisations. In this chapter, by examining some of the key factors that affect police responses – whether cultural, individual or organisational – I outline qualities associated with good police practices. I also discuss how inappropriate responses may lead to secondary victimisation and attrition. Finally, in Chapter Seven, I propose future directions for South Australia Police and its Sexual Crime Investigation Branch based on my research findings and the wider literature.

## **6.2 Individual factors**

As I illustrated in Chapter Three, effective police responses are the result of a complex interplay of individual, cultural and organisational issues.

Victims/survivors do not have a comprehensive knowledge of police practices and policies. As a result, participants rarely attributed good or poor practices to policy directives. Participants instead credited their satisfaction to the competence, empathy and professionalism of individual officers. So, for example, Imogen felt overall: ‘they’ve been fantastic with me. They have been *so good*. Really wonderful ... I dealt straight with detectives and from then on in they certainly exceeded my expectations’. Each woman interacted with many officers, some of whom were very competent, while others were less responsive. Research in Britain with victims/survivors found that ‘individual experience is dependent on the response of individual officers, many of whom seem insensitive to the needs of women’ (Women’s National Commission, 2002:10).

### ***Importance of Gender***

Previous research has highlighted that officers’ gender is correlated with victims’/survivors’ satisfaction with police (Bamford & Pitman, 2004; Gregory & Lees, 1999; NSW Sexual Assault Committee, 1993; Standing Committee on Social Issues, 1996). In my study, the gender of the first contact officer was considered important by 10 of the 11 participants. The prospect of having to deal initially with a male officer was felt by Olivia and Philippa to be a barrier to reporting. Beth was very clear she ‘wouldn’t have wanted to have spoken to a male about such things’. Their reticence was exacerbated when it was obvious male officers were uncomfortable dealing with reports of rape:

*You could tell that he wasn’t comfortable. He was an older detective. He was quite happy to let the young female detective deal with it ... He found it very difficult to look me in the eye let alone at me at all ... He stood back ... uncomfortable with being there.*

(Daphne)

Dealing with male rather than female police was sometimes more stressful because women expected male officers to be less likely to respond sensitively:

*Men are men. Men have been conditioned in society and ... I don't believe a lot of men realise what it is that they are saying. If you've got a man who says something that is slightly sexist or something, you know, just slightly inappropriate, it can affect the woman who's listening.*

(Charlotte)

Daphne felt police officers require:

*A level of compassion and yet, at the same time, professionalism in that you're not to show any great interest in the gory details, to treat it very matter-of-factly. I think if you showed too much interest in [the rape] that would be very distressing.*

These statements suggest male police officers are in an unenviable position. They must meet a high standard of care by showing concern but not too much interest and balancing sensitivity with pragmatism (see also Bamford & Pitman, 2004).

The women who reported positive experiences with female police officers, described the officers as: 'personable' (Olivia); possessing 'compassion' and an 'ability to listen' (Sarah); fostering 'trust', being 'friendly', sensitive and 'considerate' (Beth). Kathleen, Olivia and Charlotte met female police officers they felt were more poorly equipped than male officers to deal with victims/survivors of rape. In Olivia's experience, the quality of service provided by female police officers varied: 'The first lady ... I couldn't imagine having to speak to someone any better. She was just wonderful. The second lady was not so welcoming and personable'. The experiences of these victims/survivors suggest gender was moderated by the personal skills and characteristics of individual officers.

Some male officers were able to balance professionalism with empathy. Imogen was comfortable discussing the rape with her investigating officer:

*Because I suppose you know, I have never had any sense that ... he sees anything sexual in what occurred ... The way I perceived his perception of the offence ... [was that] this is an assault ... That has ... been really important to me and it's so crystallised to me is the very fact that the offence is violent not sexual.*

Kathleen was also impressed with the professionalism of the male police officer to whom she reported the assault. However, she was then referred to a female officer who did not possess any specific skills pertaining to rape:

*The guy at the desk was really, really nice ... and my estimation of police officers went up ... The woman taking the report, she wasn't nervous or unconfident or anything but just hesitant ... Might just be that she hasn't [taken a report of rape] before or ... in a while or whatever, but it was just that ... she'd type something in and she'd typed it in the wrong box or whatever.*

Sometimes the participants were surprised at the inadequacy of female police officers' responses:

*I think that if a woman is raped she needs to immediately speak with someone ... preferably a woman because women understand women to some degree. Although those women, the police women that I met ... were cold and I've never actually met women like that in my life. Like they were so brittle and cold.*

(Charlotte)

Charlotte was a victim of drink spiking interstate many years after being raped in Adelaide. There she dealt with female police officers who were unwilling to provide her with information. Due to their general 'incompetence', she decided to fly home and make a statement over the phone. Upon returning to Adelaide she was greeted by her grandmother who was very concerned for her welfare after receiving a phone call from the interstate police who informed her that Charlotte had been: 'drugged last night and – you know – tampered with.' Despite the 16-year time lapse, her experience with the interstate police was no better than with South Australia Police.

Regardless of individual officers' gender or abilities, the most important gender issue for the participants was having the choice to speak with a woman. South Australia Police's current practices do not cater for this right to choose. First, the majority of victim statements and investigations remain the responsibility of generalist investigators in Local Service Areas (South Australia Police, 2004b), and therefore statements: 'may be taken by a police officer of either gender (preferably a Criminal Investigation Branch investigator), unless the victim registers an objection to the gender of the statement taker' (South Australia Police, 2004b: 224). The assigned investigator, whether male or female, is most likely to take the statement. S/he is advised, when speaking with a victim/survivor, that:

*The following preamble must be used [emphasis in original] ...*

*Q1. I am the police officer who will be conducting this investigation. Are you comfortable with me leading you through this process? ...*

*Q2. I am going to have to ask you some specific personal questions about the incident(s) do you have any objection to me continuing to conduct this interview?*

(South Australia Police, 2004b: 224)

Secondly, it is clear that victims/survivors are not explicitly asked if they wish to speak with a female officer. The fact that this preamble does not ask the victim/survivor if they have a preference to speak with a female officer is intentional. South Australia Police were mindful not to ask women who have been raped a leading question (G Stevens, 2004). This directly contradicts the policy of Victoria Police, which states, ‘unless the victim otherwise requests, a SOCA [Sexual Offences and Child Abuse] Unit member of the same sex should conduct the interview and take a full statement’ (Victoria Police, 2005a: 20). South Australia Police’s directive would be influenced in no small part by the fact that there are far fewer female detectives than male detectives in South Australia Police (13.9% of the 402 detectives are female; Sheppard, 2005). By not including explicit choices, the preamble may alienate victims/survivors and prevent them from pursuing police action, by implying that their only choice is to talk to the first officer or entirely reject police assistance.

Despite this, Detective Chief Inspector Grant Stevens, then the Officer in Charge of the Paedophile Task Force, stated in June 2004: ‘the issue of gender balance was something we identified as crucial to our ability to maintain service delivery to victims of sexual assault’ (cited in Legislative Review Committee, 2005: 21, para 3.7). Stevens stated that an internal review considered relevant research (primarily relying on Jordan 2002a) and found that ‘victim preferences relate more to how they are managed and the professionalism of the officer concerned as opposed to the gender’ (cited in Legislative Review Committee, 2005: 21, para 3.7). South Australia Police cite Jan Jordan’s work to justify the use of male officers to undertake interviews of victims/survivors, arguing that ‘professionalism, warmth and sensitivity’ (Jordan, 2002a: 319) are more important than gender per se (South Australia Police, 2004e: 21). While Jordan did indeed say this, her point was not that any male officer is equally equipped

and appropriate as any female officer to respond to a rape victim/survivor. Rather, that gender alone cannot guarantee quality of service.

This was reinforced by both the experiences of interviewees and a female Senior Constable who responded to my pilot survey (refer Appendix C). She wrote:

*Speaking as a female who has done five years plus in the country I have dealt with many sex crimes/victims. Males will quickly pass on responsibility of sexual crime investigations. At times the victim (female/male) may wish to speak with a male and this is never considered. I once was tasked to a [rape] and the victim was hostile toward me and I was expected to take the statement. After speaking with my partner (male) she disclosed she had been raped by two girls so not all rapes are male offenders.*

(R8)

Victims/survivors want the right to choose the gender of the officer, not the right to choose to speak with a female per se.

This choice is paramount. A female victim/survivor may be so traumatised that she is unable to discuss rape with a male (or even approach the police if there is any likelihood of having to speak with a male), regardless of his abilities (Women's National Commission, 2002). In my study, three participants indicated that they had very real concerns they would have to relay rape details to a male officer (Olivia, Philippa, Sarah). Based on the participants' experiences, the key to the provision of care and service to victims/survivors is to ensure that not only do they have the choice to speak with either a female or male officer but that they are aware of this choice (Sexual Assault Response Program, 2005).

In South Australia, if victims/survivors voice a preference to speak with a female police officer, 78 female officers (ranks and roles unspecified) have 'attended an advanced workshop to enhance their statement taking and interviewing skills' (South Australia Police, 2004b: 224). This approach significantly downplays the expertise required by officers when speaking with traumatised victims/survivors about sexual assault in detail. It also increases the likelihood of inconsistent responses by South Australia Police when responding to rape. Under the current system, victim statements may be taken by highly trained female officers from the Victim Management Section, a female police officer who has attended the

workshop or an untrained male (or female) officer from a Local Service Area. In each case, in addition to their gender, the interpersonal skills of individual officers play a significant role in the appropriateness of police responses (Jordan, 2002a; Karp, 1996; Temkin, 1999; Wilkinson & Froyland, 1996).

### ***Communication, consistency and interpersonal skills***

When asked what made police responses effective, participants stated that officers must have ‘good communication skills, have an understanding for the ... [victim] of the crime. Not the person who *committed* the crime’ (Sarah). As the participants’ feedback highlighted in Chapter Five, beyond good interpersonal skills, it was imperative for officers to give timely and adequate explanations to victims/survivors regarding police procedures and processes. Many participants had limited contact with police and felt unsure about what was going to happen after they reported a rape. This sometimes added to their fears and uncertainty about whether they had made the right decision in involving police.

Olivia’s recommendations to others were borne of her own poor experience with a detective:

*I had to find out his name from someone else ... He just wasn’t offering any sort of information. He didn’t introduce himself ... I just think poor effort, really. I mean he could have just called me and said, ‘this is my name, I am looking after it, this is what I am planning to do, this is what I have done so far.’*

*But it was like pulling teeth to get any information out of him ... At first he didn’t say anything about calling me so I just kept calling him and I think he’s at the stage now where he is sick of me calling, but I wouldn’t find anything out otherwise ... He says he will call me if he finds anything new. But I’m not going to hold my breath really. He said, ‘It’s alright if you keep calling me, but I’m only going to call you if something happens.’*

A careless and apathetic response such as this may have lasting impact on a victim’s/survivor’s satisfaction with police and her recovery (Ullman *et al.*, 2007). Olivia interpreted the lack of interest and dedication of one officer as representative of the stance of the whole organisation.

Australian (Attorney General's Department, 2000; Bamford & Pitman, 2004; Lievore, 2005; Queensland Police Service, 1993) and international research (HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary, 2002; Jordan, 2001a; Metropolitan Police Authority, 2002) has highlighted the need for police to provide victims/survivors with information about the court process and the progress of their investigation. The South Australian Victims of Crime Coordinator, Michael O'Connell, assists in the allocation of government resources to benefit victims of crime (*Victims of Crime Act 2001* (SA), s.16). He said:

*Information is very important to empower victims. Likewise, some victims want to be kept informed on the progress of their cases. Alas, reports that I receive suggest that some victims have difficulties getting information from the police, or the information that they get is not timely. Victims should not suffer because of police inefficiencies – the assertion that staffing levels are a major impediment to keeping victims informed and otherwise honouring victims' rights is unacceptable.*

(quoted in Legislative Review Committee, 2005: 42, para 4.16)

In her Australian research, Denise Lievore highlighted that victims/survivors 'experience a sense of marginalisation' (Lievore, 2005: 17), due to communication breakdowns and a lack of information provided by police.

By ensuring that one or two officers remain allocated to a case throughout the reporting and investigation stages, South Australia Police can promote consistency of contact. Kathleen received poor service and inaccurate advice from a police officer who did not have a full understanding of her case. Kathleen was being stalked and libelled by the rape perpetrator via Internet chatrooms. The officer who advised Kathleen: did not know anything about the case, did not refer to the assigned detectives, had a poor grasp of the applicable criminal law, and did not make mention of the available services offered by South Australia Police relevant to electronic crime:

*I called the station after [the first and only meeting with the assigned detective], but he wasn't there. And whoever picked up the phone just told me to forget about it and move on because they couldn't do anything about it. It was just someone who's noticed the phone ringing and picked it up ... I said I'd reported a rape a couple of weeks ago and been in there and the guy was apparently on-line harassing me ... I was on-line on a message board and he was having*

*a go at me on the message board. And it ended up being deleted because it was that bad. And so like I called the police and they're like, 'Oh sorry can't do anything, just turn your computer off and forget about it' ...*

*The only thing that I could tell you [about the police officer] is that she was female.*

Even if nothing could be done about the online behaviour of the offender, the investigating officer should have been made aware. Whether or not the responding officer made the link between the harassment and the sexual assault, she was in no position to advise Kathleen as she clearly did not have an understanding of the case or the outstanding rape investigation. As highlighted by the *Coalition of Women's Domestic Violence Services of South Australia*, when dealing with police, 'successful outcomes are achieved when [a victim/survivor] can deal with those officers who have knowledge of her situation' (Hughes, 2003:1).

Although Kathleen was still being threatened by the offender, after trying to tell the investigating officer, she ended up not pursuing the offender through the criminal justice system. While she felt the offender may escalate his behaviour, 'I don't even bother telling the police any more because they don't care'. Olivia on the other hand did want to pursue the case but got no support from the assigned investigating officer. She suggested that South Australia Police ensure they 'only give these sorts of cases to people who take it seriously and want to do something about it'.

