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# The London Rape Review 2021

**An examination of cases from 2017 to  
2019 with a focus on victim technology**

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**MAYOR OF LONDON**  
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## Contents

Executive Summary .....	5
1. Introduction .....	8
1.1 Background .....	8
1.2 The current review .....	9
2. Methodology .....	10
2.1 Case coding .....	10
2.2 Survivor and officer feedback .....	12
3. Results .....	14
3.1 Attrition of rape allegations .....	14
3.2 The profile of reported rape in London .....	16
3.3 Technology Evidence .....	20
3.4 Predictors of attrition .....	22
3.5 Predictors of police requests for victim technology .....	26
3.6 The perspectives and experiences of survivors and officers .....	27
4. Discussion .....	34
4.1 Summary of key findings .....	34
4.2 Future Research .....	37
4.3 Conclusion .....	38
Appendices .....	39
References .....	50

At a  
Glance...

# The London Rape Review 2021

This is a follow up to the MOPAC London Rape Review (2019). Using the same quantitative case coding approach, the aim was to gain an updated picture of the characteristics of reported rape in London, with an in-depth focus on examining requests for victim technology.

## An examination of 450 rape allegations

Random sample; taken from three time periods:

- 1) October-December 2017;
- 2) January-March 2018; and
- 3) October-December 2019.

Coded across **140 variables** pertaining to characteristics of victim/survivors, suspects, offence circumstances, case progression and outcomes, as well as technology evidence.

**The picture of reported rape in London has remained largely unchanged since the 2019 Rape Review**

- **65%** of cases end in victim withdrawal.
- A further **25%** end in police 'No Further Action'.
- Only **6%** of cases are committed by a complete stranger.
- **35%** are committed by a current/former partner, **29%** by an acquaintance/friend.
- Most offences take place in a private setting (**59%**).
- The strongest predictors of victim withdrawal and Police 'No Further Action' were **procedural characteristics**.

## Victim Technology Evidence

**23%** of cases involved the police requesting a technology device from the victim. There were no significant differences between the three time periods studied.

**A 50/50 split was found for victims' consent** to the request.

The current review found **no evidence of police blanket requests** for victim technology.

Whilst technology variables had some influence on case outcome - **increasing the likelihood of CPS submission** - this was not as strong as other - procedural - variables.

**Markers of case progression**, such as completion of a Video Recorded Interview, request for third party material, or seizure of suspect technology, **significantly increased the likelihood of a police victim technology request**.

Victim/survivor feedback suggests **frequent concerns about technology requests**, relating to the practicalities of not having access, but also perceived intrusiveness and concerns of material being used to discredit them.

Officers tended to view **technology evidence as an opportunity** but raised concerns around the practical implication of processing technology material in the wider context of **high caseloads**.

## Next steps / recommendations

- Review support provisions for victims and alternatives to criminal justice outcomes – balanced with maintaining public protection as key aim.
- Improvements to the approach taken to engage with victims including understanding the needs of high harm crime victims.
- Improvements needed to the practical and emotional support officers receive:
  - Guidance on how to systematically approach technology evidence.
  - Training on victim needs and close perception gaps.
  - Consider reflective practice /clinical supervision.
- Future research to include a victim survey of High Harm offences, and to include information drawn from partner agencies including the CPS, ISVAs and support agencies.

# MOPAC Rape Review 2021

## Executive Summary

### About the MOPAC Rape Review 2021

The 2021 London Rape Review is a follow up to the MOPAC London Rape Review (2019). Using the same case coding methodology, it gives an updated picture of the profile of reported rape in London. Additionally, the current research provides evidence around a much-debated topic: that of technology evidence and the use of victim technology in rape cases.

The current research analysed 450 allegations of rape - a random sample of cases reported to the Metropolitan Police Service (MPS) during one of three time periods: 1) October to December 2017; 2) January to March 2018; and 3) October to December 2019. These periods were chosen to allow comparisons over time, particularly in relation to the National Disclosure Improvement Plan<sup>1</sup>. In addition, feedback from survivors and police officers was captured to provide further context.

