

## WORLDS APART?

### *Women, Rape and the Police Reporting Process*

JAN JORDAN\*

*During the 1970s and 1980s, in both Britain and New Zealand, mounting criticism was made of the way in which women rape complainants were treated by the police and criminal justice system. In response to these criticisms, legal and procedural changes were introduced in both countries in the mid-1980s, aimed at improving women's experience of the reporting process. As in England, however, little research was conducted following these changes to assess their impact on women's experiences of the police reporting process. In a recent British Journal of Criminology article (1997), Jennifer Temkin presented research findings based on a study of women in Sussex who reported rape in the 1990s. By way of comparison, this article presents the results of similar research conducted within the New Zealand context. Both studies, although conducted 'worlds apart', produced similar results and generated strikingly similar conclusions. This article presents a summary of the findings from the New Zealand research and explores possible explanations for the apparent lack of major improvement in women's experiences of the rape reporting process in both countries. It concludes that while the police and rape victims remain seemingly 'worlds apart' in their perspectives and needs, little in the way of substantive improvements appears possible within this historically and cross-culturally fraught area.*

In the 1970s women's rights activists around the world criticized the ways in which rape victims were treated by the police (Brownmiller 1975; Donat and D'Emilio 1992; London Rape Crisis Centre 1977; Rose 1977; Russell 1990). The experience of reporting rape was so arduous, they argued, that for many women it replicated the violation felt in the rape itself. Academic research in the 1980s endorsed these sentiments (Adler 1987; Temkin 1987), likening the reporting process to a second victimization. In response to mounting criticism, substantial legal and procedural changes were introduced in many countries aimed at improving victims' experiences of police and judicial processes (Adler 1997; Berger, Searles and Neuman 1988; Donat and D'Emilio 1992; Lees 1996; Lees 1997; Los 1990). However, as Temkin has pointed out in the British context (Temkin 1997), until recently there had been virtually no research conducted since these reforms to assess whether they had in fact improved women's experiences and increased their satisfaction levels. This article is based on recent New Zealand rape research conducted with women concerning their experiences of the police reporting process in the 1990s (Jordan 1998a, 1998b). It summarizes the women's experiences of reporting, police interviewing, and statement-taking, and identifies the factors associated with the extent to which they expressed satisfaction or dissatisfaction with the police response. The women's experiences of the medical examination are also documented and assessed. The results

\* Senior Lecturer, Institute of Criminology, School of Social and Cultural Studies, Victoria University of Wellington, New Zealand.

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of this study are compared both with the findings of an earlier New Zealand study (Young 1983), and with Temkin's more recent British research (Temkin 1997, 1999). Jennifer Temkin concluded, on the basis of her study of women rape victims in Sussex:

It seems that old police attitudes and practices, widely assumed to have vanished, are still in evidence and continue to cause victims pain and suffering. Research of the type that has been undertaken here does not lend itself to sweeping statements and conclusions but it does suggest, at the very least, that more research is now urgently needed to discover whether the treatment of adult rape victims by police in other areas of the country is quite as benevolent as is commonly supposed. (Temkin 1997: 527)

The findings of this study, conducted in a country geographically located on the other side of the world, albeit based on the British policing tradition, echo closely those found by Temkin (1997). The thesis proposed here suggests that the similarity in findings is not surprising but instead reflects organizational responsibilities, police cultural realities and the legacy of patriarchy. Accordingly, the replication of Temkin's study in other parts of Britain would be expected to yield similar findings.

### *Background*

During the 1970s and 1980s, research on women who had been raped revealed inconsistencies in the ways in which sexual assault victims were treated by the police (Estrich 1987; Holmstrom and Burgess 1978; Medea and Thompson 1974; Smith 1989). Many women recounted their experiences of police investigations negatively and reported feeling disbelieved and unsupported by the police (Chambers and Millar 1986; Hall 1985; Wright 1984). It appeared that women's chances of receiving a sympathetic police response were most commonly linked to stranger attacks and increased in accordance with the extent of physical injuries suffered in the attack (Feldman-Summers and Norris 1984; Koss et al. 1988; Williams 1984). Overall the reporting rate for rape was low (Adler 1987; Hall 1985; London Rape Crisis Centre 1984).

Criticism of the way in which rape victims were treated was voiced in the United States from the mid-1970s onwards (Brownmiller 1975; Holmstrom and Burgess 1978; Medea and Thompson 1974). In Britain, wider public attention was drawn to the issue in 1983 by the screening of a controversial television documentary which showed a rape victim being 'interrogated' by the police (Adler 1987: 4; Lees 1997: 176; Temkin 1987: 2). Sue Lees maintains that the public outrage sparked by this programme prompted positive changes in police practice to be introduced, including the establishment of separate rape examination suites in some areas (Lees 1997: 184). In the 1990s concern has increasingly been voiced about the attrition process (Lees and Gregory 1993) and especially the significant fall in the conviction rate for rape, from 24 per cent in 1985 to 9 per cent in 1997 (Harris and Grace 1999). This decline has occurred despite the initiatives introduced to improve complainants' experiences of the criminal justice system response and appears to be linked to the factors discussed later in this paper regarding high dissatisfaction levels by rape complainants.

In New Zealand policing has, since 1886, been conducted by a national, centralized police organization. The New Zealand Police has as its chief executive a Police Commissioner, who is appointed by the Governor General, and the organization is centrally

administered from the Office of the Commissioner in the capital city, Wellington. For policing purposes the country is divided into four regions, each with a regional commander, and 16 districts, each headed by a district commander or superintendent. There are a total of 7,090 sworn staff members nationwide; of these, 1,076 or 15.2 per cent are women (New Zealand Police 2000: 38).

Police policy has, since the 1980s, shifted from an emphasis on crime-fighting to stated adherence to community policing (New Zealand Police 1998: 12), in line with overseas developments (Bayley 1988; Greene and Mastroski 1988). Increasing emphasis is being placed on victim satisfaction, with victims' rights being legally recognized in the Victims of Offences Act 1987. Much of the literature on community policing has emphasized the difficulties involved in the implementation of a truly committed community policing model, with criticism voiced about the extent to which police departments internationally have been more enthusiastic about embracing the rhetoric of community policing rather than the reality (Bayley 1988; Klockars 1988). This paper argues that similar criticisms can be made concerning the emphasis on victims' rights; that despite legislation and policy developments claiming to increase victim involvement and satisfaction, the reality of most victims' experiences suggests that little of substance has changed. This is explored through a comparison of two New Zealand studies focused on victims' experiences of reporting rape and sexual assault to the police. The paper argues that the apparent lack of improvement in complainant satisfaction is not surprising given the inevitable clash between victims' needs and police responsibilities, combined with the continuing impact of traditional rape myths and beliefs.

### *New Zealand Rape Study 1983*

The first comprehensive examination of rape law and procedure in New Zealand was a research project conducted by the Institute of Criminology and the Department of Justice in 1983 (Young 1983). Included in this project was an interview-based study documenting the concerns and experiences of women who had been victims of rape. The findings reinforced what many women working in this area had long observed: namely, that the existing system was experienced by many complainants as a repeat violation, similar in its effects to the original rape incident (for example: Adler 1987; Allen 1990; Gilmore and Pittman 1993; Holmstrom and Burgess 1978; Medea and Thompson 1974).

Mounting criticism of the criminal justice system's response to rape victims prompted the introduction in 1985 of substantial reforms, including a broadening of the definition of rape to incorporate other sexual violation offences, the abolition of spousal immunity, and changes to courtroom practice and procedures. Significant changes were also made in relation to police training, the conducting of post-rape medical examinations, and the provision of crisis support counselling.

Ten years after these reforms were introduced, the Institute of Criminology and the Faculty of Law at Victoria University of Wellington began a research project to assess, from the woman's perspective, how she experienced now both the reporting of the offence to the police and any subsequent trial processes (Jordan 1998a). The data-gathering phase of the study was funded by the Foundation for Research, Science and Technology.