### ***Police attitudes***

The attitudes of police – whether expressed or implied – and how they are perceived by women who have been raped have a significant impact on victims/survivors (Crime and Misconduct Commission, 2003; Flannery & Byrnes, 1993; Office of Police Integrity, 2005; Standing Committee on Social Issues, 1996). Sarah, Beth and Jane indicated they appreciated the professional, non-judgmental approaches of the police officers with whom they dealt. Empathy and consideration were also identified as key traits of successful police officers (compared with Charlotte's and Olivia's experiences). Beth felt overall, the police 'manner [was] quite affirming and quite supportive'. Both Imogen and Daphne

knew the perpetrators and felt some pressure from friends and family to not pursue police action. In their cases, the detectives' attitudes were critical in reinforcing their self-perceptions as 'real victims' (Ullman *et al.*, 2007). Because the female investigator believed her and blamed the offender, Daphne felt empowered. Imogen felt support from the police – particularly from the lead detective – was imperative in retaining perspective on the offender and his behaviour:

*I have actually found that it has been quite useful that the police were so indignant at the behaviour ... Sometimes you need someone who is going to say, 'No, look he did the wrong thing by you and other people as well and you know he's a dangerous individual.'*

(Imogen)

A recent Tasmanian study, involving 13 female victims/survivors highlighted supportive attitudes of police were 'noted more for their absence' (Bamford & Pitman, 2004: 36), with respondents acutely aware of the need for sensitivity and empathy when it was not offered.

The far-reaching impact of unsupportive reactions of individual officers was striking. When dealing with her assigned detective, Olivia felt: 'the impression that I got from him was that it was a waste of his time. Really. And that it is rather trivial for him to have to do this sort of stuff'. In the experiences of their clients, the Women's Health Advisory Group, has found that South Australia Police (McCreadie, 2003:2):

*officers have been known to become indifferent or angry with female victims who either drop charges or apply to have restraining orders revoked ... This places blame on the women and away from the perpetrator. Women experience this as abusive and feel less able to request police assistance, even years later.*

Secondary victimisation – where experiences with police are likened to being victimised a second time – can occur through negligent, thoughtless or intentionally inappropriate comments or behaviour by police officers and other criminal justice agencies (R Campbell *et al.*, 2003; Queensland Police Service, 1993; Sexual Assault Response Program, 2005). For example, on the night she was raped, a police woman said to Charlotte:

*'Now that this has happened to you, you're going to probably want to have counselling or they'll offer counselling to you.'*

*And she said, ‘Be really wary of it ... there are groups around but they are feminist groups.’*

*And I didn’t know much about feminists, and she said that ‘most of them are lesbians,’ and she said that, ‘they’ll try and make you into a lesbian.’*

*And I didn’t even know what a lesbian was. I was going through puberty and I was ... just too self conscious about sexuality and sex to even, you know, to have thought about any of this. And I was thinking to myself, ‘Oh, you know, I’ve got to, now I’ve got all this danger and I’ve got to watch out’ ... – and she made lesbianism sound really bad as well – and I thought, ‘is this my fate to become a lesbian?’*

*And so that is actually why I was really dead against counselling at the time.*

This extraordinary comment had such an impact on Charlotte she did not seek counselling for many years, prolonging the traumatic effects of the rape:

*All the girls at school found out and didn’t know how to deal with it ... I couldn’t confide in anyone, because I was afraid I would become a lesbian if I tried to get therapy from anyone. So I packed my bags and went interstate ... and I thought, ‘well no one knew what had happened to me there.’*

The impact of such a comment highlights how individual police responses can affirm victims/survivors or reinforce feelings of self-blame (Ullman *et al.*, 2007), such that even ‘benign actions ... [may] leave the victim feeling absolutely devoid of any personal control’ (Nelson, 1995: 293).

Negative experiences with South Australia Police had far reaching effects.

Participants were less likely to contact police if re-victimised, even when their subsequent experiences were not associated with sexual assault. Philippa, who decided not to report two sexual assaults to South Australia Police, was partially influenced by a previous interaction with local police when someone pulled a knife on her. When she reported this incident, the responding police officer was uninterested, took weeks to follow it up and made her feel like she was wasting precious police time. There was an overall impression held by half of the participants (Philippa, Sarah, Kathleen, Charlotte, Olivia) that police were sometimes unavailable, distant and fundamentally impotent.

### **6.3 Organisational factors: Police culture**

When Olivia dealt with an investigator who was apathetic and uninterested she did not consider that his response might also be perceived as inappropriate by South Australia Police. Olivia believed making a complaint would be pointless:

*Because I don't know who chooses which detective to go on what case. I don't think they'd really listen to what I had to say anyway. I mean it's not like he's being extremely rude or anything, like saying it's a load of crap ... because if he had then I'd be able to complain about it.*

As I argued in Chapter Three, victims/survivors may not realise the implications of organisational priorities on individual police responses to rape. Even if independent officers are efficient and dedicated, organisational demands may lead to poor responses, as is illustrated in this South Australian example:

*We pleaded for a change of police officer [with the Officer in Charge of a Local Service Area]. But it did not happen until I had made a complaint to the Police Complaints Authority. I then was given a new police officer - 'one of their best' to handle the case. The report that came back from the Police Complaints Authority expressed that there were problems with this officer, and it was an issue to do with this officer, not the police system in general. They were not going to do anything about it other than deal with the issue internally. However, even though my experience with the next officer was that she was very efficient, I do believe there is a systemic problem ... An officer is assigned, but they work shifts on for weeks and then shifts off for weeks. They are also understaffed, and under resourced.*

(Fiona Clarke, cited in Legislative Review Committee, 2005: 44f)

Australian research has found victims/survivors perceive positive interactions to be characterised by individual factors such as: unquestioning belief by the police; respectful treatment; the provision of information, and swift police action (Bamford & Pitman, 2004; Lievore, 2005). Yet, often the presence or absence of these elements is influenced by police culture and entrenched stereotypes about rape and rape victims.

#### ***'Real rape' stereotypes***

Participants feared that police and the justice system expected all reasonable victims/survivors to report rape immediately (and treated with suspicion delayed reporting). As a result, many interviewees were concerned that police would

compare them to a ‘real victim’ standard to assess their validity as a victim and the likely truth of their report. This was supported by research from Australia (Carrington, 1998b; Lievore, 2005), the United Kingdom (HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary, 2002) and the United States (Clay-Warner & Burt, 2005). Amanda Konradi (1996) interviewed 32 Ohio women who had been raped and decided to pursue court action. In many cases, the women acknowledged it was necessary to present themselves in accordance with myths and stereotypes about rape victims – regardless of their own views – in order to gain the court’s sympathy. International research has found that police perceptions of rape victims are often based on stereotypical ideas about ‘real victims’ (see: Carrington, 1998b; HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary, 2002) despite clear policy advocating supportive responses to victims/survivors (R Campbell & Johnson, 1997: 58; see also Victorian Law Reform Commission, 2004).

Research highlighted in Chapter Two coupled with the experiences of the participants, showed that ‘real victim’ stereotypes were not consistently applied by South Australia Police. In some of the interviewees’ experiences, police responses could be predicted by ‘real victim’ stereotypes. For example, Imogen and Daphne reported positive experiences with the police. They are both articulate, tertiary-educated and reported the offences immediately. Jane and Fiona reported negative experiences with the police. They were both drugged by offenders and responded aggressively to police. Fiona had previous negative contact with the police. Jane felt: ‘my experiences have been on the rough end of the scale, not on the nice end of the scale. And there are people out there that have been raped that don’t have the same ordeal that I have’.

Jane believed:

*The victim is portrayed as this dirty little scrag that deserved everything they got because they must have done something. Whether it's 'they smiled' or 'they happened to be wearing a low-cut top' or whatever, you know? And ... unless you're a virgin who is like 10-years'-old [and] brought up in an affluent family, forget it. It gives you a better guarantee than those from a low socio-economic area ... the only real victim that the system perceives as a victim is a virgin.*

However, positive and negative police responses did not always reflect stereotypes. As a result, nor were police responses predictable. Olivia and Charlotte reported negative experiences. They are both articulate and stereotypically ‘credible’ victims. At the time of the rape, Charlotte was a 16-year-old virgin from an upper-middle-class family. She was raped in her own home with a witness. Despite fitting the ‘real victim’ mould, her report was initially treated as dubious.

A recent study undertaken by the Australian Institute of Criminology found jurors’ perceptions of victim/survivor credibility was also complex. From their analysis of feedback provided by 210 jurors involved in mock rape trials in New South Wales, Natalie Taylor and Jacqueline Joudo (2005: 67) concluded:

*Victim credibility is not an objectively defined phenomenon – ... [it] is not simply about the clothes she wears or the consistency of her story, or the manner in which she presents her testimony. If it were, we would have expected all jurors to have the same opinions about her credibility in each of the conditions in this study (since these were being kept constant across jurors). This was not the case – jurors had different opinions about her credibility which were unrelated to these issues. Jurors are not passive recipients of information. They actively interpret what they see and hear based on their own knowledge, experience, attitudes, biases and expectations. These beliefs and expectations drive the way they interpret information and the subsequent judgements they make.*

As I indicated in Chapter Two, police, the judiciary, jurors, legislators and victims/survivors are all affected by social norms, including rape myths. Thus, the findings of Taylor and Joudo’s study may be equally applicable to police officers. The fact that there were no common traits possessed by the participants in my study that guaranteed satisfactory police responses indicates that rape myths alone cannot be used to explain the inconsistency of police responses. Collective factors also affect police responses to rape.

### ***Disbelief and false reporting***

Police culture has been described as one ‘of disbelief’ (Women’s National Commission, 2002: 10; see also Kelly et al., 2005). Traditionally, police are inclined to challenge the character and veracity of victims/survivors. This is

despite both clear police policy and legislation in Australia (Crime and Misconduct Commission, 2003; Sexual Assault Response Program, 2005; South Australia Police, 1994; *Victims of Crime Act 2001* (SA); Victoria Police, 2005a), and broader research findings in Australia (Bargen & Fishwick, 1995; Crime and Misconduct Commission, 2003; Heenan, 2005; Heenan & Ross, 1994; Kelly, 2001; SC Taylor, 2004; Victorian Community Council Against Violence, 1991), the United Kingdom (Kelly et al., 2005; Temkin, 1999, 2002; Williamson, 1996; Women's National Commission, 2002), the United States (R Campbell & Johnson, 1997; Ullman *et al.*, 2007) and New Zealand (Jordan, 2001a) which all indicates that disbelief negatively affects both procedural and outcome justice.

Daphne emphasised:

*that whether you believe a crime has occurred or not, [police officers must] respect that this person feels victimised by the offender and to make sure that that victimisation doesn't continue into the investigative process.*

This view was reiterated by the surveyed South Australia Police officers, indicating that at an individual level, police may be sympathetic towards victims/survivors. Two female senior constables with considerable experience with rape cases recognised that the process of reporting to police was difficult for victims (R4, R10), one stating that ‘the victim often is afraid they won’t be believed – therefore may not report. The first response from police will have a huge impact on how a victim copes’ (R10). Another female senior constable agreed that police must ‘be impartial and compassionate … you are there to investigate not judge’ (R8). A male Senior Constable with more than 13 years’ experience noted that: ‘of course we want the victim to be telling the truth but that is for the court to decide, not us. You need to show confidence in your victim. They need to feel you believe them’ (R2), while a female Senior Constable with 14 years’ experience recognised: ‘a rape victim should always be believed, to show them disbelief is as damaging as the offence committed on them’ (R4). Despite these statements and South Australian data which indicates a significant prevalence of rape and sexual violence (Dal Grande *et al.*, 1999), the false reports myth still exists at an organisational level within policing organisations.

While none of the interviewees were charged with making a false report, many were concerned that they would not be believed or would be blamed (Olivia, Beth, Philippa, Daphne, Fiona). Charlotte was challenged by a patrol officer for falsifying a rape, despite her father witnessing the assault:

*A police woman arrived and she said, 'look we need you to give your description of what he looks like straight away so we can try and find him if we are able to.'*

*And so I started giving this description and while he was in my room I deliberately tried to remember everything I possibly could about him ... And this police woman said, 'you remember so much it's as if you've made the story up'.*

*That was the first thing that she said to me. And I felt really, really bad. I felt wrong ... She actually made me feel very alone in saying that.*

In contrast, Daphne appreciated being believed and supported by investigators from the outset:

*They were very understanding ... They did not question as to whether it had happened. Or at least not in front of me. It was an outright assumption ... that something had happened and I was adversely affected by whatever had happened and so ... their first reaction was basically, 'we believe you and now we'll get on with investigating it' ... Which was really good.*

The chance of any positive relationship developing between police and a victim/survivor is immediately undermined if police challenge the veracity of the report from the first contact (Heenan & Ross, 1994). British research found incidents of false reporting 'may contribute to cultural cynicism surrounding victim credibility where it exists' (HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary, 2002: 35). Police scepticism and disbelief can be enough to dissuade a victim/survivor from pursuing further police action (Bamford & Pitman, 2004; Elklist, 2002; Kerstetter & Van Winkle, 1990).

Alternatively, allegations of false reporting may be used as a tool by investigators to expedite and resolve cases (Lievore, 2005). In Lievore's research (2005) undertaken across a number of Australian jurisdictions, three of the 36 participants were accused of making false reports. Lievore (2005c) found the allegations were based on either a victim's/survivor's uncertainty about whether to proceed or to force victims/survivors to seek no further police action.

