

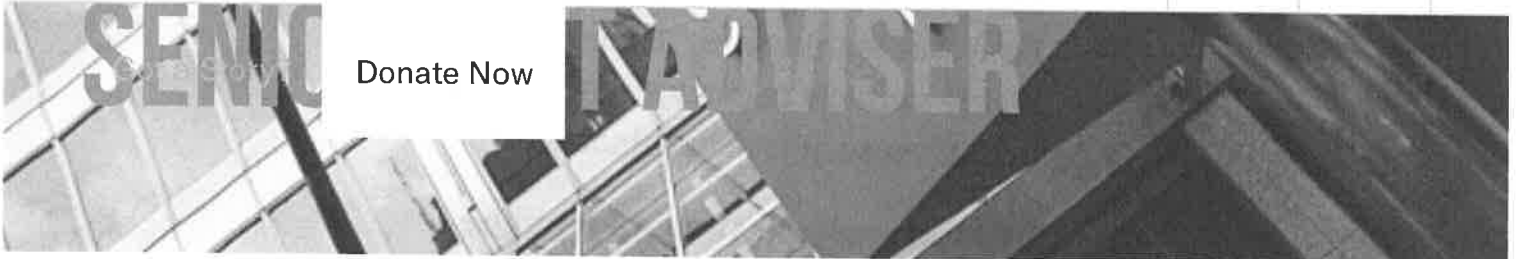


28.02.14 JUSTICE > INVESTIGATING RAPE

RAPE HAS BEEN 'DECRIMINALISED' FOR THE MOST VULNERABLE

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New Scotland Yard (Image: Metropolitan Police)

Rape of vulnerable women especially those with learning difficulties has been decriminalised, says the former head of research at the country's largest force.

The new claim is being made by Professor Betsy Stanko, who is currently the Metropolitan Police Service's assistant director of planning and who has been researching the force's

Published February 28 2014
By Melanie Newman



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investigation of rape for the past ten years.

In a draft report obtained by the Bureau, Stanko claims that despite a decade of reform the percentage of prosecutions and convictions of rape has remained consistently low, and this is largely because two thirds of rape allegations drop out during the police investigation.

The problem is particularly acute for people with vulnerabilities such as mental health issues and learning difficulties for whom the likelihood of getting their cases solved is extremely remote.

'These women face almost unsurmountable obstacles to justice,' Professor Stanko says. 'Their rape is highly unlikely to carry a sanction, and in that sense, it is decriminalised.'

Related story: Revealed – why the police are failing most rape victims

Stanko's research shows that 18% of women who report rape have a mental health issue. People with mental health issues were 40% less likely to have their case referred to the police for prosecution than people without these difficulties. People with learning difficulties were 67% less likely to have their case referred for prosecution.

'Victim vulnerabilities effectively protect suspects from being perceived as credible rapists,' says Stanko.

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Stanko calls for a fundamental change in the way rapes are investigated by the police saying that anything other than a complete change is 'tinkering around the edges'.

Shadow Home Secretary Yvette Cooper is also calling for change. She told the Bureau: 'The Government cannot just bury its head in the sand on this. A new approach is needed to protect victims and ensure that the perpetrators of this terrible crime are stopped as soon as possible.'

The call comes as the High Court ruled that the Metropolitan Police was liable to pay compensation for failing to properly investigate after two victims of convicted serial rapist John Worboys reported they had been attacked.

The Met said it had previously apologised for mistakes made in the Worboys investigation. 'The judge acknowledged that the failings in this case were very much historic; a recognition that in the interim we have made important and significant changes to the way we investigate rape....we are committed to providing the best possible service to victims, ensuring that they are at the heart of every investigation,' said a Met press release on the judge's findings.

Victim vulnerabilities effectively protect suspects from being perceived as credible rapists.

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Professor Betsy Stanko

Stanko's research shows that little has changed for rape victims in the past ten years.