*Methodology*

The overall aim of this research project was to evaluate how rape and sexual assault victims' complaints to the police were responded to and dealt with by the various agencies involved. In-depth, qualitative interviews were conducted with 48 women who had approached the police between 1990 and 1994 with a complaint of rape/sexual violation or the attempt thereof. The study aimed to obtain accounts of the women's dealings with the police, doctors, and support agencies (Jordan 1998a) as well as their experiences in court and during the trial (McDonald 1997).

*Sampling and Recruitment*

The cases eligible for inclusion in the sample involved any report by an adult victim of rape, unlawful sexual connection, attempted unlawful sexual connection, or inducing or attempting to induce sexual connection by coercion (sections 128, 128A, 128B, 129 and 129A of the Crimes Act 1961). Given the sensitive nature of the subject area, it did not seem appropriate for the sample to be randomly selected. Extensive discussions were held with counsellors involved in the crisis support area regarding sensitive recruitment procedures. The principal concern was to minimize as much as possible the stress to the women and to approach them in a manner designed to allow them freedom to choose whether or not to be interviewed. For these reasons, the decision was made to rely extensively on the agencies to make the initial contact and, accordingly, all women contacting the agencies in connection with any of the above offences were asked if they were willing to receive information about the research. Former clients were also posted information about the study by the agencies and invited to discuss their possible participation with an agency worker first if they wished.

While the majority of the women (N = 40) were recruited via the support agencies, a minority were referred by the police (N = 2). This resulted from individual officers who were aware of the research deciding to broach it with complainants whom they thought might be interested in the study. A further six women initiated contact themselves following the publication of a feature article about the research in a local newspaper. The eventual sample size comprised 48 women, who between them had reported 50 instances of rape/sexual assault to the police in the period 1990–94.

Those women who indicated they were interested in hearing more about the study were then contacted by the researchers. Once they were given the information concerning the research and what participation in it would entail, the women were able to decide whether or not to be interviewed. All of the women who agreed to the initial contact decided to participate in the study.

Difficulties were experienced during the recruitment phase in locating an adequate sample size. Initially, the intention had been to interview only women in the Wellington city area, where the researchers were based. Insufficient numbers of women were able to be contacted, however, and in order to increase the sample size the study was extended to the cities of Auckland and Christchurch. These adjustments were necessitated by the difficulties encountered in obtaining sufficient numbers of women to interview. The biggest barrier arose from the counselling agencies being unable to track the whereabouts of most of the women they had seen previously in relation to a reported

rape or sexual assault. The majority of their clients appeared to have moved on and were unable to be reached by mail or telephone, making the recruitment phase of the project one of its most difficult aspects.

### *Data Collection*

The primary means of data collection involved the use of in-depth, structured interviews with the women, all of whom had reported a rape/sexual assault to the police between 1990 and 1994. The questionnaire schedule was based in part around the issues covered in the 1983 *Rape Study* (Young 1983), and was constructed in consultation with both researchers and practitioners. It was designed to elicit some information which could be analysed quantitatively, as well as to obtain extensive qualitative data concerning the women's subjective experiences and opinions.

The interviews lasted, on average, between one-and-a-half and two hours, although in some cases considerably longer (in excess of four hours). In five cases, the women had so much they wanted to communicate that the interviews could not be completed in one session and an additional time was arranged to ensure completion. Shorter, repeat interviews were conducted with several women who wished to update their account as the case progressed through the criminal justice system.

Interviews were conducted with the women at a time and place acceptable to them. Provision was also made for them to have a support person with them if they wanted. The interviewers recorded the women's answers and comments on the questionnaire schedule, and, if the women agreed, the interviews were also tape-recorded.

Details of the sexual assault itself were not requested; the explicit emphasis of the research was on the women's perceptions of events from the point at which the incident was first reported to the police. Because the research questions dealt with issues that might still be unresolved, it was conceivable that the women might experience further distress in the interview situation. It was also recognized that the interview process itself might assist the women to articulate concerns, clarify needs, and seek help in ways that would not otherwise have occurred. Thus the interview itself could generate in a woman awareness of the need for assistance. Interviewers were therefore encouraged to be supportive and sympathetic in their responses, while ensuring they did not assume a counselling role. Where interviewers received requests for help, or held concerns for the woman, they were able to suggest an appropriate support agency, with all interviewers having information concerning support agencies in their area.

### *Limitations*

As with any piece of research, there are limitations in this study's methodology and generalizability which need to be acknowledged.

First, only women were included in the study. This decision was made both to ensure comparability with the earlier women-only study, and because the overwhelming majority of reported sexual assaults involve female victims. Male rape victims may encounter additional credibility issues when reporting sexual offences to the police, and this is clearly an area requiring further sensitive research.

The women were questioned only about incidents which had happened to them over the age of 16 (i.e. once they had reached the legal age of consent), thereby excluding cases of historic child abuse. The information was obtained retrospectively and, for some women, the events they described had occurred several years before the interview was conducted. Their accounts may have been affected by subsequent events and experiences. No attempt was made to verify the women's accounts from other sources, since the explicit focus of this research was on how the women perceived their treatment and recounted their experiences.

Recruitment of the sample was dependent primarily on referrals from counselling agencies and, to a lesser extent, the police and self-selection. The agencies we contacted were primarily those whom the police routinely refer women to following a rape complaint, and efforts were made by these agencies to inform every woman who was eligible for inclusion in the study about the research.

Participants for the study were drawn principally from the cities of Auckland, Wellington and Christchurch, although in some cases the incident had occurred and been reported in smaller provincial areas. Primarily, however, the research is likely to be more indicative of women's experiences of reporting sexual assaults in larger, metropolitan areas—the experiences of women in rural areas may be different.

It is also the case that, despite employing Maori and Pacific Island interviewers in Auckland (the largest city), very few non-New Zealand European/European women were interviewed, and so the research primarily reflects the experiences of New Zealand European/European women. Anecdotal evidence suggests Maori women who have been raped find it even more difficult to approach the police, and are less confident of the response they will receive from them, than New Zealand European/European women.

One further point of clarification needs to be made concerning language—the word 'victim' is used here in contexts where it seems appropriate to acknowledge the impact of the incident, and the resultant needs it gives rise to, rather than the woman's capacity to survive what has happened.

#### *Characteristics of the women in the sample*

A total of 48 women participated in the study. They had reported a total of 50 incidents of rape or sexual assault to the police since 1990—two women had been raped on two separate occasions by the same perpetrator.

*Age* The ages of the women interviewed at the time of the rape/assault ranged from 16 to the mid-70s. The single biggest category of women were young women in the 16–20 age group, who accounted for nearly one-third of those interviewed (31 per cent).

*Relationship status* In terms of their relationship status, the women were divided approximately equally between those who were currently partnered (i.e. either married or in a de facto relationship) (N = 18); those who had been partnered (i.e. divorced or widowed) (N = 15); and those who were single (N = 15).

*Ethnicity* Despite considerable effort to obtain Maori and Pacific Island participants for the study, the vast majority (92 per cent) of the sample identified as New Zealand European/European. Only three women described themselves as Maori, and one

woman described herself as belonging to a specific national identity (which is not disclosed here for reasons of confidentiality).

*Occupation* The women came from a diverse range of occupational backgrounds. The two largest groups represented were students (19 per cent, N = 9) and professionals (17 per cent, N = 8); the next most frequent categories were those who described themselves as homemakers (13 per cent, N = 6) and those on benefits (13 per cent, N = 6); the remainder included secretarial/office workers (4 per cent; N = 2), kitchen/domestic workers (4 per cent; N = 2), and individual women who worked as a waitress, dancer, baker, fitness instructor, sex worker, or shop assistant.

*Relationship to perpetrator* Of the 50 incidents reported to the police, fewer than one-third involved an offender who was a stranger. In 35 of the incidents (70 per cent), the rape/sexual assault was perpetrated by someone previously known to the victim. This figure included spouses and ex-spouses, boyfriends, family members (including brother-in-law, future father-in-law), neighbours, acquaintances (including friends of friends or of partners, co-residents, fellow party guests), and those with whom the woman may have had a professional relationship (such as a doctor, teacher, counsellor, or masseuse). In one case, two perpetrators were involved in the assault, one known and one a stranger, and another case involved two known perpetrators.