South Australia Police sometimes charges alleged victims/survivors with making false reports (e.g. South Australia Police, 2005a). This practice is not common in other states where victims/survivors are rarely prosecuted for false reporting (e.g. ACT; Sexual Assault Response Program, 2005). NSW Police rarely report victims/survivors for making false reports and require approval from the Attorney-General to do so (New South Wales Police Service, 1999). Although Queensland Police Service has the power to ‘punish’ false reporters under section 10.21 of the *Queensland Police Service Administration Act 1999* (Qld), it does not include unfounded reports in its *Annual Statistical Review* (Queensland Police Service, 2006). The *South Australia Police Annual Report 2004 – 2005* indicated that 23 of the 711 reported rapes (3.2%) were unfounded (South Australia Police, 2005b: 124).<sup>11</sup> The unfounded rate was proportionately higher for rape than all other reported offence types (South Australia Police, 2005b). Although infrequent, false reports are publicised by South Australia Police. For example, one South Australia Police media release stated (in its entirety):

*Woman reported for false report*

*Detectives from the Sexual Crime Investigation Branch today interviewed and reported a 19 year old woman from Modbury Heights for making a false report to Police. It will be alleged that the false report related to an allegation of sexual assault at Modbury Heights on the evening of the 30th of April this year.*

(South Australia Police, 2005a)

South Australia Police could argue that charging women with making a false report helps prevent future false reports by dissuading others from wasting police resources and allowing women to access requisite services. Certainly, many ‘false reporters’ need help: Jordan’s (2001a) work highlighted that many women who make false reports have mental health issues. Her analysis of police data also determined that despite the ‘scorned woman’ tag (which is reflected in the misnomer of ‘malicious false alarms’ or MFA by South Australia Police) false reporters are more likely to blame unknown assailants than implicate intimate partners or known individuals. In South Australia, ‘false reporters’ may not only be convicted of an offence but police can also demand payment for wasted police

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<sup>11</sup> As ‘unfounded’ is not defined, it should not be equated with ‘false’, but is a broader, catch all category (see: Estrich, 1987).

time and resources. Although Detective Inspector Linda Fellows of the Sexual Crime Investigation Branch assured victims their reports would be taken seriously, and ‘the welfare of victims is our highest priority’ (*The Southern Times Messenger*, 2005:1), a 16-year-old female was charged by South Australia Police for making a partially false report, although South Australia Police did continue to investigate the ‘possible’ sexual assault she reported (*The Southern Times Messenger*, 2005:1).

This practice does not foster strong partnerships between police and victims/survivors of sexual assault and shows the organisation’s ignorance of, or disregard for, the reasons why women conceal or reinvent elements of the offence. Although Charlotte was not charged with making a false report, the initial police response was unsupportive and characterised by disbelief. This undermined both her ongoing relationship with South Australia Police and her long-term recovery. By reporting victims/survivors for a partial false report, South Australia Police is reinforcing to victims/survivors that their reports need to be both true and believable, reflecting the socially constructed ‘reality’ of rape. In telling of their experiences, the minority of women who do report rape to police may partially amend their stories to reflect ‘real rapes’ and promote more supportive police responses to increase the chance of being taken seriously by police (Burgess & Hazelwood, 1995; Jordan, 2002c). The publicity and media coverage surrounding false reports may increase the doubts and fears of victims/survivors contemplating reporting, in case they too are not believed, or worse, charged with making a false report.

### ***The police understanding of rape trauma***

Rape and sexual assault were found to be the most significant precursors to Posttraumatic Stress Disorder in a secondary analysis of the results of the Australian National Survey of Mental Health and Wellbeing (Rosenman, 2002). Yet, the traumatic impact of rape and its aftermath varies, and police are often unsure how to address, accommodate and minimise trauma when responding to victims/survivors. Limited training and an offender focus mean police give scant consideration to how women define and respond to their experiences, or the

longer term effects of being a victim/survivor of such an invasive and heinous crime. South Australia Police policy identifies that victims/survivors may feel ‘dirty’, ‘violated’, ‘upset, scared, angry, or confused’ (South Australia Police, 2001b: 267). These behavioural examples all fit with a standardised ‘real response’ template and reinforce the stereotype that women respond to sexual assault in a common manner (e.g. immediately and visibly upset; Tasmania Law Reform Institute, 2005).

Rape is devastating. Yet, there were significant differences in the degree to which the participants were able to cope in the aftermath of rape (see: Kelly, 1987). Some of the interviewees were comfortable talking about rape (Imogen, Daphne) and others wanted to forget (Olivia, Kathleen, Jane). For example, Imogen felt: ‘while I don’t want to broadcast it around, I am not uncomfortable talking about it at all where it’s relevant … because that’s part of disowning it’. Imogen was acutely aware of the stigma of rape, yet wished to publicise her experiences in an attempt to reject labels of blame and humiliation typically attributed to rape victims/survivors. Imogen was conscious not to burden others with her experience and remains ‘determined not to be damaged amongst the general population’. Kathleen felt the same. She specified she did not want to be treated differently by others because she had been raped.

Despite responding differently to rape, all of the participants noted the significant impact it had on their lives, both in the short and long term. Jane described her immediate response to rape:

*The whole body just locked up … It was just total shut off. Complete. And I walked through the front door – like I said, I don’t remember walking home … raced straight to the bathroom and had a shower. That was the first thing I did. It was like – I just gotta get rid of this smell … It permeated the skin somehow you know? … And I remember sitting in the bath and just scrubbing with a nail brush … And, finally the water went cold. And I had to get out of the bath … it was freezing. And then I sat on the bathroom floor, wrapped in a towel and cried. For ages.*

Jane blocked out her memories of an earlier rape when she was 13-years’-old, using denial as a way of coping:

*Once I'd signed the statement and didn't see the cops anymore, it was like it didn't exist. It was like it was just one of those weird nightmares ... And it just slowly dissolved over years. Until the second rape, and then ... it all came flooding back.*

Charlotte felt police should not assume all women will be able to describe the incident or rapist clearly:

*I've found that a lot of women who have been raped aren't able to articulate their experience. They are quite clear thinking during the experience but it is another thing to be able to ... communicate that.*

She found South Australia Police's blindness to rape trauma undermined her will to assist in their investigation. She dealt with police whose:

*lack of sensitivity and understanding ... made me feel [that cooperating with the police] wasn't beneficial to me feeling any better. And when you are really vulnerable and low on energy or you are just drained or worn out by something that has just happened you don't want to [put yourself under further pressure and scrutiny].*

(Charlotte)

Rape has a considerable impact on the way victims/survivors see themselves. Some of the participants reported hating themselves (n=2), self-harming (n=1) and/or feeling suicidal (n=1). The reactions of others – including police – were critical in undermining, or reinforcing, these views:

*People's perceptions do more damage than your own perception because you take it on. I already had a hard enough time dealing with me and hating me without having to deal with other people's perceptions of me.*

(Jane)

Rape also had a direct impact on the interviewees' personal relationships with men. All of the participants became wary and mistrustful of men they did not know. Charlotte and Jane reported experiencing multiple violent and/or dysfunctional relationships with men. Beth married a homosexual man who presented no physical or sexual threat. In part, the women's mistrust of males is evident in their interactions with male police officers. If male police officers were scathing or dismissive, this compounded victims'/survivors' already wary attitudes toward men.

Dysfunctional police responses may be viewed as indicative of wider male and societal attitudes, and may reinforce victims/survivors own self-doubt. Charlotte felt the impact of rape was amplified by police responses:

*It just affected all of my relationships with men ... If I'd received great counselling immediately or even if the police had been trained in being able to be more sensitive or just say the right things at the time, or if there'd been perhaps a social worker there with me ... that that would have made a huge difference. Because ... the interaction I had with the police, made me shut down ... I felt no one really understands what's going on and ... so I just bottled it up ... for years and years and years. And, yeah, [a supportive initial response] really would have changed my life, for sure.*

At an organisational level, South Australia Police often redirected scrutiny from offences and offenders to victims/survivors. Fiona, Philippa and Jane did not report rape to police, partly because they felt too much time had passed since the rape and they would be disbelieved. Research shows that they are right to be concerned: a lack of contemporaneous reporting does contribute to disbelief by police officers and others (Cling, 2004; Department for Women, 1996; Jordan, 2001a, 2004a, 2004b; Tasmania Law Reform Institute, 2005; Victorian Law Reform Commission, 2004). In their British study, Jessica Harris and Sharon Grace (1999: 18) quoted one of the police officers as saying:

*... it's something that has to be covered in the statement really, why, you know they haven't reported it to you for two weeks or something, or seemed calm when they did. It could be that there's a genuine reason you know, but it doesn't look good on paper, does it?*

Looking ‘good on paper’ ties into the fact that policing organisations are very focused on outcomes rather than process when defining justice and good practice, as I argued in Chapter Three.

## 6.4 Organisational factors: South Australia Police practices

### *Investigative priorities*

This chapter opens with a quote from Tracy Nelson (1995), a counsellor/advocate at Yarrow Place who highlighted that police are required to balance concern and care for victims/survivors with workplace obligations (see also Sexual Assault

Response Program, 2005). Some participants found that dealing with South Australia Police was 'very frustrating. It seems to protect the guilty not the innocent' (Beth). Margaret Jones and Anthony Crocker (Sexual Assault Response Program; 2005: 26) noted:

*The tension between these two roles – investigation and an empathetic, sensitive response – can affect how police do their work. Investigators might focus on investigating and finding out as much as possible when the victim is traumatised. What a victim might perceive to be a sceptical attitude on the part of the police might be seen by the police as suitably probing questioning of the victim to ascertain what occurred.*

There is an additional tension because of the differences in how police and victims/survivors perceive rape and the role of victims/survivors in the investigation process. Interviewees sometimes felt pressured by police to be capable and resilient and assist in police investigations whether by having medical examinations or by giving descriptions of offenders. This was generally at a time suitable to police rather than victims/survivors. Participants highlighted that, just because they did assist police, South Australia Police should not assume it was easy:

*They asked if I wanted a break, but that was basically all of the consideration they put into how I was doing. And I mean I was going through a hell of a lot ... at the time ... and they were like, sort of, 'Ah, she's here, so she's obviously fine with it so, you know, we'll just keep going.'*

*And it was like, I was sitting there shaking and if I wasn't sitting down I would have like just passed out but it was just like, 'nope, keep going.'*

*And ... I did not like that.*

(Kathleen)

Good practice principles are difficult to enact. My research shows victims/survivors respond to rape differently. Good practice requires first, empowerment of victims/survivors by promoting options and choices wherever possible about their involvement in police processes. A female Senior Constable involved in my pilot study acknowledged that 'the victim must have control of the direction of the investigation' (R8). The feedback from the interviewees, like the attitudes of the victims/survivors involved in Lievore's (2005: 63) research:

*highlight firstly, that it is crucial for women to regain control and make their own decisions about what steps are necessary to advance their personal well-being and secondly, that decision-making is facilitated by social support and knowing what options are available.*

Police must also inform victims/survivors when police practices cannot be directed by victims of crime such that, when victims/survivors are presented with choices, they are real, available and beneficial (Lievore, 2005c). Often ‘additional expectations are placed on women to take responsibility for their safety by making the right choices’ (McCreadie, 2003:2). In some cases, by offering victims/survivors the opportunity to make the ‘right choice’, police officers abdicated their own responsibility for case outcomes.

Grievances emerged when interviewees felt they were required to maintain or promote the momentum of an investigation, were not kept fully informed of the progress of their cases or were perceived by police as evidence rather than people with free will. Police inaction or lack of interest often exacerbated participants’ doubt about whether they should have involved police. Rather than restricting the liberties of the offender (e.g. giving a verbal warning; apprehending the offender or taking out a restraining order), officers advised Kathleen to make considerable changes to her social life to minimise the chances of interacting with the offender. Kathleen felt this was not ‘fair … [that the police were making it] my fault’. By allocating responsibility to victims/survivors, police reinforced interviewee’s existing feelings of self-blame. As Sarah noted, ‘the perpetrator gets the red carpet treatment whereas the person who suffers the crime doesn’t. Personally I think they get mistreated in some areas’.

By overlooking, or at best underestimating, the traumatic impact of rape and its aftermath, policing organisations impose unrealistic expectations and responsibilities on women who have been raped. In many cases, by not allowing victims/survivors to decide when and how they might assist, police often:

*have begun their investigative procedures whilst the victim is still in a state of shock. This has resulted in the client feeling revictimised and afraid to proceed with charges... Police attitudes still prevail which result in the treating of the victim with suspicion.*

(submission to the Tasmanian Task Force, 1998: 23)

Many of the participants in my study (Beth, Daphne, Olivia, Kathleen) felt the rape investigation process was victim-driven. Respondents to a phone survey in New South Wales felt the same (NSW Sexual Assault Committee, 1993). In Chapter Five, I discussed how participants were often required to initiate and maintain contact with South Australia Police in order to be advised of any progress. However, more than this, the participants sometimes felt obligated to: suggest paths to be investigated; initiate contact with the detectives; and sustain the momentum of the investigation (see also: Konradi, 1996; Queensland Police Service, 1993). In Olivia's case, an image of the offender was available to police. Olivia suggested to her detective that the image be shared with the media. Two weeks after she made the suggestion, and one week after the image appeared on television, she telephoned the investigator to ask if anything had happened, because he had not made contact with her since the broadcast. At times when they were extremely traumatised and trying to recover from the insidiousness of rape, the participants of my study found the responsibility of maintaining investigative momentum an additional, unwanted burden.

As illustrated by Konradi's (1996) study, women who have been raped have shown themselves to be resilient and resourceful in the face of a reluctant and sometimes hostile justice system. Unlike the traditional stereotype of 'passive, helpless' women discussed in Chapter Two, the women in my study were determined to pursue the cases (Daphne, Olivia, Shannon). Cases stalled or were filed only after police eroded the strength and resolve of interviewees by undermining their wishes or reinforcing their doubts – either about themselves or South Australia Police as a force for justice.