### The current landscape of reported rape in London - Comparison with previous reviews



Consistent with previous reviews, the 2021 London Rape Review finds steep attrition of cases. Two thirds of cases ended in victim withdrawal and a further one quarter ended in a police 'no further action' (NFA) decision. Fewer than 1 in 10 cases had been submitted to the CPS at the time of writing, although, given the recent sample, there were still a number of cases awaiting a final outcome.

Similarly, victim/survivor, suspect and offence profiles have remained broadly consistent. Those who report rape in London continue to be pre-dominantly female and young, with almost one third under the age of 18 at the time of the offence. Suspects continue to be men with a slightly older age profile compared to victim/survivors. When compared to their overall proportions in the London population, there continues to be an over-representation of both Black victim/survivors and Black suspects. Finally, and again consistent with previous research, in the majority of cases victim/survivor and perpetrator are known to one another and there is considerable overlap with Domestic Abuse.

Victim withdrawal has consistently remained the largest attrition point, and the current research finds evidence that withdrawals frequently take place soon after reporting and are often linked to victims not or no longer wishing to pursue a criminal justice outcome.

### Predictors of Attrition



The modelling replicated previous analytics to explore which factors predicted victim withdrawal as well as police NFA. Similar to the 2019 Rape Review it is **procedural characteristics** that contribute most to these outcomes, compared to victim, suspect or offence characteristics. Of note is particularly the role of Video Recorded Interview (VRI) completion in making victim withdrawal significantly less likely, suggesting that its function as a barrier has continued.

Variables relating to an assessment of the victim's account and victim credibility also impact on outcome, with inconsistencies in the victim's account making police NFA 12 times more likely, whilst markers of case progression (request for third party material, suspect arrest, Early Investigative Advice) make police NFA less likely.

## The role of victim technology evidence



A police request to take a technology device from the victim occurred in just under one quarter (23%; n=102) of all cases. There were no statistically significant differences in this across the three time periods examined. In all but 13 cases, the request followed an explicit reference to the possible existence of technology evidence. As such, the current review does not find evidence of police blanket requests for victim technology, nor of a spike in such requests after R v Allan.

Following a request, half of victims agreed to handover their device, whilst half declined. The proportion of victim consent drops slightly in the time immediately following R v Allan. Whilst this could be related to publicity around the case and media attention, it should be noted that the change was not statistically significant. The 50 / 50 split in terms of victim consent to the request indicates that more work needs to be undertaken in the engagement of victims with respect to technology evidence.

Reference to the existence of technology evidence, as well as request for and obtaining of victim technology were all found to be linked to a significantly increased likelihood of CPS submission. However, when included in the overall predictive models for victim withdrawal / Police NFA - they did not remain significant, suggesting that technology variables have some influence on case outcome, but not as strongly as other - procedural - variables.

Procedural characteristics were also strongest at predicting the likelihood of a victim technology request - mainly those that can be considered markers of case progression: VRI completion, request for third party material, accessing other digital material and seizure of suspect technology all significantly increased the likelihood of a police victim technology request.

## Survivor and officer voices



The current review incorporated feedback from survivors and police officers. This found that whilst officers tended to talk about technology as an opportunity to find corroborating evidence, victim/survivor concerns about technology requests were frequent and related to the practicalities of not having access to their phones, but also perceived intrusiveness. Survivors frequently expressed feeling that the overall objective was to check their account of events - making them feel like a suspect.

Whilst officers described a considered and reassuring approach, this view was not shared by all the survivors who responded to the survey. The small sample sizes are a limitation, but nevertheless point to the importance of effective victim engagement, with expectation management, fair treatment, reassurance, regular information provision and empathy as critical factors. Current routine measures that capture feedback from victims of crime and their satisfaction with the police do not include victims of high harm crimes, such as rape, and there is therefore a gap in capturing and learning from the victims of these offences to generate insights and shape practice.