*Complainants' previous contact with the police* For more than one-third of the women in the sample (37 per cent; N = 18), the reporting of this incident marked their first significant contact ever with the police. The majority, however (63 per cent; N = 30) stated that this was not the first time they had been in contact with the police. Typically, their previous contact had been in the context of earlier victimization experiences, such as burglary, theft or assault (80 per cent; N = 24).

### *Summary of Research Findings*

The women were asked to provide details of their interactions with the police at different stages of the reporting and investigation process. Although individual variations occur, there are recognizable stages through which most rape victims proceed when contacting the police following a rape/sexual assault. These are set out below:

- (1) Initial contact and reporting;
- (2) Medical examination;
- (3) Statement-taking and interviewing;
- (4) Case progress.

The women were asked to comment on their experiences at each stage of the process, where applicable.

#### *(1) Initial contact and reporting*

*Whom she first told about rape/assault* In only six of the cases in the research sample were the police the first people the woman told about the incident. The women were, in fact, three times more likely to tell a friend about what had happened to them (36 per

cent; N = 18) rather than call the police in the first instance. Others disclosed what had happened initially to family members or their partner, colleague, neighbour, or counsellor, before deciding to approach the police.

*Who informed the police* Although it may not have been the police whom the woman told first about the incident, nevertheless in over half the situations (54 per cent; N = 27), she was the person who informed them of the incident. On seven occasions it was a friend who told the police, and less frequently it was either other people she knew (such as her partner or other family members), or those she approached for assistance directly after the rape/assault.

*How the police were contacted* The most common way of informing the police was by telephone. Of the 27 women who reported the incident themselves, 21 (78 per cent) did so by telephone. The remainder did so in person: one went to a police caravan based at a music festival and the rest went to the police station. In two situations, it was the police who first contacted the woman as part of their investigation of the offender; in another, the woman's ex-husband went in person to the station; the remainder (N = 20) all involved friends or family phoning the police on the woman's behalf. Some women referred to the embarrassment they felt at having to disclose sensitive information over the phone, especially when their call was passed around the station.

When you finally make the decision to report it, you just want to talk to one person—you don't want to go through three or four different people. It's a very hard and very personal thing.

*Factors influencing decision to report* In those instances where the complainant herself reported the rape/sexual assault to the police, she was asked what factors influenced her decision to do so. One-third of the women simply said: 'I felt I should'; almost a further third (30 per cent) said 'to protect others'; more than a quarter (26 per cent) said they 'didn't want him getting away with it'; and almost a quarter (22 per cent) said they reported the rape because they were scared of a repeat attack. Other factors present in their decision included being persuaded to report by others or feeling pressured to report the rape.

For some women the decision to report appeared straightforward, as if it was an automatic reaction to the incident:

When you're attacked you go to the police. I didn't even think about it—just dialled 111.

It was the first thing I thought of.

Several women spoke of the reporting decision being related to a sense of personal empowerment:

He attempted to rape me, threatened to kill me and he assaulted me. He's always had a bad temper and been highly strung, but this time I thought, 'No, he's not going to get away with it.'

It's part of the healing process, part of saying it's not right, part of getting my control back.

*How soon was the incident reported* Of the 50 incidents, well over half (62 per cent) were reported to the police either immediately after the rape/sexual assault or on the same day. There were delays in reporting the rape/sexual assault in just under two-fifths of cases (38 per cent). While half of these were reported within a fortnight of the incident's occurrence, the remainder took considerably longer to be brought to police attention, and in three cases, it took more than ten years.

It is clear from the above that not all women will choose, or be able, to report a sexual assault at the time of its occurrence:

I think I was really numb for the first two days and really mulling the whole thing over in my mind and trying to come to terms with it and thinking, 'OK, I know I'm a person of quite strong character, I think I can deal with this myself', and it wasn't until I got to work on Monday and started to deteriorate there that I realized I wasn't coping with it and I had to do something about it.

At least two of the women said they held back because they felt confused about the incident and whether it constituted rape:

It wasn't physically violent and I wasn't sure if what he'd done was illegal or not.

Sometimes the reason given for delayed reporting seems to have been fear-based, arising from the woman's concern over how the offender, the police, or family and friends would respond. In one case, the offender's death threats against the woman and her relatives kept her *silent* for ten years.

*Women's satisfaction with police treatment at the reporting stage* Nearly two-thirds (64 per cent) of the women felt either satisfied (40 per cent; N = 20) or very satisfied (24 per cent; N = 12) with the treatment they received from the police during the initial reporting phase. Thirty-two per cent, however, were either dissatisfied (20 per cent; N = 10) or very dissatisfied (12 per cent; N = 6). The remainder (4 per cent; N = 2) felt neutral in their response.

The women who rated the police highly cited the importance of being believed, being taken seriously, and feeling cared for and supported. Even small gestures of friendliness counted for a lot when the women were feeling so vulnerable—for instance, the police officer getting the woman a cup of coffee, allowing her a smoke, or letting her stop and have a break when she got upset. Some women felt they needed clear information at this stage about the procedures to be followed and appreciated being provided with this and given some choice over whether and how to proceed.

The women who were dissatisfied with the initial police response identified particular behaviours and attitudes which they found distressing. Several commented on the lack of empathy they felt they encountered at a time when they really needed some caring.

They were doing the interview like it was just a burglary, or a petty theft—it was just mundane to them.

They were just throwing questions at me. They had me in a corner . . . It was disgusting—no wonder they are working with dogs—something to yell at and boss around. It felt like, 'Look, she's pissed so she asked for it.' I felt like they came up with their own decision on the spot.

Feeling as if the police did not believe them and that they were judging them was mentioned by several of the women.

I went seeking help but then it turned and I was accused of false allegations.

He talked to me like I was dirt . . . He said he wanted to get the truth out of me.

They asked me so many questions I felt like the bad person. They really made me feel so stink. I just wanted to cry. They should be more sensitive. He was like a pig to me (you know how they call police pigs?—he even looked like a pig, he reminded me of a pig.) They should be more direct and up front, and say they have to sort out the truth for court. It made me very angry.

A further source of dissatisfaction for some women arose from their feeling that their complaint was unimportant to the police. This could be conveyed in various ways, including a cold and dismissive attitude or indicating other jobs had greater priority.

He looked like—huh? Like he didn't know what the hell to do and he didn't really care.

*Summary of initial contact and reporting* It is clear that the initial reporting experience is a critical determinant of whether complainants will be able to develop sufficient trust in the police to feel able to proceed with an investigation. It occurs at a time when the woman is feeling highly vulnerable, with heightened needs for safety and reassurance. For the police, then, it is critical in the first instance that the person who answers the telephone is adequately trained and suitable to respond to calls from rape complainants. Even though the majority of these will be referred immediately to the appropriate officer, a distressed victim may be required at this time to disclose the nature and details of the incident. It is also imperative that the number of referrals on to other officers needs to be kept to an absolute minimum.

It follows also that any police officer likely to attend situations involving rape/sexual assault victims needs to be selected and trained to respond sensitively and appropriately to their needs and concerns. A good understanding of the nature and effects of rape trauma is essential in this regard. Overall, the comments made by the women reflected their desire for the entire reporting process to become more victim-centred and cognisant of their needs rather than being oriented exclusively around police operational requirements.

## (2) *Medical examination*

The medical examination is extremely important both for obtaining forensic evidence and assessing the woman's health and emotional state following a rape/sexual assault. In terms of providing reliable forensic evidence, doctors in New Zealand are advised that ideally the examination should be conducted within 72 hours of the rape/sexual assault, although in some cases this can be extended to seven days (Fancourt et al. 1994: 55). The examination itself is a lengthy and acutely sensitive procedure, involving rigorous tests, measurements and specimen collection. These include examination of external genitalia, speculum examination of the vagina and anal examination, as well as requiring the woman to provide samples by chewing gum, having her pubic hair combed, and her fingernails scraped (ibid: 60–8).