### ***Case outcomes, 'dropped' cases and attrition***

Attrition is defined as 'the number and proportion of cases that fail to reach court and result in a guilty verdict' (Regan & Kelly, 2003: 4). A British Home Office study has highlighted that most attrition occurs early in the reporting process, with most cases either 'lost' or 'dropped' (Kelly et al., 2005; see also: Fitzgerald, 2006). 'Lost' cases are those where: no offender is identified; the victim withdraws the report; or the offender is acquitted. Cases are 'dropped' when

police or prosecutors decide not to pursue them (Kelly *et al.*, 2005). In South Australia, it has been estimated the number of convictions for rape and attempted rape has been no higher than 3.1 percent of reported rape offences in any year since 1994 (M Heath, 2005). At the time of interviewing, only one participant's case was likely to lead to a court case. In another case, the South Australian Office of the Director of Public Prosecutions pressured Daphne to 'drop' the case:

*I was very surprised the way they went about it because I was called and asked to come in for a proofing ... I had already been taken on a court tour. Pressured in some respects to go on this court tour rather than wait ... [So to then be told], 'we don't think this case has enough evidence to go ahead with. We want you to withdraw it' was very, very difficult. It took me over two weeks to decide, although I suspect if I had turned around and said no, I still want to pursue it, they would have then dropped it anyway.*

In this case, Daphne 'choice' to withdraw the case was made in the absence of other options. Lievore described this position as a 'Hobson's choice: [where] they are forced to make what is apparently free choice when in reality they perceive that there is no choice at all' (Lievore, 2005: 49). The other seven cases reported to South Australia Police were filtered from the justice system at the reporting and investigation stages prior to police engaging with the Director of Public Prosecutions or pursuing the possibility of court action.

In South Australia Police, the performance of individual detectives, Criminal Investigation Branches and Local Service Areas is measured by the number of cases cleared. Cases are most often cleared: if a suspect has been apprehended, if a case is determined to be unfounded or false (as I discussed earlier in this chapter) or a victim/survivor signs a form requesting no further police action (Office of Crime Statistics and Research, 2003; South Australia Police, 2004e). Cases are considered 'not cleared' if they are filed by police after investigation (Office of Crime Statistics and Research, 2003). The South Australian Office of Crime Statistics and Research (2003) found more cases of rape reported in 2002 were cleared (n=353) than not cleared (n=275). Of those which were cleared, the majority involved victims/survivors signing a form requesting no further police action (n=172; 48.7%). A further 18 reports (5.1%) were recorded as unfounded or false reports (Office of Crime Statistics and Research, 2003). Of the initial 628

reports of rape, only 19 resulted in convictions of guilt (3.0%, convictions for rape or a lesser offence; J Chapman, 2005).

In the participants' experiences, some detectives interpreted the facts and, based on their own lack of confidence of the likelihood of an arrest, advised participants to sign a form stating they sought no further police action (Kathleen, Sarah, Beth). In Kathleen's case, the investigators focused on:

*The consent issue and [said] it wasn't clear enough and they didn't think they could get a conviction and how it wasn't worth it, and it would be a waste of resources and I got the impression that they didn't really want to deal with me so, and then they offered me the choice of like taking it to the DPP and I ... felt like they weren't really interested.*

For police officers to second-guess a prosecutor defies South Australia Police policy. According to generic position descriptions for investigators, an investigator must objectively 'ensure that all lines of enquiry are exhausted' regardless of the likely case outcome (South Australia Police, 2004d: 1). They must then pass the file onto the South Australia Police's Prosecutions Section which has the authority to determine whether to forward the case to the Office of the Director of Public Prosecutions.

It benefits investigators' clearance rates to encourage victims/survivors to request no further police action and clear a case rather than file it (pending further information). In some cases (Sarah, Kathleen), officers represented their discretionary powers as absolute authority to override the women's personal wishes to pursue their cases, despite South Australia Police's duty to investigate further. Officers did not always overtly assert power, but applied more subtle pressure on the women to agree with their preferred decisions. For example, when she first met detectives, Kathleen was told the Office of the Director of Public Prosecutions would say the consent issue was unclear and there was not enough evidence to take the case to court. The detectives said: 'The DPP would just look at it and throw it out and so there's no point continuing ... I mean, they asked me, but it's sort of like they'd already told me what, the answer to give.' Sarah felt her 'choice was done away with' and the decision was made for her by the police. Kathleen believed 'because they were the police they could do whatever they

want, whether it was legal or not'. This left her feeling dissatisfied with the way her case was resolved by the police.

## **6.5 Overall satisfaction with police responses and the decision to report**

I asked the participants whether they would consider reporting rape to South Australia Police now, with their newfound knowledge of the likely outcomes. Shannon said the humiliation of reporting was not worth it, considering the Office of the Director of Public Prosecutions would not pursue her case through court. She felt 'robbed of justice. That I am the one, who's still now paying for [it]...and going through the pain and anguish of what he's done and what's he got? Nothing'. Jane, Charlotte and Kathleen also felt that they had not received justice. Fiona believed South Australia Police: 'really let me down ... I don't really want to go to the police for anything really. That stuffed up my idea about the police'.

However, the majority of interviewees, despite their mixed experiences, would still involve police. Even with such poor experiences with a detective, Olivia would report a rape to police again. Imogen would too. Beth would report a rape more quickly than she did. Daphne felt somewhat vindicated by reporting rape: 'while I don't feel that justice has been served from my perspective, the fact that I was listened to, I was reported down as a statistic and that I pursued this as far as I could has helped me in some sense'. Philippa had reported neither of two sexual assaults. Yet she believed if she was assaulted again, she would involve police.

These participants' feelings were reflected in the findings of other national and international studies (Bamford & Pitman, 2004; Gregory & Lees, 1999; Lievore, 2005; Queensland Police Service, 1993). In her Australian study, Denise Lievore (2005) found the majority ( $n=23$ ) of the 30 victims/survivors she interviewed would report a sexual assault to police again. However these responses were often qualified by various conditions. Many women identified the process as victim-driven, and felt they had not been assertive enough or pushed police to act (Lievore, 2005). Almost one-quarter of the women ( $n=7$ ) indicated they would not

involve the police again. According to Lievore, this was 'often because they received neither substantive nor procedural justice' (Lievore, 2005: 64).

### ***Recommendations to others***

The participants in my study recommended overwhelmingly for others to involve police, even when they themselves had not, or had received negative or ineffective responses from police. Sarah, Beth, Fiona, Kathleen and Olivia recommended involving police early to be able to gather as much evidence as possible. This recommendation was not made to pursue definite police action but to ensure all future options were available. Free choice was repeatedly emphasised as the most important factor.

Many of the interviewees who had poor experiences still saw police involvement as necessary. However, police were not always viewed as supportive, with some women (Daphne, Philippa, Jane) emphasising the need for other social and psychological support. Even as she recommended involving police, Beth was sceptical about the benefit of involving the criminal justice system:

*[Report] it as soon as you can. Yes, do it. But ... I was a court companion with a lady who was going through a rape case. And I sat alongside her in the witness box ... [And] lots of single photographs went round all the jury members. And sweat was pouring off her. One jury member fell asleep. And unfortunately she saw that. I mean she's sitting there going through her worst day ... and there's one falling asleep. I mean fair dues to the person falling asleep; it was the lawyer with one photograph to go through all of those people. I mean the tactics, the lawyers.*

Participants were driven by the hope that other victims/survivors would fare better than they had. Some women felt by not reporting their own victimisation they were never able to reach closure. Many acknowledged it was down to the 'lucky dip' (Cartwright, 2003) whether other women would receive a positive reception by South Australia Police.

## **6.6 Conclusion**

In this chapter, I have explored individual and collective factors which affect victims'/survivors' satisfaction with police and lead to inconsistent police responses. South Australia Police and victims/survivors measure good practice and justice differently. The police, as an organisation, focus on good practice in terms of outcome justice (i.e. arrests and/or convictions). Victims/survivors focus on procedural justice, measured by appropriate and effective police processes, and accepting, professional and sympathetic treatment (Hickman & Simpson, 2003). Satisfaction was reported when victims/survivors felt empowered, informed, involved and respected. Dissatisfaction with police responses was based on poor communication, perceived negative or apathetic attitudes and a lack of follow-up. Likely to be under pressure themselves to expeditiously process a report of rape, lighten their workload and improve their performance statistics, some investigators reportedly pressured victims/survivors to seek no further police action; challenged the honesty of victims/survivors directly; or were unavailable and disinterested, relying on victims/survivors to provide the impetus and motivation to drive investigations.

Satisfaction with police responses was often reported when participants dealt with officers who were perceived to be caring, warm, professional and empathic. Individual factors such as gender, interpersonal skills and police attitudes all affected the satisfaction levels of participants. Their experiences reflected the findings of the international research I referred to in Chapter Three. Attitudes of individual officers may also be a reflection of patriarchal police cultures and widely held rape myths and stereotypes. Organisational issues, such as investigative priorities also affect the service received by victims/survivors, and therefore their satisfaction. The mixed satisfaction levels of interviewees gives further credence to the existence of the 'lucky dip', a term I borrowed from Sarah Cartwright (2003) to refer to the unpredictable police responses to rape in South Australia.

Interestingly, despite their mixed experiences all participants felt reporting a rape to the police was vital. Whether this was for closure, for justice or to help others,

the overwhelming view was that there was still a chance their goals might be realised. Despite their initial misgivings and reservations about involving the police (which were sometimes borne out in their experiences), the interviewees pursued their cases as far as they felt they could (see also Lievore, 2005). As a result of interactions with police, some participants experienced secondary victimisation. Their recovery was often protracted because they were either ignorant of, or diverted from, support services. It is clear police have a responsibility to victims/survivors of rape beyond collecting the facts and making arrests. Police act as a window to wider society. If officers judge and blame victims/survivors for rape, sexual assault will remain under-reported and overlooked. This is particularly significant because rape is: 'probably the most significant crime – even above murder – for taking a toll on the victim' (Daphne).

*Chapter Six*

## **Chapter Seven**

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### **From research to ‘best-practice’: Implications for South Australia Police**

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*We acknowledge it is a traumatic experience for victims of sexual assault and if we can provide a service more tailored to the unique nature of these offences, then I am sure we will encourage more people to come forward ... What we are looking at is an improved, integrated service for sexual offences.*

(South Australia Police Commissioner Mal Hyde, quoted in Hunt, 2004: 6)

#### **7.1 Introduction**

To work ‘together to reassure and protect the community from crime’ (South Australia Police, 2004a: 10), the Commissioner suggested South Australia Police needs to offer an ‘improved, integrated service’ (South Australia Police Commissioner Mal Hyde, quoted in Hunt, 2004: 6). The women involved in my study agreed. Yet, such an integrated service is lacking, with South Australia Police offering mixed and inconsistent services. This was reiterated in the findings of the recent Legislative Review Committee’s inquiry into sexual assault conviction rates in South Australia. The Committee stated that:

*Several submissions to the Committee suggested that police investigations of sexual assaults...had been unsatisfactory. In particular, they highlighted organisational problems, unsympathetic attitudes and a lack of communication from police as the key problems with police practices.*

*Equally, other submissions commented that they felt the police were supportive and dedicated, and were overall pleased with their response.*

(Legislative Review Committee, 2005: 2)

The Legislative Review Committee was established by the South Australian Government in part because ‘none of us really knows [why retention and conviction rates are so low for rape]’ (Chief Justice John Doyle, South Australian Supreme Court, cited in Legislative Review Committee, 2005:16, para 2.39).

From the perceptions, expectations and experiences of the women I interviewed, victims’/survivors’ satisfaction was based on procedural justice – characterised by consistent, compassionate and committed police responses. South Australia Police should be well aware of these factors as they are key components of ‘fair treatment’ under the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (Office of the United Nations High Commissioner for Human Rights, 1985) and South Australia Police is governed by them under the *Victims of Crime Act 2001* (SA). Furthermore, international research findings (Blair, 1985; Jordan, 2001a, 2004b; Kelly, 2001; Temkin, 1997, 1999, 2002), including work undertaken in Australia (Bargen & Fishwick, 1995; Easteal, 1994; Heenan & Ross, 1994; Keel *et al.*, 2005; Lievore, 2003a, 2005), reinforce these factors as elements of good practice. As a result, it is more than remiss of Chief Justice Doyle to claim not to understand the reasons for low rape reporting and conviction rates (Legislative Review Committee, 2004a, 2004b, 2005).

In Chapter One, I summarised police responses to rape in various Australian jurisdictions, explored the political context within which rape is responded to by South Australia Police and outlined the reviews undertaken to date in South Australia. In Chapters Two and Three, I explored the rape-prone attitudes of Australian society. I showed that the rape myths and stereotypes readily accepted by South Australians are reflected in both the fears of victims/survivors and South Australia Police approaches to rape. I examined mixed police responses to rape –

both on an individual and collective level. The perceptions and experiences of victims/survivors from other English-speaking jurisdictions described in these chapters were reflected in the findings of my study, outlined in Chapters Five and Six. In Chapter Five, I showed how South Australia Police's responses to the participants were inconsistent from initial reporting stages to the closure of cases. I followed this in Chapter Six, by identifying the individual and collective factors that participants perceived as critical in providing satisfactory police responses. Like Denise Lievore (2005: 59), I found:

*A small number of factors contribute to women's perceptions that their interactions with criminal justice personnel were helpful. These factors include belief, respect, information, and being taken seriously, as denoted by police taking swift action.*

In this chapter, based on the participants' experiences and satisfaction, I propose future directions and recommendations for South Australia Police. I focus on developing workable goals that require the implementation of multiple strategies for change.

