

History and changes of the policy and practice towards rape investigations



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The topic of rape has often been at the forefront of controversy as there are many different views on the subject. According to the Sexual Offences Act (2003) the definition of rape is if a person does not consent to the intentional penetration of the vagina, anus or mouth by another person and that person knows that they did not consent. However, the policing of rape investigations has faced many criticisms, for example, Tempkin's (1999) qualitative research into rape victims showed that many victims were displeased with police investigations into their rape due to the way they were treated by male police officers, however others argue that the police working in partnership with support agencies is beneficial. Therefore, the purpose of this essay will be to look at the legislation surrounding rape, the different policies and procedures when dealing with rape, whilst also looking at the history and how the policing of rape has evolved over time. Finally, this essay will address the organisational learning that took place after a specific incident happened and how these lessons were implemented.

When looking at the history of rape, it is clear that the laws surrounding the offence have definitely changed for the better over time. Changes were made when the Sexual Offences Act 1967 was replaced with the Sexual Offences Act 2003. This new act defined the word 'consent' to mean that a person consents if they agree by choice and have the freedom and capacity to do so (Sexual Offences Act 2003). This means that the new law sets out evidential and conclusive presumptions about consent, which helps to clarify the law and strengthen the legislation. The recent act also provides a clear definition and sets the responsibility of the defendant to prove he had reasonable grounds to believe their partner consented. This compares to

earlier legislation, where consent was never really defined and there was no clarity or consistency about the meaning of consent, which meant the jury had to decide whether the rape was consensual, or consent was presumed (Sjölin 2015). The act is also more specific when it states that rape is the penetration by the penis of the mouth, anus or vagina. This compares to previous Sexual Offences Acts such as the act in 1956, which stated that a man will be guilty of rape if he impersonates a woman's husband and induces her into sex or to have sex by means of intimidation or threats. This shows that by replacing these acts in 2003, the wording of the law is a lot clearer and it provides greater protection to woman or vulnerable people and it also considers men that are raped not just women. Another benefit of the law reform is that the wording has changed from being outdated and based on a Victorian era to reflecting the attitudes and values of today's society whilst also offering protection against crimes that didn't happen in previous years.

In the year 2000, there were 28, 473 incidences of rape and sexual assaults on females, however there were only 2780 convictions, meaning that there is a 10 percent conviction rate (Garside and McMahon 2006). This suggests that there was either a failure within the police or the investigation, or women just aren't reporting the crime anymore. There are numerous reasons why woman don't report rape, these are; some women feel like they might not be believed by the police due to the fact the conviction rate is low, and some woman do lie, making it hard to distinguish liars from real cases. Another reason might be that they are scared or blame themselves so choose not to report it, especially as the court process can be very

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intimidating. Some women who have come forward later on in life have found that they couldn't get a conviction due to lack of evidence or its too hard to prove, so this could be another reason why woman choose not to report their crime because they might feel like they have left it too late. And finally some women who are raped by their partner, might not want to report it because they are either afraid of their partner or still love them, so these reasons show that there are numerous women who don't report their rape, meaning that it's hard to accurately analyse the statistics (Kaithwas and Pandey 2018). However having said this, the number of convicted rapists has risen since the year 2000 from 2780 to 2822 which isn't a huge difference considering it has been 18 years, and if you look at the figures from previous years it actually shows the conviction rate is lower now then the year 2010 which was at 3387 charges per year, even though there is an increase in the number of reported incidents (Crown Prosecution Service 2019). Despite there being numerous reason why women don't report rape, there are also many reasons why the number of reported rapes has increased, for example, there was the rise of feminism in the 1970's that saw the downfall of a patriarchal society and woman gained more equal rights. This also encouraged numerous practical developments such as the creation of rape crisis centres and women's refugees across the UK, with the first refuge set up in 1971 and by 1978 there was 150 (Newburn 2017), however this decreased to 32 in 2006 due to the lack of funding, despite the increase in cases. Another reason why more women are reporting rape could be that the facilities when supporting victims has improved, for example women could be medically examined away from police interview rooms and this overall meant woman were more satisfied with how they were dealt with by female

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police officers. However, their attitudes towards male police officers weren't satisfactory due to the fact that they were treated unsympathetically (Heidensohn 2003). This has always seemed to be a complaint that women have had, because even in the 1980s women were told not to get things out of proportion, or do not go out at night and do not take short cuts, which implies that there is a restriction on women's freedom, so this is something the police need to consider in present day policing in order to encourage women to report it. Moreover, new terminology is coming into practice with terms such as 'survivor' instead of 'victim', being used in order to not re-victimise them. Finally, the last reason why more women are reporting rape could be due to the rise of technology and the media. In recent months there has been the '#MeToo' movement on Twitter which looks at encouraging women to speak up about their sexual assault stories whilst bringing a community of survivors together to encourage each other with love and support (metoo.org 2018). This increase in media attention has encouraged more women to report their incidents, which in turn has raised the statistics of reported rapes. With more media sources criticising the police's policies and procedures regarding rape, this could mean that new policies are being considered when it comes to the treatment of victims.

One case that has shaped new policies and procedures within rape investigations is the Rochdale case, where five victims were trapped in a grooming ring and endured countless rape and sexual abuse. Several Pakistani men would entice girls in with the idea of free food, alcohol and cigarettes but would later ask for sex in return. Most of the girls were underage and it is believed that there are over 40 victims and over 100 men

involved in the sexual abuse rings. However this is a case that led to a massive failure from police because, one victim had come forward and reported the abuse she was enduring, however, the Crown Prosecution Service reviewed the case and decided that the victim would not be a credible witness so the case never progressed. This led to the victim enduring more abuse for many more months until another victim came forward with a similar story and it was then that ' Operation Span' was launched. It was admitted that there was a lack of understanding of the exploitation happening and a failure to recognise the scale of it, with police chiefs ' distracted' by achieving targets for other crimes. As a result of the police failure, seven officers were given misconduct notices and it was recognised that there was a failure to record the crimes properly because they were described as sexual activity with a child even though it should have been called rape (Airey 2012) Police have now received more training when dealing with these types of cases and they are ensuring the continued use of ' Project Phoenix' which is a multi-agency approach to child exploitation. However, two more recommendations have been made to the police, where they must monitor and review safeguarding cases and they are to commit to maintaining an exploitation team that works with the Rochdale council (Syal 2013). This case suggests that better leadership is needed within the police to reduce the number of untrained police officers being sent out. This would provide the public with more trust in the police and encourage more victims to come forward especially as big media stories on police failings will more likely reduce the number of reported rapes.

To conclude, it is evident that the legislation had to change from previous acts to a more modern view of rape due to the fact that we are living in a completely different era than when the acts were passed. The way men treated woman in general such as owning them as property suggests that it was vital that the law changed because we no longer live in a society where woman are controlled, meaning the law around rape had to be more specific in order to get more convictions, based on facts rather than presumptions. These changes are down to social attitudes, public perceptions, the rise of feminism and media influences. In regards to the policing of rape investigations, it is clear that a lot has to change in order for women to feel more confident about coming forward and reporting their rape, such as victim blaming, but also there needs to be more female officers in the police ready to deal with any reported rape cases, as this might make woman more likely to approach the police if it wasn't so patriarchal. Although it would seem like there is a long way to go before substantial changes are made in the police to increase conviction rates, the use of partnership working with agencies such as the Sexual Assault Referral Centres (SARC) and other movements in the media such as the Me Too movement, helps to regain public confidence and helps victims to feel more supported if the police can't always provide that.

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