The way in which this examination is conducted is of critical significance, given the invasiveness of the procedures and the vulnerability of the victim. In New Zealand, it was common practice for police surgeons to perform such examinations, sometimes in police cells, until, in the late 1980s, concerned doctors formed a nationwide organization called Doctors for Sexual Abuse Care (DSAC). This is a voluntary organization which any doctor involved in the care of sexually abused patients is encouraged to join. One of DSAC's aims is to improve the knowledge base concerning the most appropriate ways to respond to and treat sexual assault victims, and the organization now operates a call-out system throughout most of the country to ensure that specially trained DSAC doctors are available to undertake forensic examinations on contract to the police. Thus, at the time of this study, the preferred practice was for the police to contact a local crisis support agency as soon as a rape was reported, who in turn would notify the doctor on call,

arrange for the medical examination to be conducted in a clinic or other suitable venue, and provide a support worker for the victim as she underwent the examination.

The majority of the women interviewed in this study (68 per cent; N = 34) had undergone a medical examination as part of the overall reporting process. In cases of delayed or historical reporting, which accounted for 18 per cent of the cases in the sample (N = 9), the passage of time usually renders a forensic examination unnecessary, although it may often be advisable for sexual assault victims to have a general medical examination and be tested for possible infections and/or pregnancy. One woman, for example, said she did not report the rape to the police and left town instead, hoping to forget the incident. She began to feel terrible and, on returning to her home town, visited the family doctor, only to be told she was pregnant, at which point she was referred for an abortion.

*Gender of the doctor* One significant change which has occurred since the 1983 Rape Study concerned the gender of the doctor conducting the medical examination. In 1983, all but two of the doctors who conducted the medical examination were male (Stone et al. 1983: 45), while in this study this had reversed, with the women being examined by a female doctor in by far the majority of cases (88 per cent; N = 30).

Virtually all of the women (97 per cent; N = 29) remarked that they were pleased and relieved that the doctor was a woman. In describing the comprehensive nature of the examination, one woman remarked:

I had to chew chewing gum . . . she took finger-nail scrapings, she took everything, it was really gung-ho. It was degrading, but it was no more degrading than a cancer smear, I suppose. But there is no way I could have done it with a male doctor, there is no way.

What the women repeatedly stressed was the necessity of having a woman doctor, given both the intentionally invasive nature of rape and the unavoidably invasive nature of post-rape forensic examinations.

Because the examination is so intimate—after having had a man do that to me I didn't want another staring at me.

I wouldn't let a male touch me. That would be the worst thing you could do to a female, I think.

I didn't think much of males at that point in time.

Issues concerning safety and empathy with the victim were also stressed by the women:

I would have felt dominated if it had been a male—with a woman I felt safe.

I thought she'd be able to be more in tune with how I was feeling.

Overall, it appears that while gender was not a consistently critical factor in relation to police interviewing, it emerged as a much more critical consideration for women undergoing the medical examination. Since the procedure itself is, by its very nature, invasive and distressing, virtually all of the women said they were pleased and relieved to be examined by a woman doctor.

*Women's satisfaction with the way the doctor dealt with them* Very high satisfaction levels were recorded overall by the women regarding how they felt the doctor treated them during the medical examination. Over 80 per cent said they felt either very satisfied

(N = 18) or satisfied (N = 10). Only one woman expressed strong dissatisfaction, saying she found the attitude of the police surgeon who examined her aggressive and distressing.

He treated me like I was just some bit of rubbish off the streets. He didn't talk to me or explain anything. He just said, 'Take off your clothes, hop into this,' then started measuring.

A number of particular themes and issues emerged from the women's accounts of the medical examination. These included the need to be guaranteed safety and privacy during the conducting of the examination and the need to feel they were treated with respect and sensitivity, especially given the invasive nature of the procedure.

The women said the behaviours they appreciated from the doctors involved being called by name, being talked to, being given explanations, having their feelings checked, being asked if it hurt or if they were comfortable—in other words, being treated with both caring and professionalism.

She made me feel as comfortable as I could given the circumstances. She kept making sure I was OK, that I was comfortable, she explained everything—she was excellent.

She was definitely professional but she offered more than that. She was giving me credit for being intelligent, she treated me with dignity, she wasn't at all patronizing—she was lovely.

It was clear from some women's comments that a professional stance alone was not always enough for what they felt they needed at this time.

There was a sound of compassion in her voice but I felt it was robotic. Like she was just going through the procedures.

She was professional but not very warm. When you've been through that you do need a bit of warmth.

The issue of control also featured repeatedly in the women's accounts. During the examination itself, control arose as an issue for some women in relation to who was present, with it clearly being important that the women be offered a choice in this matter. Not every woman wanted a support person in the room with her during this intimate procedure. Some preferred more anonymous professional support and did not want close family members to be present during the examination, while others thought they would have found it extremely difficult to manage such a procedure *without* close support. Such opposing views reinforce the need for the woman to be consulted as to her wishes so that her choice in these matters is able to prevail.

*Summary of experiences of the medical examination* The high overall level of satisfaction with the doctors noted by the women suggests most are conducting these difficult examinations with care and sensitivity. This contrasts sharply with a London study in which only one of 24 rape complainants felt the medical examination had been conducted sympathetically; the rest experienced it very negatively (Lees and Gregory 1993: 29–30). The obvious improvement in how these examinations are being conducted in New Zealand is testimony to the work of a small team of dedicated medical practitioners (DSAC). This group has worked hard in recent years to provide appropriate training and supervision for, mostly, the women doctors prepared to undertake such examinations and the results presented here indicate the importance of their being able to extend and consolidate this service.

*(3) Police statement-taking and interviewing*

Following the reporting of a rape/sexual assault, the complainant will usually be referred for the forensic medical examination and put in contact with a support agency before returning to the police to provide a full statement. Subsequent police interviews may also eventuate as details are checked and the court case prepared.

*Location and atmosphere during statement-taking* In the main, the woman's statement was taken in a police station. This occurred in nearly three-quarters (73 per cent; N = 35) of cases. Less commonly, it took place in the victim's home (19 per cent; N = 9) or in support agency rooms (4 per cent; N = 2). In one case, the interview was conducted in the woman's workplace, and in the remaining situation, the level of injuries sustained in the rape attack necessitated the statement being taken while the woman was in hospital.

Nearly half (49 per cent; N = 21) of the 43 women who commented on the atmosphere during interviewing and statement-taking considered it to be warm and supportive.

It was nice, they were watching cricket on TV, it was the middle of the night. They made me a cup of coffee, they let me smoke . . . it was all quite relaxed.

It was just a normal office, but they offered me drinks, they tried to make me feel comfortable.

Other women experienced the interviewing atmosphere in less positive ways. Nearly a quarter (23 per cent; N = 10) described it as a cold, clinical environment, and the remainder (28 per cent; N = 12) used a range of other descriptions, such as 'unreal', 'grotty', or 'overwhelming'.

The atmosphere was terrible—just a room with very bright lights, a desk and a chair. And when you're tired those lights are hideous!

They interviewed me in the same room where they interview the criminals. I felt like I was guilty and being charged.

I think the room needs to be more comfortable. The room I was in had riot gear in it. I think they should have counsellors there when you give your statement.

Overall, what the women said they valued the most was being in a comfortable and relaxed environment where they were treated in a friendly, caring manner and could be guaranteed privacy.

*Number of people present during the interview* The most common interviewing scenario involved the woman complainant with one police officer, which occurred in 41 per cent (N = 20) of cases. The next most common arrangement was when the woman had one support person present (22 per cent; N = 11). Sometimes, two officers would be present with the woman on her own (8 per cent; N = 4), or with her and a support person (14 per cent; N = 7). On other occasions (14 per cent; N = 7), there could be five or more people present during the interview, and there were up to eight in one case.

Whether or not it was possible to have a support person present during statement-taking became problematic for some women. Not all the women who wanted support during the interview felt strong enough to request this, and occasionally a request for support was refused.

*Gender of the interviewing officer* Half of the women (51 per cent; N = 25) were interviewed by male officers; most of the remainder were interviewed by female officers (41 per cent; N = 20), although a small number of women (8 per cent; N = 4) were interviewed by officers of both genders. In general, a preference for women officers being involved was apparent (Jordan 1998b).

Given the sensitive nature of the incident, and the intimate questions which needed to be asked, some of the women found it very difficult to be questioned by a male. Several said categorically it *had* to be a woman, especially if the interview was conducted in their own home. Disclosing details of the incident to male officers could compound the woman's sense of vulnerability:

It's like you're sitting there with your legs open, you might as well be.