The research, which is being presented at the LSE in two weeks time delves into nearly 550 rape allegations made to the Met police between April and May 2012. The research is part of a ten year study by Professor Stanko.

It shows that despite soaring reports of rape for the past decade detections, prosecutions and convictions in rape cases have not kept pace – and attrition, the rate at which cases are dropped during a police investigation, has gone from bad to worse.

Only around 15% of rapes recorded by police as crimes last year resulted in rape charges being brought against a suspect.

Two thirds of rape complaints drop out of the criminal justice system before they are sent to prosecutors.

Detectives' decisions on rape cases is rarely subject to outside scrutiny. Unlike the CPS, the police do not record their reasons for dropping cases consistently and there is no centralised data collection.

Stanko's research shows that more than 80% of people reporting rape to the Metropolitan Police are vulnerable to sexual attack – but that these same

vulnerabilities mean their cases are less likely to result in a suspect being charged.

And this is not because a suspect has not been identified – in the majority of cases, the identity of the alleged rapist is known.

These vulnerabilities include being under 18, having mental health issues or learning disabilities, having drunk alcohol or taken drugs prior to the attack and being in an intimate relationship with the suspect.

‘If a victim has mental health problems or is in a current relationship with the suspect then the most likely outcome is that the case will be dropped,’ Professor Stanko adds.

Stanko’s research also reveals that alcohol consumption prior to the attack reduced the chances of referral to prosecutors by 45%, as did a history of consensual sex with the suspect.

The new research has led Stanko to call for a radical shake-up in the way rape is investigated by the country’s police forces.

She claims that a total cultural change is needed. Police investigators, she says, need to take a person’s vulnerability as evidence that they are more likely to be raped and investigate whether that vulnerability was exploited by the suspect.

Currently questions around consent, rather than vulnerability, continue to dominate. 'The debate, policies and law reforms continue to address issues of consent – the legal line separating sex from rape,' says Professor Stanko.

'Exploitation is seldom recognised, though it is critical to how rape happens.'

A recognition of this exploitation must be at the heart of any reform, she says. Anything else is 'tinkering around the edges', which will be unlikely to produce real change.

Copper said: 'Research showing that the number of rape cases dropped by the police has not changed significantly since 1985 is extremely worrying, as are any suggestions that vulnerable people reporting a crime are less likely to be believed.'

'And the evidence shows that things are getting worse. We know that, since 2010, more allegations of rape are being reported to the police, yet the number of prosecutions has declined and only last month HMIC suggested there was a 'culture of disbelief' in some police forces, which is letting victims down.'

The Metropolitan Police declined to discuss Professor Stanko's research, but said: 'The MPS has previously apologised for mistakes made in the investigation of rapes committed by

Worboys.'

Case Study:

When a woman with acute learning difficulties and autism went with her sister to an Accident and Emergency department in London last year she was advised to call the police.

Despite the fact that the woman told the doctors that the day before, she had been raped and had terrible abdominal pain she was not referred to a specialist unit for rape victims that was in the same hospital.

Instead, the pair were taken to a police station, where they had a further lengthy wait before officers interviewed the woman on her own.

With the help of her sister the woman had managed to give a clear account of what had happened to the A&E doctor, including a detailed account of oral and vaginal rape.

But after leaving she did not have her sister's help when interviewed alone by police. And because she was unable to communicate clearly, the police decided she had not been raped vaginally and therefore need not be referred to the specialist unit. They were then sent home without any help or support.

The woman never received an internal examination and neither was she offered any kind of specialist support. The trauma affected the woman's behaviour so much that afterwards, she washed herself obsessively.

The woman's sister claims that she was later told by police that the man she had accused admitted to police to having sex, but that he had claimed it was consensual. The police decided to take no further action.

'It really does cause me great upset when I look back at the complete faith I had in all services involved,' the sister says.

The police have not responded to our requests for comment on this case.

About The Author

Melanie Newman

Melanie worked for the Bureau from 2010-18, reporting on areas such as lobbying, health and social care and police response to rape.

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