Rape is a complex social issue, and the criminal justice system is renowned for exacerbating the trauma of sexual violence and offering limited justice to victims/survivors – both in procedural and outcome terms. However, it is neither sufficient nor appropriate to accept such a flawed system as inevitable or unchangeable. My research is significant. It has been undertaken in a little-researched jurisdiction, examining the practices of a police service that has been both untouched by external review and slow to manage and implement change (Spargo, 1998). My data showed a disappointing degree of variability in South Australia Police responses to rape. However, there was hope in the fact that, while some South Australia Police officers offered a poor standard of care to victims/survivors, many individual police officers provided exemplary service. My personal hope is that, now this preliminary work has been done, South Australia Police will fulfil its duty to ensure procedural justice for all victims of crime, by striving to achieve consistently good service based on ongoing feedback from victims/survivors.

## **7.2 Perceptions of South Australia Police responses**

The meaning of ‘rape’ is as much subjective – defined in terms of community attitudes and social norms – as it is objective, defined by law. Therefore the perceptions of both victims/survivors and individual police officers are important in influencing victims’/survivors’ expectations of police, their intentions to report and their resulting experiences with police. In assessing whether South Australia Police offers satisfactory responses to women who have been raped, it is important to compare ‘good police practices’ based on victims’/survivors’ perceptions with both the services South Australia Police believes it offers as well as those it actually offers (whether individually or organisationally). Whether victims/survivors expect inconsistent or wholly negative police responses, the impact is the same: most victims/survivors either do not report rape or disengage from police involvement soon after reporting.

### ***Victims’/survivors’ pre-contact expectations of the police***

There were personal and systemic reasons why participants did not engage, or remain involved, with the criminal justice system. Feelings of guilt, self-blame and responsibility (Fiona, Philippa, Jane, Sarah and Daphne) were evidence of participants internalising community attitudes and ‘real rape’ myths (Ullman *et al.*, 2007). Similarly, interviewees believed police also accepted stereotypes about ‘real rape’ and ‘real victims’. Sarah, Kathleen and Jane expected their claims to be dismissed, Jane and Olivia expected to be blamed and Imogen thought police would be sexist and lack understanding. Fiona and Philippa did not report because they felt they would be blamed for the rapes. As many participants expected interrogatory, sexist or disbelieving police responses, when police responses were better than expected, victims/survivors perceptions were positive (Olivia, Imogen, Daphne).

### ***Victims’/survivors’ understanding of good police practices***

‘Good’ or ‘satisfactory’ police practices should achieve justice for victims/survivors in one (or both) of two ways – either through empathic

processes or effective outcomes. Many of the participants initially believed that justice would be best served through a swift and positive outcome. Thus, as I indicated in Chapter Five, eight of the participants sought police assistance to stop offenders from re-offending and five wanted offenders to be arrested. Rarely did engagement with the criminal justice system lead to any form of outcome justice for the participants. Most often procedural justice became paramount, as participants continued through the investigation stages and outcome justice became more elusive (Hickman & Simpson, 2003). The interviewees indicated that good police responses were characterised by professionalism, understanding, respect, ongoing support and the provision of information (see also: Lievore, 2005).

Participants wanted South Australia Police to offer them choices about their involvement and provide timely and meaningful responses to their questions and preferences. Individual factors, such as police officers' attitudes and perceived dedication were significant in promoting satisfactory police responses (Kathleen, Sarah, Jane, Imogen, Daphne). Organisational factors, such as providing sufficient information explaining police processes (Kathleen, Imogen, Daphne, Charlotte, Sarah, Olivia, Jane), allocating skilled, dedicated and suitable officers throughout the investigation (Sarah, Kathleen, Jane, Imogen, Daphne) and ensuring timely responses and updates (Imogen, Beth, Charlotte, Olivia, Daphne, Jane, Sarah) were also important characteristics of good police practices. The women participants emphasised that the best police responses involved the use of female officers who were empathic, with strong communication and interpersonal skills.

### ***Victims'/survivors' experiences with South Australia Police***

None of the women I interviewed received entirely good or satisfactory responses from South Australia Police. Even when participants were positive about their experiences with police (Imogen, Shannon and Daphne), this did not mean their experiences were ideal or could not be improved (see also Temkin, 1997). Although some dealt with compassionate and effective individual police officers (Sarah, Beth, Daphne, Shannon, Imogen, Olivia), many had mixed or negative experiences with South Australia Police – whether due to individual (Olivia,

Charlotte, Fiona, Kathleen) or organisation factors. As I summarised in Chapter Six, South Australia Police responses were sometimes perceived by participants as disappointing due to the adherence to ‘real rape’ stereotypes, competing work demands which led to delays and poor organisational understanding of the traumatic impact rape has on victims/survivors.

Interviewees were most likely to attribute the quality of police responses to individual officers because the impact of organisational factors (e.g. culture, policy, priorities and procedures) was often indirect and invisible to victims/survivors. When they were attributed to organisational factors, poor responses were often dismissed by participants as inevitable and insurmountable, such as communication breakdowns (Sarah, Jane) or a lack of police-initiated follow up (Jane, Charlotte, Daphne, Olivia, Sarah). However, the experiences of other interviewees suggested that individual officers were capable of keeping victims/survivors informed throughout the investigation process, even when organisational priorities led to problems such as untimely delays (Beth, Imogen).

In my study, Olivia dealt with a generalist Criminal Investigation Branch investigator lacking both the skills and disposition to investigate rape appropriately:

*I don't know whether he is a specialist in this sort of field ... I'd hope he would be but then again if he is, I don't know how he got to be a specialist because he doesn't seem to give a rat's about it.*

Ideally, ‘all police officers are investigators and … should have the skills to conduct investigations of all types’ (R8, also R6, 9). However, many generalist officers do not have these skills, as Olivia’s experiences showed. According to a recent Australian Capital Territory (ACT) report undertaken by the Australian Federal Police in conjunction with the ACT Office of Public Prosecutions (Sexual Assault Response Program, 2005), while the practice of using both specialist and generalist investigators is not unusual in Australia, international ‘best practice’ is characterised by the use of a specialist investigative unit in all cases of reported rape (see also: Cartwright, 2003; Epstein & Langenbahn, 1994; Metropolitan Police Authority, 2002; Morgan, McCulloch & Burrows, 1996; Queensland Police

Service, 1993; Regan & Kelly, 2003; Sexual Assault Response Program, 2005; Women's National Commission, 2002).

The problem in using both specialist and generalist officers, as South Australia Police does, is that:

*The contrast between these very effective units and individuals and the inadequacy of the approaches of front line police officers in these areas leads to an inconsistent experience for women: on the one hand they get understanding and practical help from the specialists they encounter during ongoing problems, and on the other a reactive and poorly informed response from the uniformed officers at a time of crisis.*

(Women's National Commission, 2002: 9)

### ***Individual police officers' perceptions of police responses***

By pilot testing my questionnaire with South Australia Police members (Appendices B and C), I learned that most of the officers surveyed in my pilot study agreed that rapes should be investigated by specialist investigators (n=9; R1, R2, R3, R7, R10, R12, R13, R14, R15) rather than 'maintain[ing] the current situation' of using generalist and specialist investigators. Three South Australia Police respondents felt that services for victims/survivors could be improved through the establishment of 'a central unit to do *all* rape cases' (R10, emphasis added, also endorsed by R6, R7) staffed by investigators who '*choose* to work in that specialist area ... [and who] have a genuine interest' (R10; emphasis in original).

Overall, individual police officers had mixed views on victims, their duties as police officers, the quality of service South Australia Police currently offered and how best practice is enacted and enforced. One male Constable perceived South Australia Police responses to rape to be 'good' (R12). Another male Constable (R14) who worked in patrols felt that South Australia Police was so successful at investigating rape, police practices could not be faulted. Other police officers recognised the traumatic impact of rape and the reasons victims/survivors might be disinclined to involve police. One male Senior Constable stated that, he would advise people to 'think carefully about what you expect the outcome to be' before

reporting to police (R3). A female officer acknowledged that ‘the violation is greater [with rape] than any other crime’ (R8, also R4). As a result, ‘some victims are traumatised for life and find it difficult to cooperate with police due to the nature of the attack’ (R1, also R3, R13). Some respondents acknowledged that individual South Australia Police officers offered mixed responses to victims/survivors of rape, with a female patrol officer (Senior Constable) emphasising that ‘some coppers have no appreciation of how to treat victims’.

### **7.3 Implications for South Australia Police**

#### *Current South Australia Police practices*

The Sexual Crime Investigation Branch, established after my data were collected, provides grounds for both hope and disappointment. According to South Australia Police, it was established with the admirable intentions to provide timely and consistent responses to sexual violence and prioritise victim welfare (South Australia Police, 2004c: 1). ‘SAPOL suggested the creation of the Sexual Crimes Investigation Branch would bring consistency and best practice to the investigations of sexual assaults in South Australia’ (Legislative Review Committee, 2005: 2). Yet, by developing a two-tier system of offence and response classification and case allocation, victims/survivors are now more likely to receive an unpredictable response (Dawson, 2004). Additionally, victims/survivors are less likely to be able to choose to give their statement to a qualified, dedicated female officer (South Australia Police, 2004b).

South Australia Police claims ‘the formulation of the Sexual Crime Investigation Branch will ensure a cultural shift in South Australia Police by raising the status of sexual offence investigation’ (South Australia Police, 2004e: 11). Yet, the Branch’s mandate is only to investigate: ‘stranger rapes, rapes with aggravated violence, serial sexual offences or sexual offences that are complex, protracted and resource intensive’ (South Australia Police, 2004e: 10 - 11). The Branch cannot ‘ensure’ or even promote ‘a cultural shift’ when its mandate reiterates that stranger danger is taken more seriously by police. Michael O’Connell, Victims of Crime Coordinator for the South Australian Attorney-General’s Department, was

quoted as saying that the emphasis on stranger rape: 'could mask the reality that for some rape victims, their victimisation is more a part of their everyday experience ... in marriage or defacto relationships' (cited in Riches, 2004: 17). This focus on stranger danger was also criticised by the *Stop Rape Now Coalition*, which argued 'rape committed by a stranger and/or accompanied by evidence of serious injury is treated more sympathetically and with more urgency than a rape by a partner' (Stop Rape Now Coalition, 2004: 17 - 18).

Although Chief Inspector Tony Harrison has been quoted as defending the scope of the mandate, stating: 'all rapes are as serious as one another. It's not the case that all known offender cases will be handled by local service areas' (cited in Riches, 2004: 17), the more 'straightforward' rapes between acquaintances or family members continue to be handled by detectives in Local Service Areas. The Victim Support Service Inc believes:

*There is discrimination of deserving versus undeserving victims inherent in the splitting of cases into Tier 1 cases to be handled by the less specialised LSA investigators and the more serious, complex or time consuming Tier 2 cases for the new elite Sexual Crime Investigation Branch to investigate.*

(Dawson, 2004: Section 14.9)

By allocating rapes to both specialist and generalist investigators; South Australia Police responses to rape will remain variable, at best.

### ***'Good' and 'best' practice: Grounds for hope...***

Despite individual police officers' diverse views, as an organisation South Australia Police claims that it offers 'optimal' services to victims/survivors of rape (Angus, 2003), premised on 'world's best practice' (South Australia Police, 2004e: 18). However, this 'optimal practice' is based on an internal review of its practices, that culminated in the establishment of the Sexual Crime Investigation Branch, rather than independent empirical evidence (South Australia Police, 2004e). To meet 'world's best practice' (South Australia Police, 2004e: 18), South Australia Police must promote ongoing, independent and transparent scrutiny of its practices, incorporating and addressing perceptions of victims/survivors (Metropolitan Police Authority, 2002). Research focusing on South Australia

Police is rare and often ineffective in improving police practices. A research partnership was established in 1997 between South Australia Police and the University of South Australia to examine how police culture influenced the evolution of South Australia Police as a learning organisation (Shanahan, 2000). While the research findings of such a project would be valuable in determining how South Australia Police could better respond to victims/survivors of rape, there is no evidence that the project was completed or its recommendations enacted by South Australia Police. This local research void, coupled with South Australia Police's limited consideration of the recommendations of international policing research, makes their claim of 'world's best practice' (South Australia Police, 2004e: 18) a significant overstatement.

Research undertaken 20 years ago in Scotland (Chambers & Millar, 1986), ten years ago in Canada (Campbell, 1996) and the United States (Epstein & Langenbahn, 1994), and in the last five years in the United Kingdom (HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary, 2002; Home Office, 2002; Kelly, 2001; Kelly, Lovett & Regan, 2005; Metropolitan Police Authority, 2002; Regan & Kelly, 2003) all highlight that victims/survivors perceive good police practices to be characterised by: the use of specialist investigators; a strong understanding of the traumatic impact of rape and effective communication. The Sexual Assault Unit was an example of 'best practice' (as perceived by victims of crime and external agencies) which was rejected by South Australia Police. From its inception, the Sexual Assault Unit was positively received by support agencies and victims/survivors alike (Carmody, 1991; South Australia Police, 2004e). 'The training and sensitivity of the female police officers and their thoughtfulness in providing information to survivors about the progress on their complaints' (Carmody, 1991: 26) was highly regarded.

Two officers involved in my pilot study believed that, to promote good practice, all South Australia Police members should undertake ongoing and structured training on sexual violence (R5, 7). In South Australia, training and education to overcome stereotypes and apathetic responses to rape could be renewed with regular, compulsory refresher courses for all officers (Starzynski *et al.*, 2005). This could be similar to South Australia Police's compulsory two-day refresher

Incident Management and Operational Safety Training (IMOST; South Australia Police, 2002), which 'deals with such areas as incident management, communications, negotiations, conflict resolution and defensive tactics' (Chivell, 2000: Section 16.5). Regular, compulsory education courses provided at the South Australia Police Academy could promote behaviour change in one of two ways: either through a change in individual attitudes or recognition by trainees that inappropriate responses will neither be condoned nor overlooked by the organisation (R Campbell & Johnson, 1997; Parker, 2004). In this way, South Australia Police could ensure that on all occasions, no matter how rare, when police are confronted with sexual violence or other offences of violence against women, officers have the knowledge and confidence to respond appropriately.