Some women also commented about the lack of sensitivity and awareness displayed by male detectives towards them as rape victims. In relation to Lisa's case, she feels the police forced her to watch pornography tapes because they were trying to work out which ones her abuser had made her watch. She said:

I got back to work and I just threw up—it made me that sick.

Lisa thinks a woman officer may have been more sensitive about this aspect, saying:

She'd have been more understanding of what I had to go through to watch it again, because it brought back heaps of feelings, whereas the male cop just put the tape straight on.

Maleness per se did not appear to determine the quality of an officer's response to sexual assault victims. Several of the women interviewed, in fact, said they had requested a woman officer only to end up feeling disappointed with the outcome. Ruth, for example, observed of the police:

The fact that they'd given me a female to interview me was seen to be enough, and that she could slack off on the other issues. *She* [the detective] thought the fact that she was a woman should be enough, but in actual fact it wasn't.

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

In terms of gender, then, it was clear that while some women found it traumatic being interviewed by a man, others felt this was not nearly as important as the officer's attitude. This could be conveyed non-verbally at times and, for some women, it was reflected in the tone of the general interviewing environment. For instance, one woman felt uncomfortable being asked intimate details about her rape in a room in which pictures of semi-naked women were displayed on the wall calendar. Likewise, another felt the detective interviewing her was being reasonable until she overheard his male colleagues telling a sexist, anti-woman joke in the next room, which went unacknowledged by him.

Overall, the characteristics the women said they appreciated in the police can be summarized as those reflecting a caring professionalism underpinned by respect for and belief in the victim/survivor. Gender alone is no guarantee of such attitudes being present (see also Lees and Gregory 1993: 6). It would, therefore, seem imperative to ensure that *all* officers, both male and female, who are likely to have contact with rape

and sexual assault victims should demonstrate the appropriate aptitude and undergo the necessary training for this task. Once this is established, it may also be appropriate to offer rape complainants a choice, wherever possible, in terms of the interviewing officer's gender.

*Number of interviews* Approximately three-quarters of the women (N = 35) were interviewed by the police more than once. These ranged from one additional interview just to clear up a few details, to at least five of the women having six or seven follow-up sessions with the police. Multiple interviewing appears to have arisen for a variety of reasons. In some cases, additional details needed to be obtained from the woman, her assistance was required in assembling an identikit, or the police wanted her to return to the crime scene for a reconstruction of the incident. In two cases, further details were necessary to enable the police to arrange appropriate witness protection measures.

*Continuity of interviewing officers* Approximately half of the women (N = 18) who had more than one police interview had the same interviewing officer throughout; the remainder were interviewed by different officers. The women who were re-interviewed by the same officer often felt pleased at the continuity:

I don't feel like I'm being put off from one person to another. I've just got this one person who seems to be wholly involved even though she's got all these other cases and who is genuinely interested. It's not like she's just doing her job. It's like she cares. I was lucky—I got a good one from the word go.

Of those who experienced a change of officer, their feelings varied depending on whether or not they felt the change was for the better. Some did not mind:

I was not in the least worried—the first one (detective) was awful!

Other women, however, found it difficult to manage the lack of continuity:

I don't know whether they're talking to each other or not. I mean, none of them knows what the other's doing, and one of them was so off-putting—he kept saying, 'Is that all?' Then when I couldn't stand it any longer I rang the police and found out the case officer I had had gone on holiday! I mean, I saw him a week before, so why didn't he say he was going on holiday and let me know who was taking over?

*Advice to women in a similar situation about contacting the police* Three-quarters of the 40 women who answered this question (N = 30) said they would advise someone who was a victim of rape/sexual assault to report it to the police. Some added qualifiers to their answer, such as:

Only if it was to a policewoman.

Definitely—but I would say give so and so a ring, not phone up the watch tower and get Starsky and Hutch out.

Nine of the women said they would advise women to go to the police only if they had a support person to accompany them, with even women who expressed very negative views concerning how their case was treated saying they would still advise others to go to the police.

Six women (15 per cent) were emphatic, however, that after their experience, they would not encourage others in a similar situation to report:

Going through that—it's not worth it.

A further four women (10 per cent) indicated that they were unsure what they would advise, and articulated mixed views on this question:

If the rapist was unknown to them, I would; if the offender was known to them, I'd advise them to do it themselves! (laughs) I think the odds are stacked so heavily against getting a conviction. I know that more women need to go to court, but the system operates for the defendant. I think it's just too hard on people. Everyone wants a victim to come forward and give evidence and let's get this guy off the street, ra, ra, ra . . . but you lose your life. Then it's gone, there's no-one there, and because of the way the system operates, that's what you're left with—nothing. You feel as if you've been abused by the offender, you go to court, you're abused well and truly by the court system, and then afterwards it's like, 'It was all your fault so this is your punishment—now piss off!'

*Extent to which the complainant was satisfied/dissatisfied with the police response overall* With each woman interviewed, we explored the extent to which she felt satisfied with the police response at different stages of the reporting process. The final time this question was asked the women were invited to provide an overall rating as to how they felt their complaint was responded to and dealt with by the police. Table 1 sets out this information.

It is striking that there was virtually a 50:50 split between those who expressed overall satisfaction or dissatisfaction with the police. A total of 20 women (40 per cent) said they were either satisfied/very satisfied compared with 19 (38 per cent) who said they were dissatisfied/very dissatisfied. At the two extremes within these categories, 11 women were very satisfied and 13 were very dissatisfied. Generally, therefore, the women's responses were quite polarized. In addition, a small number (6) felt unable to summarize their overall satisfaction level because, while they were pleased with some aspects of the police response, this was compromised by their dissatisfaction with other aspects. A further two women could not provide an overall satisfaction rating, stating that the negative police attitude expressed when they made their initial complaint deterred them from proceeding any further with it.

Comments made by the women further illustrate the intensity with which they described their experiences of the rape reporting process. Some women who felt satisfied referred to having their impressions of the police changed for the better as a result of reporting this incident.

TABLE 1 *Women's overall satisfaction with police: numbers and percentages*

	N	%
Very satisfied	11	22
Satisfied	9	18
Neither/nor	0	0
Dissatisfied	6	12
Very dissatisfied	13	26
Both/mixed	6	12
Not sure/can't say	3	6
Didn't proceed with complaint	2	4
Total	50	

I'm glad they're there. I've changed my opinions of them. I was very pleased with how they treated me and think better of them since the incident. I don't think of the police as 'the enemy' any more, which is a bit of a juvenile thing anyway.

The police were just wonderful to me . . . It gave me a lot of confidence in my belief of myself as a person of worth.

Those who felt dissatisfied complained of not feeling believed by the police and of not having their experience understood by them.

I feel it was wrong to tell the police because they haven't helped me in any way. Now I'll never tell them ever again because I always believed they were there to help.

The police are a big waste of time, and they really haven't got the complainant's interest and priority right. If only they knew how victims felt . . .

In Beth's case, she was 16 when she was raped at a party. She went to a neighbour's house for help at 3am and they called the police. Beth reports finding it difficult to convince the police that she had been raped.

Right from the very beginning I think they thought I was a little slut—I even told them 'I'm not a little slut', because I was a virgin . . . But I always thought they thought I was a young stupid girl who had got drunk and had sex.

Another woman said she resented their assumption:

'that I was telling lies, like I was the bad person. What had I done wrong?'

Sometimes, the women felt the police's focus on information gathering prevented them from recognizing the needs of the victim.

They don't think about you needing support. They just think about the 'finding the person' side—they don't think about rekindling the person who's hurt.

When Stevie, aged 16, was raped by a young man she met at a music festival, she felt her obvious distress during the interview was unacknowledged by the police, leading her to say:

They need to stop just getting information and be a bit more personal, like see what I really need. They should have tissues in the rooms—I had to smear it all over my jersey, all the tears and snot, it wasn't very nice. They didn't even show me where the toilet was.

One woman said she now feels so disgusted with the police that she can't watch their family violence campaign advertisements on television any more:

I feel so disgusted with them. 'You're not alone, just contact the police.' Well, I did that and I didn't get anywhere. They did nothing. I was in the very same situation as those women and I did act, I did seek help, and I felt very threatened that they didn't act as they made out—or as you'd expect them to, as well. I just turn them off now, or walk out of the room.

It is, therefore, clear that while a significant number of the women felt very positive about the response they received from the police, an equally significant number were highly dissatisfied. Precisely why such a polarization exists is difficult to determine. It may be related in part to the nature of rape itself, and the fact that it is such an overwhelmingly

traumatic experience for the woman to experience, combined with the undoubtedly strong views held by many police officers on its occurrence. Because rape is such an intense and sensitive area, when the police act with professional caring and demonstrate their respect for the victim, this is noticeable and greatly appreciated. When such qualities are lacking, however, their absence is also very noticeable. Either way, this results in heightened emotional responses and polarized views.

The women's satisfaction ratings were correlated with several key variables, in order to determine the possible impact of these. No significant differences emerged in women's overall satisfaction with the police depending on the age of the complainant—of those aged 25 and under (N = 24), 10 expressed overall satisfaction and 10 dissatisfaction. Similarly, of those aged over 25, 9 expressed overall satisfaction and 10 dissatisfaction. In both age groups, the remainder gave a mixed response in their replies to this question.

Similarly, no significant differences emerged which were related to whether or not the perpetrator was a stranger. Of those attacked by strangers (N = 15), half expressed satisfaction (N = 7) and half dissatisfaction (N = 7), while one gave a mixed response. Of those attacked by someone known to them (N = 35), 13 women expressed satisfaction and 14 dissatisfaction, with the remainder giving mixed (N = 5) or unsure (N = 3) responses.

The only variable analysed that did seem to be associated with the women's satisfaction ratings of the police was that relating to case outcome. Of the 20 cases where the offender was either not detected (N = 8) or detected but not prosecuted (N = 13), three-quarters of the complainants (75 per cent; N = 15) stated their dissatisfaction with the police. A further two said they decided not to proceed with the case because of encountering a negative police response. One said she felt she had received a mixed response, leaving only two women expressing any level of satisfaction with the police. Conversely, of the total number of cases resulting in prosecution (N = 31), 18 women recorded satisfaction with the police; four dissatisfaction; seven had a mixed response and two felt unsure. In ten cases the offender pleaded guilty while the remaining 21 went to a defended hearing. The eventual case outcome did not appear to be as influential on women's views of the police as the fact of prosecution—the four women who expressed dissatisfaction with the police all had cases resulting in conviction (including one offender who pleaded guilty), while none of the seven women whose cases resulted in acquittals expressed clear dissatisfaction with the police (although two women had a mixed response).

#### *(4) Case progress*

Being kept informed by the police about progress on one's case has emerged as a factor of vital importance to rape complainants (Adler 1991: 1115; Chambers and Millar 1986: 51; Temkin 1997: 517; Temkin 1999: 28–30) and this finding was further reinforced in the New Zealand study.

*Informing the women about what would be involved in a prosecution* Over half the women (59 per cent; N = 26) said the police gave them information concerning what would be involved in a prosecution, and some commented that they appreciated in particular being fully informed as to what the trial would involve.

She (detective) told us (complainant and support person) it's not like you see on TV—they're (defence lawyers) not allowed to bang the table and swear and yell at you. She told me how I'd get looked after in

court, that I could have all the support people I want, that it would be a closed court—just what to expect.

The police were very straight, they were blunt, saying it was more or less my word against his word and they couldn't promise anything. That was really good, because it meant I went in there with open eyes.

They made it very clear how arduous it was going to be for me and they made it clear there'd be support for me and that everyone, from the Crown Prosecutor to the police and stuff, they all *hated* these guys and were going to get them for me. A couple of times they said they'd like to do them over and what not for me—it was like having a pack of big brothers around that wanted to protect me. Maybe they were saying some of it to make me feel better, but I really think they genuinely dislike people like him.

Eighteen women (41 per cent) said they were not told what would be involved in a prosecution. In five cases this was related to the offender not having been identified or apprehended, and in at least two others it was related to the police deciding not to press charges. In the remainder, the women said that although their case appeared to be proceeding, they felt ill-prepared by the police and uninformed as to how the process should operate and what to expect. Some of the women remarked that they were given no explanations by the police concerning reasons for case delays or postponements, and felt frustrated that they were unable to meet the Crown Prosecutor until the day of the trial. Concern was also expressed by some that the police asked them to proceed to trial without explaining exactly what would be involved, leaving them to ask support agencies for information they believed the police should have provided. One woman, for instance, said she specifically asked the detective what kinds of questions she might face only to be told dismissively that he did not know, leaving her to seek preparation for court from elsewhere.

One aspect that she and other women felt strongly about concerned their perception that at times the police deliberately withheld information from them regarding the most potentially harrowing aspects of a courtroom trial in order to try to protect or insulate them. The women criticized this practice for its potential to misinform and mislead them about the realities of the trial process. As one woman said about the police:

They didn't want to frighten or upset me, but I think that's wrong. It leaves you impotent, not knowing what to expect. I think you really need to know what you'll be up against when you go in there. I've spoken to several lawyers since and they've told me the tactics they use to break rape victims down on the stand and so I think rape victims should be taught what's going to be thrown at them.

On the other hand, over a quarter of those who were given information about the prosecution process believed that this was for negative reasons and that the police wanted to deter them from continuing with the case. Some related this to a perception that the police did not believe them:

They said to me that if there's anything in my statement that I'm lying about then to fix it up now before it went to court, otherwise if it went to court and they found out I was lying I'd get imprisonment for lying in my statement.

Undoubtedly the issue of courtroom preparation is a complex one for the police to negotiate with complainants. If officers detail how aggressive defence lawyers can be towards the complainant then the police can be criticized for scaring her from proceeding; if they fail to warn her of the possible rigours of the trial, however, then they

may stand accused of insensitivity to her vulnerability on the witness stand. This need not be an intractable catch-22 situation for the police. Comments from the women suggest that what is valued most is realistic information from the police concerning how they expect a trial to proceed, with the most important factor being that this is communicated in a way which validates the woman's experience, irrespective of the eventual case outcome. Knowing that the police believed them and that the justice system was often flawed helped some women to accept the possibilities of a 'not guilty' verdict without feeling completely invalidated by the process.

Often, therefore, it seemed to be the process that mattered more to many of the women, rather than necessarily the final case outcome. This factor possibly underlies the apparent tension which exists at times between the police and rape victims, and which is explored more fully later in this article. Some women complained, for example, that once their case entered the criminal justice system, the police overlooked their need to be kept informed of progress and developments. In Susan's case, for instance, she was very pleased with how the police responded to her stranger rape and appreciated being informed when the accused pleaded guilty before the trial. She was upset, however, that they had said they would let her know what sentence he received but she read it first in the paper. She felt, she said, as if the police were too busy with their own agenda:

It was all tied up for them but I felt they forgot to let me know . . . They need to keep the victim informed—I thought that was rude. If you're going that far, it's very important to know they're locked up, they've got them, and they've dealt to them.

#### *Comparison with the 1983 Rape Study*

In the introduction to this article, reference was made to the 1983 *Rape Study* conducted by the Institute of Criminology and the Department of Justice (Young 1983). One aim of the current research was to provide material which could be compared with the 1983 study, in order to ascertain the extent to which women's experiences of the reporting process may have changed. This section of the article details some of those changes.

The 1983 *Rape Study* states that the women's descriptions of how the police treated them varied considerably:

ranging from glowing praise to severe criticism. Overall, their positive and negative responses were fairly evenly balanced. In fact, only two women had predominantly negative perceptions of the police. Most felt that they had generally received 'a good deal', as one woman put it, and that at least some of the police officers they had encountered had been helpful and sympathetic. (Young 1983: 46)

What the women interviewed in 1983 said they most appreciated was having their complaint dealt with by understanding and supportive detectives who displayed a degree of kindness as well as professionalism. Such qualities continued to be highlighted as important by the women who participated in this study, and in fact, all the major themes identified from the women's responses in the current study had been evident in the 1983 study.