However, multiple implementation strategies are required to promote more consistent police responses to rape and sexual assault. Compulsory training, while enhancing police awareness and potentially enlightening police attitudes will not be sufficient to turn all generalist officers into highly skilled rape specialists. The development and use of specialist units, investigators and officers to take statements remains invaluable in providing satisfactory police responses. Previous research has highlighted the need to keep the roles of officers with specific victim-focused skills (e.g. Victim Management Section) separate from those who focused on offenders (i.e. investigators/detectives; Metropolitan Police Authority, 2002). For example, investigators often see themselves as 'crime fighters' rather than 'social workers' dedicated to the rights of victims of crime (Gregory & Lees, 1999; Jordan, 2004; Kelly, 2002; Temkin, 1999).

A recent recommendation made by the NSW Criminal Justice Sexual Offences Taskforce, was to establish 'one-stop-shops' to provide coordinated service delivery to adult victims/survivors of sexual violence (Attorney-General's Department of New South Wales, 2006). The responsibility of workers within this 'one-stop-shop' would be to provide medical examinations and counselling, develop strong interagency links (including the provision of training) and liaise with police and prosecutors. In effect, such a model in South Australia would combine the responsibilities of Yarrow Place, (the now defunct) Sexual Assault Unit and South Australia Police's Victim Contact Officers. Although this type of

approach might challenge the underlying mandate and responsibilities of the different agencies, participants in my study supported an integrated model which would have overcome the confusion felt by Daphne and Sarah in reporting and pursuing their cases respectively. Charlotte recommended the presence of an advocate at the reporting stage:

*So that ... while I was being asked to give my statement and while I was being asked questions they could have been there and not interfered or said anything but just after, afterwards I would have known that they'd witnessed everything that I'd just been through and I could discuss it with them and then ask them for their opinion and ... ask them, 'how do I do this now? What do I do now?'*

*They would say, 'Well, lots of other girls have been through this, and you've got these options'.*

'Best practice' prioritises the welfare of victims/survivors, minimising both secondary victimisation and attrition of rape cases (Ullman *et al.*, 2007). Many of the suggestions identified as elemental to satisfactory police responses by the participants in my study are recognised as victim rights under the *Victims of Crime Act 2001* (SA). The Act recognises the rights to fair and dignified treatment and information about criminal investigation and prosecution. Police must 'have regard, and to give effect, to the principles so far as it is practicable to do so' (s. 4). Although one male Senior Constable in my pilot study emphasised that police are already guided 'by "international rights of victims"' (R5), and another male Senior Constable (R1) acknowledged that police officers were bound by the *Victims of Crime Act 2001* (SA), most police did not acknowledge an awareness of their statutory duties.

Individual officers also believed that South Australia Police would benefit from clear guidelines (n=7; R3, R5, R8, R12, R13, R14 & R15). Certainly, a code of practice could provide short-term benefits for victims/survivors (Heenan & McKelvie, 1993). However, policies and codes of practice alone cannot overcome police cultures or individual attitudes (J Chan, 1997, A Goldsmith, 2000; Metropolitan Police Authority, 2002; Sexual Assault Response Program, 2005). Previous South Australian research supports this assertion. The No Domestic Violence Project found that, despite clear guidelines South Australia Police provided inconsistent responses (F Morgan, 2004; refer to Chapter Three for

details). To affect change in a policing organisation requires multiple strategies that target both the individual and collective factors that lead to inconsistent responses to rape, not the least being police culture.

## 7.4 Engendering change in a policing organisation

To overcome 'rape-prone' social norms and rape myths requires long-term cultural change. Janet Chan's research on police reform in New South Wales found that written guidelines and codes of practice had less effect on police behaviour and attitudes than peer group culture (J Chan, 1997; J Chan, Devery & Doran, 2003; see also Reiner, 2000). As police cultures are neither homogeneous nor static, the key is convincing police (both as individuals and as an organisation) that they want to change. This is particularly difficult because police organisations and cultures are resistant to change, especially when change is imposed rather than voluntary (J Chan, 1999). Effective involuntary change in other jurisdictions has been the result of crisis or scandal (see: Campbell, 1996; J Chan, 1999), which is something South Australia Police has avoided.

Change is often traumatic and challenges long-accepted attitudes (J Chan, 1997; A Goldsmith, 2000; Spargo, 1998). As a result, change must be championed within the organisation rather than the product of academic research alone, for police traditionally 'distrust ... intellectuals' (Shanahan, 2000: 4). For South Australia Police to offer consistent responses to rape, the whole organisation must be committed to this goal, both 'top-down' and 'bottom-up' (J Chan, 1997; Spargo, 1998). Home Office research in the United Kingdom has highlighted that 'top-down' change, characterised by managerial commitment (Morgan *et al.*, 1996: 27), has limited effect on street-level interactions between individual officers and victims/survivors of rape (J Chan, 1997). It is 'bottom-up' reform that addresses the beliefs and attitudes of police who have daily contact with victims/survivors of rape (J Chan, 1997). As argued by Jan Jordan (2005):

*Much of the resistance to reform initiatives derives from the ways in which cultural attributes channel, and sometimes blinker, police thinking as well as providing an emotional resonance with dearly held traditional and familiar beliefs – in this case, about both the nature of rape and the nature of women. A major challenge facing police*

*organisations ... is to find ways of working with their members to counter this resistance from within.*

(p. 31f)

Social, collective and individual police factors all affect the likelihood of positive police responses, yet intervention strategies and good practice models cannot effectively target all three. Best practice requires an ongoing, committed, multi-faceted approach to change police practices. My research has shown that a range of individual and collective factors influence police responses to rape. As a result, to promote victims'/survivors' satisfaction and good police practice, South Australia Police must identify what 'best practice' is in terms of the needs and preferences of victims/survivors and engage in a range of mechanisms to promote sought outcomes. In acknowledging that a range of factors influence unpredictable and satisfactory police responses to victims/survivors, strategies for improving and standardising police practices must aim to target both individual and organisational factors.

## **7.5 Conclusion**

My research, based on the expectations and experiences of 11 women who were raped, supports the argument that South Australia Police is still a long way from being able to claim it offers 'world's best practice' (South Australia Police, 2004e: 18). The participants in my study had mixed and unpredictable experiences. At each stage of the reporting and investigation process, participants identified good and poor practices that contributed to South Australia Police's overall unpredictable service. Most interviewees experienced the 'lucky dip': unpredictable experience with police that were either partially or entirely negative. These inconsistent police practices can lead, as in the United Kingdom, to 'the reputation of the police [being] damaged, undermining the excellent practices of some officers' (Women's National Commission, 2002: 11). Yet, while many participants experienced personal disappointments when dealing with South Australia Police, all hoped that others could attain justice through police involvement.

In order to promote consistently good responses to rape, South Australia Police must acknowledge that ‘a change in thinking, practice and eventually culture, will improve the ability of an organisation to work’ together with victims/survivors of rape (Shanahan, 2000: 5). South Australia Police needs to consider how to improve organisational factors that affect the quality of police responses, such as training, practices and policy. Better practices could be achieved through the development of specialist units and a commitment by management to not only develop strong policies and directives but to seek continuous improvement, through ongoing evaluation and implementation strategies (Cartwright, 2003; Jordan, 2001a; 2004b). My research has shown that there are individual officers and sections within South Australia Police that offer compassionate and professional services to people who have been raped. South Australia Police could amend its Performance Outcome Review processes to champion these examples of fair and equitable services for victims of crime.

In establishing the Sexual Crime Investigation Branch, South Australia Police has shown its commitment to good practice. Yet, unlike other Australian police services, it did not establish a multi-agency Taskforce to review police responses to rape, nor did it undertake an independent evaluation of existing policies. Although South Australia Police did initiate the *Criminal Investigative Processes Project*, it was an internal review. Such reviews are a common practice for policing organisations, completed without regard for methodological rigour (Morgan *et al.*, 1996). In future reviews, by regularly seeking feedback from women who have been raped, South Australia Police could better ensure that police initiatives (i.e. Sexual Crime Investigation Branch) and policies lead to the intended progressive victim services (F Morgan, 2004; Queensland Police Service, 1993).

Good practices require open communication about police procedures to dispel any myths or misguided fears of victims/survivors. Good practices encourage victims'/survivors' trust in police services and promote increased reporting of rape and sexual assault. Rather than adopting the ‘best practices’ of other police services, South Australia Police should consult with victims/survivors and consider what can, is and must be done to meet their needs and respect their rights

as victims of crime. South Australia Police must look beyond Key Performance Indicators and conviction rates to victims'/survivors' satisfaction in providing better practices (Stop Rape Now Coalition, 2004). By acknowledging the primacy of victims'/survivors' rights to both procedural and outcome justice, South Australia Police could better work with victims/survivors toward 'world's best practice' (South Australia Police, 2004e: 18). In this way, rather than offering a disappointing mix of unpredictable services to people who have been raped, South Australia Police's responses to rape could provide 'grounds for hope' (Lievore, 2005: 59).

## **Appendices**

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## **Appendix A**

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### **Approval to use South Australia Police quotes**

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All quotes attributed to individual SAPOL officers by the media were forwarded to the appropriate SAPOL members for verification. The following email was sent:

Dear <Title> <Name>,  
*As you may know, I am currently completing a Research Masters Degree in Law, and have written a thesis entitled South Australia Police Responses to Rape. In the thesis, I draw from a number of newspaper articles that refer to incidents of rape in South Australia or SAPOL's response to rape and sexual assault.*

*In some cases, I was unable to locate an official SAPOL media release relating to a news-story (either personally or through SAPOL's Media Section).*

*I am writing to you because I would like use <number of> quotes that were attributed to you in the media. I would like to give you the opportunity to confirm that what you said was reported accurately. If the quotes are not a reflection of your actual statements, could you please provide me with amended versions of what was actually said/your position on the issue?*

<Title of Newspaper Article> (<Date>), <Source>. <Journalist>  
'<quote attributed to individual>'

*If I do not receive a response from you, I shall assume that the quote was an accurate reflection of what was said.*

*Thank you very much for your time,  
Regards,*

**Katherine McLachlan**

The following responses were received:

*I believe this was an accurate quote ... please use it as you wish.  
(Senior Constable Annie Barton 5 September 2006)*

*Yes Katherine - you can quote me on those.  
(Detective Chief Inspector Linda Fellows, 6 September 2006)*

*Katherine, both statements from my recollection are accurate. I would ask you to take into consideration the context in which they were made, particularly the first quote of 3 April. It related to suggestions that Police would be possibly down playing the importance of rape in the circumstances that the offender was known to the victim. It was identifying that dependent on all of the circumstances (a criteria has since been established) of the rape/attempted rape, or sexual offence it would be allocated for investigation to either a local CIB unit and/or*

*the Sexual Crime Investigation Branch. Hope this helps and more  
than happy to discuss further.*

(Assistant Commissioner Tony Harrison, 4 September 2006)

*Good luck with your Masters – and no problems re the quotes.*

(Detective Senior Sergeant Paul Lewandowski, APM, 4 September  
2006)

*I have no problem with you using those quotes. I hope all goes well  
with it and I look forward to reading the finished product.*

(Detective Senior Sergeant Peter Shanahan, 11 September 2006)

Regarding the preface to Chapter Seven, a quote attributed by Nigel Hunt (2004) to Commissioner Mal Hyde, Kym Hardwick speaking on behalf of the Commissioner, offered ‘no comment’.



## **Appendix B**

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### **Questionnaire for South Australia Police members**

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*This questionnaire is designed to determine your experiences and views on how SAPOL investigates the rape of adults. Rape is defined, under the Criminal Law Consolidation Act (CLCA), as:*

A person who has sexual intercourse with another person without the consent of that other person -

- (a) knowing that that other person does not consent to sexual intercourse; or
- (b) being recklessly indifferent as to whether that other person consents to sexual intercourse.

*"Sexual Intercourse", under the CLCA, includes any activity (whether of a heterosexual or homosexual nature) consisting of or involving -*

- (a) penetration of the labia majora or anus of a person by any part of the body of another person or by any object; or
- (b) fellatio; or
- (c) cunnilingus.

*If you need extra room for your comments please write on the back of the questionnaire or on extra paper.*

*Thank you.*

**SAPOL Policy and Procedure**

**1. Does SAPOL have a policy that specifies how rapes must be investigated? (tick one)**

Yes

No

Don't know

**2. What do you see as the strengths of the methods currently employed by SAPOL to investigate adult rape? (tick all which apply)**

Delaying the recording of victim statements

Liaison with external support agencies

Liaison with internal agencies (eg between SAU and CIB)

Forensic Services (eg DNA)

Success of the Criminal Investigations (eg AP of offender)

Other (please specify)

**3. What do you see as the weaknesses of the methods currently employed by SAPOL to investigate rape? (tick all which apply)**

Delaying the recording of victim statements

Liaison with external support agencies

Liaison with internal agencies (eg between SAU and CIB)

Forensic Services (eg DNA)

Success of the Criminal Investigations (eg AP of offender)

Other (please specify)

.....  
*3a. How do you think services of SAPOL to adult victims of rape could be improved?*  
.....  
.....  
.....

**4. What do you understand the role(s) of the Sexual Assault Unit (SAU) to be, with regard to adult rape? (tick all that apply)**

- To assist in taking victim statements   
To assist in the organisation of a forensic medical   
To liaise with external support agencies   
To provide information to victims of their legal rights and support services   
To gain valuable intelligence about the offender   
To determine the honesty of the alleged victim   
Other (please specify)

.....  
*4a. How well do they fulfil these roles? (circle one)*

1	2	3	4	5	6
Very Well		Adequately		Very Poorly	Don't Know

*4b. Do you contact the SAU in every adult rape case you are involved in? (tick one)*

- Yes   
No

Comments?.....

**5. Have you heard of Yarrow Place Rape and Sexual Assault Service? (tick one)**

- Yes   
No

*5a. Have you had contact with Yarrow Place? (tick one)*

- Yes   
No

*5b. If yes to question 5, what do you understand the role(s) of Yarrow Place to be? (tick all that apply)*

- Adult rape and sexual assault service   
Provide forensic medicals   
Provide counselling to victims of rape   
Other (please specify)
- .....

*5c. How well do you think Yarrow Place fulfils these? (circle one)*

1	2	3	4	5	6
Very Well		Adequately		Very Poorly	Don't Know

**6. Do you believe the recency of a rape incident affects the urgency of a police investigation? (tick one)**

- Yes   
No

Please explain .....

.....

.....

**7. Currently Criminal Investigation Branch detectives are generalists and are tasked to a variety of offences, while Child and Family Investigators are specialists. How do you think that adult rape victims would be best served? (tick one)**

- Maintain the current situation – with domestic violence investigated by specialists, and other rapes by generalist investigators   
All rapes investigated by specialist investigators   
All rapes investigated by generalist investigators   
Don't know

Please explain .....

.....

***Offence Outcome***

- 8. After a rape has been reported to SAPOL, who do you think should have the power to decide whether an investigation proceeds? (tick all that apply)**

**The victim?**

- Yes   
No   
Don't know

**The investigators?**

- Yes   
No   
Don't know

**The DPP?**

- Yes   
No   
Don't know

**Comments?.....**

.....

- 9. Currently, as many – if not more – rapes are finalised by a victim signing a PD 207A form (requesting no further police action) than by an apprehension report. Why do you believe this occurs?**

.....

- 9a. Are there any circumstances in which you would encourage a victim to sign a PD 207A? (tick one)**

- Yes   
No   
Not applicable

**Please explain.....**

.....

*9b. If a victim has signed a PD 207A, can s/he retract it and re-open the investigation? (tick one)*

Yes

No

Depends on the circumstances

Don't know

*9c. If a victim has signed a PD 207A, what is legally required to occur with the forensic evidence? (tick one)*

It is stored indefinitely

It is stored for a fixed period of time

It is destroyed

Don't know

### ***Victim Contact***

**10. How important do you think it is for a female victim, that the:**

**Patrol Officer (first contact with SAPOL) is female? (circle one)**

1	2	3	4	5
Very Important		Sometimes Important		Not at all Important

**Investigator is female? (circle one)**

1	2	3	4	5
Very Important		Sometimes Important		Not at all Important

**Sexual Assault Unit member is female? (circle one)**

1	2	3	4	5
Very Important		Sometimes Important		Not at all Important

**Please explain.....**

.....

*10a. Have you ever asked a victim if s/he would prefer to speak about the rape with a female or male officer? (tick one)*

Yes

No

Not applicable

**Comments?.....**

**11. As an investigator, how much contact do you maintain with the victim throughout the investigation? (tick one)**

- At least once a week   
At least once a month   
At least once every three months   
Varies - as requested by the victim   
Not at all   
Not applicable   
Other (Please specify)
- .....

Comments?.....

.....

**12. What information do you give adult victims of rape who have reported the offence to police? (tick all that apply)**

- Generally, how the police will investigate the case and police procedure   
Advice about the court process   
Information about the likelihood of apprehension of the offender   
Information about the fines incurred if an alleged victim has made a false report   
Information about the forensic medical procedure   
Victim support services available   
Their rights as a victim   
Your contact details   
Other (please specify)
- .....

Comments?.....

.....

**13. Case law, legislation and General Orders exist that determine how police officers must treat alleged offenders. Do you consider there should be similar guidelines for the treatment of victims? (tick one)**

- Yes   
No   
Don't know

Please explain.....

.....

**14. If a member of your family were raped, what advice would you give them in regard to reporting the offence to police? (e.g. would you encourage them to report the offence to police? Why/why not?)**

.....  
.....  
.....

***False Reporting***

**15. As an investigator, how important is it to decide if the victim is telling the truth? (circle one)**

1 Very Important	2	3 Sometimes Important	4	5 Not at all Important	6 Not Applicable
------------------------	---	-----------------------------	---	------------------------------	------------------------

*Please explain*

.....  
.....

**15a. Do you think whether the investigator believes the victim is telling the truth has any impact on the victim? (tick one)**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

*Please explain*

.....  
.....

**15b. Do you consider any of the following factors when determining the truth of a report? (tick all that apply)**

Whether the story is plausible	<input type="checkbox"/>
Whether the victim has a history of rape allegations	<input type="checkbox"/>
Whether the victim appears intoxicated	<input type="checkbox"/>
The race or ethnicity of the victim	<input type="checkbox"/>
Whether the victim appears to be of low intellect	<input type="checkbox"/>
Whether the victim appears to suffer from a mental illness	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

.....  
.....

*15c. From your experience, how frequent are probable false reports? (circle one)*

1	2	3	4	5	6
Very Frequent				Very Infrequent	Don't Know

*15d. Do you believe any of the following factors motivate alleged victims to make false reports? (tick all that apply)*

- |                                      |                          |
|--------------------------------------|--------------------------|
| Mental health issues                 | <input type="checkbox"/> |
| Attention seeking                    | <input type="checkbox"/> |
| Malicious intent against the accused | <input type="checkbox"/> |
| Victim injury compensation           | <input type="checkbox"/> |
| Other (Please specify)               | <input type="checkbox"/> |

.....  
.....

### *Training and Experience*

**16. In cases where you were first on scene, how prepared (with knowledge and skills) do you feel you were to deal with the victim? (circle one)**

1	2	3	4	5	6
Very Prepared		Adequately Prepared		Extremely Under-prepared	Not Applicable

**17. What training have you received regarding the investigation of adult rape? (tick all which apply)**

- |                                  |                          |
|----------------------------------|--------------------------|
| Detective Course Training        | <input type="checkbox"/> |
| Sex Investigator Training Course | <input type="checkbox"/> |
| Victim Impact Course             | <input type="checkbox"/> |
| Cadet Training                   | <input type="checkbox"/> |
| None                             | <input type="checkbox"/> |
| Other (Please specify)           | <input type="checkbox"/> |

*17a. If applicable, how long was the training? (in days, approximately)*

*17b. If applicable, how long ago was the relevant training? (in months or years)*

17c. How would you rate the training? (circle one)

1 Excellent	2	3 Average	4	5 Very Poor	6 Not Applicable
----------------	---	--------------	---	----------------	---------------------

17d. How valuable/relevant has this proved to be? (circle one)

1 Highly Relevant	2	3 Useful	4	5 Not at all Relevant	6 Not Applicable
----------------------	---	-------------	---	--------------------------	---------------------

**18. Compared to other violent crimes, personally how difficult do you find it to investigate rape? (circle one)**

1 Very Difficult	2	3 Depends on the case	4	5 No different to other crimes	6 Not Applicable
---------------------	---	--------------------------	---	-----------------------------------	---------------------

18a. Do you find some rape offences easier to investigate than others? (tick one)

Yes   
No

Please explain.....  
.....

18b. How is the difficulty of an investigation affected if the offender is not known to the victim (ie a stranger rape)? (circle one)

1 More Difficult	2	3	4	5 Much Easier	6 Don't Know
---------------------	---	---	---	------------------	-----------------

18c. Are there specific issues that make rapes difficult to investigate compared with other violent crimes? (tick one)

Yes   
No

Please explain.....  
.....

**19. Are there any recommendations you would suggest to improve the education and training of SAPOL officers? (tick one)**

Yes   
No

Please explain.....  
.....

**20. How long have you been with SAPOL? (in years) .....**

**21. What is your rank? .....**

**22. When you were involved in the investigation of adult rape, where were you located? (tick all that apply, indicating the most current situation with a asterisk [\*] )**

CIB

Patrols

Other (Please Specify)

.....  
**23. How many rape cases have you personally been involved in? (circle one)**

0

1-5

5-10

10-15

15-20+

**24. Are you:**

Male

Female

**25. Are there any other comments you would like to make?**

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

**Thank you for your time.**



## **Appendix C**

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### **Demographics of respondents to questionnaire for South Australia Police (pilot test)**

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<i>No.</i>	<i>Rank</i>	<i>Gender</i>	<i>Location</i>	<i>Experience (yrs)</i>	<i>No of rape cases worked</i>
<b>R1</b>	Senior Constable	Male	CIB	8	1 – 5
<b>R2</b>	Senior Constable	Male	CIB	13	1 – 5
<b>R3</b>	Senior Constable	Male	Patrols	10	1 – 5
<b>R4</b>	Senior Constable	Female	CIB	14	10 – 15
<b>R5</b>	Senior Constable	Male	Unknown	Unknown	0
<b>R6</b>	Constable	Male	Patrols	5	1 – 5
<b>R7</b>	Constable	Female	CIB	8	10 – 15
<b>R8</b>	Senior Constable	Female	Patrols	Unknown	15 – 20+
<b>R9</b>	Constable	Female	CIB	20	15 – 20+
<b>R10</b>	Senior Constable	Female	Patrols	13	15 – 20+
<b>R11</b>	Unknown	Unknown	Unknown	Unknown	Unknown
<b>R12</b>	Constable	Male	CIB	5	1 – 5
<b>R13</b>	Constable	Male	CIB	4	1 – 5
<b>R14</b>	Constable	Male	Patrols	12	1 – 5
<b>R15</b>	Constable	Male	Patrols	7	0
<b>R16</b>	Unknown	Unknown	Unknown	Unknown	Unknown

## **Appendix D**

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### **Recruitment posters**

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## **How can police better respond to people who have been raped?**

I am a 27-year-old female student studying for a Masters Degree in Law. I would like to speak with anyone who has been raped about their opinions of and/or their experiences involving the police. This information will be used in my research on the Perceptions of Rape Investigation.

**If you are interested,  
please take a brochure with my  
contact details or ask a staff  
member for more information.**

## **How can police better respond to people who have been raped?**

I am a 27-year-old female student studying for a Masters Degree in Law. I would like to speak with anyone who has been raped about their opinions of and/or their experiences involving the police. This information will be used in my research on the Perceptions of Rape Investigation.

**If you are interested,  
please take a brochure with my  
contact details or ask a staff  
member for more information.**

## **Appendix E**

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### **Recruitment brochures (including introductory letter)**

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Any identifying information you provide will be treated as confidential and your rights to privacy will be respected.

The interview will be conducted at your convenience. Yarrow Place has provided a room for the interview in North Adelaide. An alternative location may be organised if this is not suitable for you.

The questions will focus on your experiences with the Police. Details of the rape will not be required.

You can leave a telephone message for me detailing how I can get in contact with you by calling:

**(08) 8201 5388**

(This is a private voice-mail and your confidentiality is guaranteed. I will check it regularly but don't worry if I don't get back to you straight away.)

You can also e-mail your preferred times for an interview to:

**katherine@senet.com.au**

**How can police better respond to people who have been raped?**

I would like to talk to people who have been raped about your views and experiences with the police – regardless of whether you decided to report the sexual assault to police or not. I would like to learn from you what were the factors that influenced your decision to report to police.

I am a 27-year-old female student, studying a Masters degree in Law at Flinders University. I am researching the Perceptions of the Police Investigation of Rape.

Yarrow Place Rape and Sexual Assault Service have agreed to provide clients of their service with the opportunity to participate in this project.

Any identifying information you provide will be treated as confidential and your rights to privacy will be respected.

The interview will be conducted at your convenience. Yarrow Place has provided a room for the interview in North Adelaide. An alternative location may be organised if this is not suitable for you.

The questions will focus on your experiences with the Police. Details of the rape will not be required.

You can leave a telephone message for me detailing how I can get in contact with you by calling:

**(08) 8201 5388**

(This is a private voice-mail and your confidentiality is guaranteed. I will check it regularly but don't worry if I don't get back to you straight away.)

You can also e-mail your preferred times for an interview to:

**katherine.mclachlan@flinders.edu.au**

**How can police better respond to people who have been raped?**

I would like to talk to people who have been raped about your views and experiences with the police – regardless of whether you decided to report the sexual assault to police or not. I would like to learn from you what were the factors that influenced your decision to report to police.

I am a 27-year-old female student, studying a Masters degree in Law at Flinders University. I am researching the Perceptions of the Police Investigation of Rape.

Yarrow Place Rape and Sexual Assault Service have agreed to provide clients of their service with the opportunity to participate in this project.

This letter was printed on the inside of the tri-fold brochure.



**FLINDERS UNIVERSITY  
ADELAIDE • AUSTRALIA**

*School of Law  
Faculty of Education, Humanities, Law & Theology*

GPO Box 2100  
Adelaide 5001 Australia

Telephone: (+61 8) 8201 3889  
Fax: (+61 8) 8201 3630  
Email: [mary.heath@flinders.edu.au](mailto:mary.heath@flinders.edu.au).

Dear Sir or Madam,

This letter is to introduce Katherine McLachlan who is a Masters student in the Law School at Flinders University. She will produce her student card, which carries a photograph, as proof of identity. She is undertaking research leading to the production of a thesis or other publications about perceptions of the investigation of rape by South Australia Police. In addition to studying at Flinders University, she also works as a civilian analyst for the South Australian Police.

She would be most grateful if you would volunteer your time to assist in this project, by giving an interview about some aspects of this topic. More specifically, she aims to discuss issues such as:

- The factors which affected your decision to report (or not)
- Brief background information (to aid comparison between people who have been raped)
- Previous knowledge/ expectations of police
- Consequences of reporting to police
- Recommendations to other people who have been raped and are considering whether to report to police

No more than an hour would be required. You are welcome to have a support person present during the interview. The interview would take place at Yarrow Place Rape and Sexual Assault Service, Norwich Centre, Level 2, 55 King William Street, North Adelaide. If this is not convenient for you, alternative arrangements may be made.