Many of the women in the earlier study felt that their rape complaint was met at some stage by scepticism or disbelief; that they had to convince the police they were telling the truth; and that they felt they were tested by the police (Young 1983: 46). The women we

interviewed expressed similar sentiments and continued to identify police disbelief as a major issue. Even some of the women who received a positive police response said they felt this was largely a matter of luck. Comments from many of the women suggest that current police attitudes may inflate perceptions of the frequency of false complaints while failing to acknowledge that situations also exist in which women are wrongfully accused of lying about rape. It appears that little has changed in this respect since the 1983 study. This issue continues to pose problems for both the police and the victims of rape.

A second area of concern identified in the 1983 study arose from officers not displaying the personality, experience, or sensitivity to handle rape complainants properly. Police assigned to the case were frequently perceived as being too young, unable to understand the victim's feelings, and incapable of establishing rapport (Young 1983: 46). Hence they failed to treat the women appropriately and with respect. Many comments were made by the women in the current study suggesting this was still often the case. The attitudes and behaviours expressed by some police officers towards the women suggest that not all of them were entirely suited to interviewing victims of sexual assault. Since currently most police training in interviewing techniques is oriented towards equipping them to obtain information from criminal offenders, it is not surprising that victims often felt they were being interrogated as if *they* were the guilty party.

Issues such as these highlight the importance of training police officers specifically in victim and witness oriented interviewing techniques, especially since most officers probably spend more time interviewing victims and witnesses than they do offenders. They also indicate the need for those working with sexual assault victims to be carefully selected and prepared for the task, in ways similar to the training given to those working with sexually abused children.

The view was also expressed in the 1983 study that:

the police sometimes seemed to be too busy with their own investigation to have proper regard for the victim's feelings. (Young 1983: 47)

Examples cited included disclosing identifiable details to the media, and turning up unexpectedly at the woman's home or workplace. Women also complained of feeling that once they reported the incident to the police they became *a cog in the criminal justice machine*. Many of the women in this study also said they felt distressed at times by feeling they had lost control of their case and that, in effect, it no longer felt like their case at all.

A fourth major criticism voiced by the women interviewed in the 1983 rape study was that the police did not liaise with them properly, or explain procedures (Young 1983: 47). Similarly, in the current research, this was an area where the women were very appreciative of those police who understood their need to be kept informed about developments with their case. However, many of the women indicated that they felt the police underestimated the extent of their vulnerability and the importance they attached to receiving such information. For some women, this was their first-ever contact with the police and criminal justice system, and they felt awed and confused by its mysterious language and operations. Anxiety concerning the whereabouts of the perpetrator and their own, and their children's, safety added to the pressing need some of the women felt around the issue of information availability.

The results of this study, compared with that conducted in 1983, suggest that, despite changes in the law and police training, little has changed in terms of women's experiences of the reporting process. Analysis of the content of the women's concerns, as revealed in their stories and comments, confirms that, as Temkin also found recently in the Sussex study (Temkin 1997), little of substance has changed. Despite apparent improvements in police processes, women reporting rape/sexual assaults to the police now are likely to encounter similar police attitudes and behaviours to those experienced by women in the early 1980s. While it is clear that some individual police officers may respond supportively to rape complainants, it is equally apparent that such a response cannot be guaranteed. This lack of consistency runs counter to increasing expectations of acceptable professional conduct in the 1990s. As one of the women in this study commented:

Individual cops are really, really good and deal with these situations really, really well, and probably now there are more individual cops who are good than there were, but it shouldn't be an individual thing. They're paid by us and they need to be able to respond to things appropriately and it's not good enough when it's just left up to individuals. It shouldn't be a case of just who you happen to get.

Being lucky in 'the police rape lottery' is incompatible with the current police focus on increased professional service delivery and quality customer service. Yet rape victims and police officers often present in ways suggesting they are worlds apart in their needs and perspectives, leading us to consider more closely the tensions between them.

#### *Tensions between victim needs and police responsibilities*

A common source of concern is the perceived failure of the police to strike a consistent and compassionate balance between the victim/survivors' needs and the demands of investigative and administrative priorities (LRCV 1991, in Gilmore and Pittman 1993: 12).

The attitudes expressed, both verbally and non-verbally, by those with whom a rape victim has contact dramatically contribute to the process of restoring her sense of self and safety in the world. Of critical importance is the extent to which she feels believed by those she entrusts with her confidence, and the degree to which they are able to validate that what happened to her was both traumatic *and* not her fault. Since rape by its very nature involves a loss of control and autonomy, the victim needs to begin rebuilding her own sense of autonomy as soon as she is able. This may mean enabling complainants to exercise some choice, for example, over who they are interviewed by, medically examined by, and supported by, although it is also important to appreciate that some women may still be too traumatized to want or be able to make such decisions at this time.

The women's efforts to regain power and autonomy can be either enhanced or undermined by the police response. Police practice following a rape complaint is primarily oriented around the need to establish the nature of the offence, the identity of the offender, and the obtaining of evidence. Since rape historically has been perceived as a charge easy to be laid and hard to be proven, the police are intent on establishing the extent to which sufficient evidence of any kind exists on which to identify and/or charge the alleged offender and take him to court. Their role at this time must necessarily reflect

a detached and evaluative assessment of the incident characterized by professional distance and impartiality. An individual officer cannot afford to empathize too closely with the victim, since over-identification carries with it the risk of loss of perspective and emotionally based decision-making. An additional factor in the officer's mind is the arrest imperative, the pressure to be the one who 'nails' the offender and can then add a new notch to his/her police arrests' belt. A sense of urgency therefore prevails, and influences the pace of the proceedings. Furthermore, the police, although undoubtedly seen by many victims as there to support them and their interests, must also be cognisant of the alleged offender and his rights.

From the above, it is evident that at the very time that a raped woman is seeking to be believed and validated, the police will be intent on obtaining proof and verification that she is telling the truth. Her need for validation may clash with the police search for verification, and the techniques used by the police in their quest for evidence may threaten and undermine her sense of confidence and safety in them. While she struggles to regain a sense of autonomy following the rape, the police feel they as professionals must retain control of the proceedings.

Police professionalism requires control and decisiveness on their part, and a determination to ascertain the legitimacy of any complaint and establish its suitability to proceed to court. Yet the complainant may not be able initially to provide a coherent account of the events, nor to recall details with sufficient clarity and consistency. The impact of trauma is such that the very information the police require may be that which she is the least likely to be able to provide. Moreover, police efforts to obtain this information may, depending on how they are conducted, convey to the woman a sense of suspicion and hostility that will trigger her into being even less trusting and available.

From comments made by the women interviewed, it appears that, as indicated earlier, some of the tension may result from the police focus on *outcome* at a time when complainants are more concerned about *process*. This is not to deny that many victims may also want to see their attacker caught and prosecuted, although this is by no means a universal desire on the part of victims (e.g. Jordan 1998a: 43). *All* victims, however, expressed a wish to be treated with respect, sensitivity and professionalism. At times, however, the police's focus on their own procedures appeared to obscure their appreciation of how these might impact on the victim. A clear example of this clash can be seen in Kylie's case.

Kylie felt misunderstandings arose from her being interviewed by the police and expected to provide details when she was too exhausted to think straight. Of the police interview she says:

I did feel they were calling the shots. I was too tired and distressed to think that I had a right to say, 'This is enough . . .' It didn't really occur to me that I could say I was too tired and wanted to go home.

Kylie felt it was the police's insistence on continuing to obtain details from her when she was '*past it . . . that began the slippery slope*'. When the police subsequently re-questioned her, they became upset at apparent inconsistencies and gaps in her memory. The re-questioning culminated in the police cautioning Kylie three times and threatening to charge her with making a false allegation.

In recognition of this particular tension, police in some jurisdictions have begun recommending the practice of delayed statement-taking when the complainant is exhausted and in need of rest (Epstein and Langenbahn 1994:19; Temkin 1997: 514).

For some officers, however, it is clear that such a departure from traditional police practice may threaten their sense of control over procedures (personal communication, New Zealand Police 1999), making it likely that other rape complainants in future may have experiences similar to that described by Kylie.

Overlooking the women's needs led to other women saying they experienced the interview process in ways similar to the original abuse. Sarah expressed strong views on this:

The police are hopeless! They don't care at all. It's like you're an instrument for their cause, a means to an end, in the sense of how they use you, and they don't care about all the effects these things have on you psychologically.

These comments suggest that there are undoubtedly tensions between the needs of rape victims and the responsibilities of the police, to the extent that we might wonder if it is inevitable that rape complainants will feel dissatisfied with the police response.

I was definitely a case; I was not a rape victim . . . She [the policewoman] didn't even recognize me as a victim—I was a client, a case study. It's really important at that stage that people do see you as rape victims, or there's just no understanding—it's just a case, facts and figures, and whether there's enough evidence to convict.

When we consider the respective focus and needs of women rape complainants and the police, it is clear that, at times, a vast gulf separates the two. Although there may be some overlap between what victims want and what the police seek, the issues are complex and suggest that at times the police may appear to victims to be overly ends-oriented and insensitive to the impact of both sexual assault and their own procedures on complainants. It is also apparent that despite this clash in roles, it *is* possible for the police to achieve high levels of client satisfaction in some cases. Analysis of those situations resulting in favourable police ratings reveals that these are most likely to arise when complainants feel they are believed, treated with respect and caring, and enabled to retain some degree of control over proceedings (Jordan 1998a; Temkin 1997, 1999).

Of concern, however, in this study was the lack of consistency evident in relation to the quality of response complainants received. Such inconsistencies did not appear, in any systematic way, to be related to identifiable factors such as whether or not the victim knew the alleged perpetrator, or whether or not she had been drinking. In some situations the victim had approached the police in trepidation, fearing that the context within which the rape occurred would result in their blaming her, only to be relieved by the sensitivity of their response (e.g. Jordan 1998a: 44–5). At other times victims who felt their case was clear-cut, for example, involving obvious physical injuries, were stunned to encounter disbelief and threats from the police (e.g. Jordan 1998a: 34–5).

Elsewhere it has been suggested that the increasing attrition rate in rape cases may be related to the increasing number of reported sexual assaults involving perpetrators already known to the victim (Harris and Grace 1999). The findings from this New Zealand study suggest that case progression through the system is not solely related to the stranger rape scenario, and also that case outcome is not the central determinant of victim satisfaction. Police decision making continues to occur within an occupational culture profoundly influenced by traditional patriarchal thinking and within such an environment it is inevitable that rape myths will still be apparent in some officers' responses to rape complainants. The fact that individual variation exists suggests both

that this occupational culture is no longer hegemonic, if indeed it ever was, and that the possibility of further reform exists even within the currently flawed system.

### *Conclusion*

The New Zealand Police responded positively to the results of research in this country by deciding to develop a specific policy for officers to adhere to in the investigation of rape complaints, along with other measures designed to improve police performance in this area. This policy (the Adult Sexual Assault Investigation Policy) was introduced in February 1998 and directs District Commanders to put in place specific procedures and practices for the investigation of adult sexual assault complaints. It recognizes the need for victims to be clearly informed and consulted throughout decision-making processes about issues that involve them, and specifies that training packages must incorporate components that address victim issues and needs.

The procedural guidelines adopted in New Zealand are by no means unique; they reflect concerns stressed in overseas jurisdictions and, more significantly, echo concerns raised within policing since the 1980s. As Temkin notes, the procedures and training have been altered to promote greater quality of service delivery to victims, but little of substance appears to have changed. Why does this continue to be the case, in police areas worlds apart from each other?

In part the answer lies in the tension identified between victims' needs and police responsibilities, a tension which exists to some extent in police organizations worldwide. The victim is trying to manage the effects of trauma and regain a sense of personal equilibrium at the same time as the police are making excessive demands on her stamina and seeking to establish her veracity as a complainant. Attempts to resolve this inherent conflict can begin only with an acknowledgment of its existence. The police focus is likely to be on the identification and apprehension of the offender, which may or may not be something that the victim can assist with, and may or may not be a goal she shares. What she is likely to need most is to have a sense of safety restored and to be able to heal and re-establish control of her life, something that the police are not trained to provide and which some of their procedures may even work against. The police role is not designed to assist in healing—this role rightly belongs to support workers and therapists, whose involvement can assist both police and victims alike. The police occupational culture, built as it is around the crime-fighting role, can in fact reinforce and emphasize qualities in police officers that may be anathema to the needs of rape victims. The skills necessary to conduct effective interviews with suspects and offenders, for instance, may be counter-productive if applied in the context of victim interviews, and may be experienced as suspicious and interrogatory.

Even when both police officers and rape victims desire similar outcomes, their respective journeys towards this goal may traverse very different terrain. This is apparent from the initial police contact onwards, established as it is against a backdrop of police power and authority coupled with victim vulnerability and disempowerment. The police role in identifying and preparing a case against the offender is clearly very different from the witness role assigned to the victim, and perhaps the most that can be hoped for is that police and court processes may be designed and implemented in ways which minimize the likelihood of re-abuse and revictimization of the complainant.

As long as police officers and rape victims continue to exist as if they were worlds apart from each other, the police will bear the brunt of public criticism and victims

will continue to express dissatisfaction with the police response. If attitudes of disbelief and victim-blaming are encountered, not only will one woman's trauma be magnified and her sense of injustice heightened, but the credibility of the system itself and its commitment to protect and support victims generally is undermined.

The role of police management must be acknowledged as critical if police performance in sexual assault investigations is to become more sensitive to the needs of complainants. Stressing victim sensitivity in training programmes is wasted effort unless police officers, in their day-to-day policing, are monitored, evaluated and able to be rewarded for displaying competencies in this area. The message needs to be conveyed within the police occupational culture that displaying sensitivity to the needs of victims does not detract from sound law enforcement practice—it *is* sound law enforcement practice.

The introduction of the Adult Sexual Assault Investigation Policy in New Zealand is in danger of backfiring if it raises public expectations while at the same time provoking resistance from within the police. Training programmes and policy initiatives can only ever be as effective as the occupational environment within which they are implemented. The role of management is vital in providing close supervision to ensure practice fits policy, and that the values implicit in training programmes are reinforced in the field through positive role-modelling and supervisory input. Without a commitment to change at this level, little substantive improvement in the police response to rape complainants can realistically be expected.

Improvements in the police response to rape complainants must also reflect changes in the wider society. Policing does not occur in a social vacuum; and as long as the wider social context reflects traditional patriarchal values, these will be reflected within, as well as perpetuated by, the state's institutional arrangements and agencies, including the police. The police mirror society and society, so it is said, gets the policing it deserves. Such thinking could easily lead to social apathy and moral paralysis, unless it is acknowledged that social forces and occupational cultures do not only determine, but also are themselves subject to, challenge, resistance and change.

It could be argued that police procedures, by their very nature, will continue to be experienced negatively by rape complainants and that no matter how much the reporting process is reformed it will always impact harshly on victims. The New Zealand research, however, suggests otherwise. While all the women whose cases went to trial felt traumatized by the adversarial nature of the courtroom, it was equally clear that, by comparison, only half expressed similar sentiments in relation to their treatment by the police. These procedures are undoubtedly difficult for victims to undergo but can be managed by the officers and detectives involved in ways which minimize their potential stress on complainants. While there is much within policing that still reflects traditional, even hostile, attitudes towards women rape complainants, it is currently possible for some victims at least to be treated supportively and with compassion. While it could also be argued that these will be only particular kinds of victims (the stereotype being of the 'teetotal virgin brutally attacked by crazed stranger' ilk), this study showed clear differences not only amongst victims but also amongst the officers involved. Thus even women who may conventionally have been viewed as 'asking for it' on occasion received a compassionate and non-judgmental police response, while the converse was also sometimes true.

Police occupational culture is not 'monolithic, universal nor unchanging' (Reiner 1992: 109); indeed, as noted elsewhere by Janet Chan:

a sound theory of police culture should recognize the interpretive and active role of officers in structuring their understanding of the organization and its environment. (Chan 1997: 66–67)

Individual officers and their managers *can* make a difference in the ways they respond to, behave towards, and communicate with rape complainants; nevertheless, a continental shift in thinking is needed if worlds which for so long have been apart are ever to move significantly closer together, along with an acceptance that some distance may always be inevitable.

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