Any information you provide will be treated in the strictest confidence. None of the participants will be individually identifiable in the resulting thesis, report or other publications. The identifying information you choose to provide will only be available to the researcher, in her capacity as a student. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions.

Since she intends to make a tape recording of the interview, Katherine will seek your written consent to record the interview, to use the recording or a transcription in preparing the thesis, report or other publications. She will do so on the condition that your name or identity is not revealed, and the recording will not be made available to any other person.

Katherine can be contacted by leaving a message on 8201 5388 or by e-mail [Katherine.Mclachlan@flinders.edu.au](mailto:Katherine.Mclachlan@flinders.edu.au).

Any queries you may have concerning this project should be directed to me at the address given above. If you wish to contact me directly, you can by telephone on 8201 3889, fax 8201 3630 or e-mail [Mary.Heath@flinders.edu.au](mailto:Mary.Heath@flinders.edu.au).

This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee. The Secretary of this Committee can be contacted on 8201 3513, fax 8201 3756, e-mail [Lesley.Wyndram@flinders.edu.au](mailto:Lesley.Wyndram@flinders.edu.au).

Thank you for your attention and assistance.  
Yours sincerely,

**Mary Heath**  
**Lecturer in Law**  
*School of Law,  
Flinders University of South Australia*



## **Appendix F**

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### **Consent form**

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**FLINDERS UNIVERSITY**  
ADELAIDE • AUSTRALIA

*School of Law  
Faculty of Education, Humanities, Law & Theology*

GPO Box 2100  
Adelaide 5001 Australia

Telephone: (+61 8) 8201 3889  
Fax: (+61 8) 8201 3630  
Email: mary.heath@flinders.edu.au.

## CONSENT FORM FOR INTERVIEW

I .....

being over the age of 18 years hereby consent to participate as requested in the interview for the research project on the *Perceptions of the Police Investigations of Rape*.

1. I have read the information provided.
2. Details of procedures and any risks have been explained to my satisfaction.
3. I agree to my information and participation being audio recorded.
4. I am aware that I should retain a copy of the Information Letter and Consent Form for future reference.
5. I understand that:
  - I may not directly benefit from taking part in this research.
  - I am free to withdraw from the project at any time and am free to decline to answer any questions asked.
  - While the information gained in this study will be published as explained, I will not be identified, and individual information will remain confidential.
6. I have had the opportunity to discuss taking part in this research with a family member or friend.

**Participant's  
signature.....Date.....**

I certify that I have explained the study to the volunteer and consider that s/he understands what is involved and freely consents to participation.

**Researcher's  
signature.....Date.....**

## **Appendix G**

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### **Characteristics of the participants**

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***Beth***

Beth was sexually assaulted by an employer soon after she left school. This had a considerable impact on her social and work life and her health. Her background was characterised by domestic violence and she did not have family support to report the assaults. As a result she moved overseas, lost contact with many of her friends and married a man who presented no sexual threat. While the offender has been questioned by police regarding these offences, he has not been charged. There is a high possibility that he has assaulted other women.

***Charlotte***

Charlotte was raped by a stranger when she was 16-years'-old, some years ago. The offender was known to have committed a series of offences and was never identified. Due in part to a throw-away comment made by a female police officer, Charlotte did not seek counselling for many years. When she recently experienced a second assault interstate, she reported it to police but again was poorly treated by police. Her experiences with police in both jurisdictions were characterised by poor communication and a lack of empathy and warmth.

***Daphne***

Daphne was raped by an acquaintance. From her work experience in the justice department, she was broadly aware of police practices. While her experience with the police was mixed, she praised the efforts of the (female) detective assigned to the case. Although the offender was arrested, the Office of the Director of Public Prosecutions ultimately told Daphne she should withdraw the case.

***Fiona***

Fiona was drugged and raped by three men. She was found naked and incoherent in the street by two male patrol officers. The police assumed she was drunk and arrested her for indecent behaviour. She has very limited memories of the assault

and the perpetrators and, due to the insensitive police response and this lack of recall, has not reported the rape to police.

***Imogen***

Imogen was drugged and raped by her husband numerous times. She was unaware of the assaults until she discovered incriminating images. At that time she immediately reported the offences to police. Her husband was arrested, and is now on bail. He has pleaded not guilty, and the case is yet to go to court. To protect Imogen, the offender's name has been suppressed and he has been able to continue working.

***Jane***

Jane was sexually assaulted when she was 13 years old and again when she was 25 years old. She reported the first rape to the police, but was humiliated by the doctor involved with the medical and to her knowledge the police never pursued her report. When she was raped the second time she was determined not to involve the police because of the poor experience she had previously.

***Kathleen***

Kathleen was raped by an acquaintance who she knew through a social group. The detectives indicated that the issue of consent was too unclear and did not take any action. They met her once in the police station after she'd made a statement. Even when she had electronic evidence of threats made by the offender over the Internet, police did not provide any follow up. This was despite the existence of the Commercial and Electronic Crime Branch of South Australia Police which has been established with the express aim to investigate cases such as cyber-stalking.

***Olivia***

Olivia was raped by a stranger. Because she met the offender in a public place, an accurate physical description of him was available. Despite this, Olivia faced

considerable resistance from the detective assigned. She never met him and felt that he was not interested in taking the case seriously. To date, no offender has been identified.

***Philippa***

Philippa was sexually assaulted by her best friend's father and had her drink spiked and was raped by a stranger. While she anonymously reported the drink spiking to police, she has not reported the assault by her friend's father as she feared it would hurt and upset her friend.

***Sarah***

Sarah was sexually assaulted by a client with intellectual disabilities. Her employer downplayed the assault, merely providing ineffective counselling. Sarah found it very difficult to pursue her career as she feared that a similar incident might occur. Sarah found the police process unclear and confusing and eventually requested no further police action, as no other option was made clear to her. The offender was never charged, despite indications he had previously assaulted a number of other individuals.

***Shannon***

Shannon was a victim of sexual assault within an intimate relationship. She reported the assaults over five years ago, and despite positive experiences with South Australia Police and apparent police support, the Office of the Director of Public Prosecutions decided not to pursue the case through court at the time. Shannon found this a very frustrating outcome as the perpetrator of the assaults has never been punished. She seeks counselling sporadically but finds it difficult to discuss the abuse.

## **Appendix H**

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### **Guideline questions**

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## **Questions if rape was reported to police**

### ***Background Information***

- Can you tell me a little bit about yourself and those people who are important to you? (including approximate age)
- How do these people impact your life?
- E.g. Support, influence etc

### ***Factors That Affect Reporting***

OK, so I shall now go through the factors when you started to report the rape, sexual assault, to the police.

- Who was the first person that you reported it to?
- (How) did they influence your decision to involve the police (or not)?
  - Whose idea was it to inform the police (or not)?
- Was there anything else that influenced you to decide to report to the police?
  - What do you think that was?
- How long after the event, did you report it? What influenced this?
- How did you report the offence? (E.g. phone, in person)
  - If you did not report the assault yourself, how did you feel about it being reported?
- Before/After you made a report to police, how did you feel?
- Did reporting to police make a difference to your sense of safety?
- Was it a positive or negative experience to (not) report the sexual assault to police?
- Where did you report the assault? (at home, at the police station, etc) How would you describe the environment?
- What was the role of the police officer you reported to? (E.g. SAU, Patrols, Detective)
- Was the police officer male or female? Did that matter to you?
- Did you have a support person with you? (Was it offered? Would you have chosen to, had you known?)
- How did the police treat you when you reported the rape/sexual assault?
- Did you feel your privacy was respected?

### ***Prior Knowledge of the Police***

- What did you know about the police?
- What did you expect from the police?
- What was your experience with the police?

### ***Consequences of Talking with Police***

#### *Reporting stage*

- Did you consider all the questions asked of you appropriate?
- How would you describe your level of satisfaction with the process of being questioned about your report by the police?
- How would you describe your level of satisfaction with police behaviour toward you during the interview?
- What about the attitudes of the police officers?
- What information was provided to you by the police about what would be involved in any prosecution that might follow from your report?

I am just going to go through statement taking and the CIB in more detail.

#### *Statement taking Stage*

- Did you give a statement to a Sexual Assault Unit worker?
- If you did, was it important to you that she was female?
- How long after you reported it did you give the statement?
- How long did it take to give a statement?
- Did they offer you food or a drink?
- What was the room like where you gave the statement?
- How did you feel about this experience?
- Do you think there is any way that the process could be improved?
- They are my only questions about the statement taking. Is there anything we haven't covered?

#### *Investigation Stage*

OK, my next questions are about the CIB.

- What contact did you have with the Police after reporting?
  - (Was this at your initiative or theirs?)
- Did they ever come and speak with you at your home?

- How many people and were they male or female? Continuity?
- How were you kept informed of the progress of your report by the police?
- Did they take any of your property?
- Did you have any photographs taken?
- Was an offender apprehended?

***Outcome of report***

- Did you decide to pursue court action?

If yes,

- How have the police been now that you are going to court?
- How often do you have contact with them?
  - Who? Whose instigation?
- Explanation of victim/survivor rights and access to services eg. SAU, Medical, Yarrow Place
- What information, if any, was provided to you about your rights as a victim/survivor?
- What information, if any, was provided to you about access to services such as SAU, Yarrow Place etc?
- How has reporting the rape impacted your life?

***Consequences generally***

- What would you do differently?
- Report v Non Report – Still make same decisions now?
- What are your coping mechanisms?
- Recommend to others in the same situation?
- How do you feel now?
- Since this crime was committed against you, how has this impacted (if any) on the way you see yourself and the world?
- Has it changed the way you interact and respond to others or things?

***Offence Details (only if not disclosed previously)***

- Was the offender known to you?
- How did you know the offender?

***General Questions***

- Were there other issues you thought would be discussed which were not?
- Is there anything else you would like to say or want me to know?
- Would you be willing to talk to me again?

***Demographics***

- Report to Police
- Age
- Time since the assault
- Relationship with O
- Employment
- Relationship Status
- Ethnicity

## **Questions if rape was not reported to police**

### ***Background Information***

- Can you tell me a little bit about yourself and those people who are important to you? (including approximate age)
- How do these people impact your life?
- E.g. Support, influence etc

### ***Factors That Affect Reporting***

- Who did you tell first about the rape/sexual assault?
- (How) did they influence your decision to involve the police (or not)?
- Whose idea was it to inform the police (or not)?
- Was it a positive or negative experience to not report the sexual assault to police?
- Was there anything that influenced you to decide not to report to the police?
- What do you think that was?

### ***Prior Knowledge of the Police***

- What did you know about the police?
- What did you expect from the police?
- What was your experience with the police?

### ***Support Services***

- Yarrow Place
- What information, if any, was provided to you about your rights as a victim/survivor?
- What information, if any, was provided to you about the police?
- Other Agencies?

### ***Consequences generally***

- What would you do differently?
- Report v Non Report – Still make same decisions now?
- Coping mechanisms
- Recommend to others in the same situation?
- How do you feel now?
- Since this crime was committed against you, how has this impacted (if any) on the way you see yourself and the world?
- Has it changed the way you interact and respond to others or things?

### ***Offence Details***

- Was the offender known to you?
- How did you know the offender?

### ***General Questions***

- Were there other issues you thought would be discussed which were not?
- Is there anything else you would like to say or want me to know?
- Would you be willing to talk to me again?

### ***Demographics***

- Report to Police
- Age
- Time since the assault
- Relationship with O
- Employment
- Relationship Status
- Ethnicity



## **Appendix I**

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### **Themes and coding sheet**

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	<i>Themes</i>	<i>Coding</i>
<b>Victims/survivors</b>	<b>Demographics</b> Gender Age Employment Relationship with the offender	<i>Current, at time of offence</i> <i>Intimate partner, known, unknown</i>
	<b>Understanding (re police)</b> Process Contact	+/-/neutral +/-/neutral
	<b>Preferences (re police)</b> Gender Uniform Statement location	<i>Male</i> +/-/neutral <i>Female</i> +/-/neutral +/-/neutral +/-/neutral
	<b>Expectations</b>	+/-/neutral <i>Safety, Success/benefit of CJS, Inaction, Belief</i> +/-/neutral
	<b>Prior Experience</b>	
	<b>Attitudes</b> Towards self  Toward police and police involvement (pre- and post-contact with police)	+/-/neutral <i>Self-discovery, Guilt, Blame</i> +/-/neutral <i>Relief, Reluctance, Doubt, Powerlessness, Resignation, Regret</i>
	<b>Motivations</b>	<i>Third Party</i> <i>Obligation, Justice, Exposure of Offender, Compensation, Retribution, Safety, Court Action, Faith in the CRIMINAL JUSTICE SYSTEM</i>
	<b>Life Impact</b> Impact of Rape (short and longer term)  Impact of Police Involvement (short and longer term)	+/-/neutral <i>Self Image, Social Life, lack of trust in others, Disruption (e.g. quit job, cease university, move away, break ties), Psychiatric, Recovery</i> +/-/neutral
	<b>Demographics</b>	<i>Gender</i> <i>Location</i> <i>Experience</i>
	<b>Location/Unit</b>	<i>Station</i>

		<i>Sexual Assault Unit Patrols Criminal Investigation Branch</i>
	<b>Attitude</b>	+/-neutral <i>Concern, Empathy, Warmth, Professionalism, Apathy, Embarrassment, Acceptance of rape myths, Annoyed, Dismissive</i>
	<b>Contact Points</b>	<i>Initial Statement Investigation</i>
	<b>Follow up</b>	+/-neutral <i>Initiated by police or victim/survivor, Pre- emptive of Outcome</i> +/-neutral
	<b>Process</b> Explanation  Provisions	+/-neutral <i>Process, Contact Details, Victim Rights, Outcome</i> +/-neutral <i>Refreshments, Smoking breaks, venue, time</i>
	<b>Treatment</b> Communication  Consideration	+/-neutral <i>Privacy addressed, Listening Skills</i>



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