Officers talked about carrying high caseloads and the challenges of progressing an investigation whilst having to wait on others - with delays putting pressure on their relationships with victims. There is a need to look at what improvements can be made to the practical and emotional support officers currently receive. In relation to technology evidence this may need to take the form of more guidance (via training and / or toolkits) on how to systematically approach phone searches. It also points to the need for further input and training to help officers better meet victim needs and close perception gaps, but also additional support measures, such as reflective practice or clinical supervision.

Finally, there was a sense that whilst police requests for victim technology were more likely to follow an explicit reference to the possible existence of such evidence, the Crown Prosecution Service (CPS) were seen to be frequently asking for more speculative phone searches. Indeed, officers felt that, whilst police focused on reasons why a case should go to court, the CPS predominantly focused on the

reasons for why it should not. Some of this sentiment is reflected in the survivor feedback: most had not seen their cases progress to trial and there was a strong sense that cases were dropped despite strong evidence. The current research is not able to add to this the perspective of the CPS and those working within it - something that is needed to be able to give a more comprehensive picture. The findings certainly point to the importance of effective partnership working and mutual understanding between these two agencies.

### **Further research**

The current review identifies three key areas for further research:

- Firstly, to gain a more complete picture, there is a clear need to track cases beyond police systems and incorporate data as well as feedback from partners, including and particularly the CPS. This should include further detail in relation to outcomes, what constitutes 'good' case file quality and Police-CPS correspondence and decision-making - including that in relation to victim and suspect technology evidence, what material is disclosed, and how disclosed material is being used in court / during trial.
- Secondly, in addition to an over-representation of both Black victims and suspects - a finding that has been consistent across different reviews - the current review identified a relationship between BAME suspects and a significantly increased likelihood of victim technology requests. The complexities of these relationships demand exploration beyond the scope of this study but sits comfortably within the framework of the Mayoral Action Plan into transparency, accountability and trust in policing, published November 2019<sup>1</sup>, specifically established to address issues of disproportionality and the use of police powers for Black Londoners. Future research and reviews on this nature should continue to monitor and understand these disproportionalities.
- Finally, given the consistent finding that the majority of victim/survivors who come to the police to report their rape subsequently withdraw - often within days of the report - there is scope for further research to explore withdrawal reasons in more depth, possibly alongside research to better understand decision-making to report and victim needs and expectations at this point in order to inform support provisions and explore alternatives to criminal justice outcomes.

### **Conclusion**

The current review finds much unchanged in terms of the profile of reported rape and the picture of attrition in London, as well as the key factors affecting case outcomes. Additionally, it is able to contribute evidence-based insights to the debate around victim technology evidence and disclosure requests. It is hoped the findings from this review can encourage further discussions about how experiences and outcomes for victims/survivors can be improved and how the different criminal justice agencies and wider partners can come together to facilitate such improvements.

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<sup>1</sup> [https://www.london.gov.uk/sites/default/files/action\\_plan\\_-\\_transparency\\_accountability\\_and\\_trust\\_in\\_policing.pdf](https://www.london.gov.uk/sites/default/files/action_plan_-_transparency_accountability_and_trust_in_policing.pdf)

# 1. Introduction

This report is a follow up to the MOPAC London Rape Review (2019). Using the same innovative quantitative case coding approach, the aim of this review is to gain an updated picture of the characteristics of reported rape in London, with an in-depth focus on examining the prevalence of requests for victim technology, whether there have been any changes in requests over recent years and the impact this can have on investigation, case progression and outcome, but also on victim-survivors. In addition, the report incorporates the perspectives of survivors who decided to report to the Metropolitan Police Service (MPS), and MPS officers working within rape investigation.

## 1.1 Background

### 1.1.1 The MOPAC London Rape Review 2019

The MOPAC London Rape Review (2019)<sup>2</sup> examined all rape allegations made to the MPS during April 2016 with view to better understanding the profile of victims, perpetrators and case characteristics, as well as attrition and case outcomes.

The 2019 review updated the evidence base towards this crime. Of the 501 allegations examined, in 58% of cases the victim/survivor withdrew the allegation, in a further 29% the police decided to take no further action, only 60 were submitted to the CPS, 36 were charged, 23 proceeded to trial and 14 ended in either a guilty plea or verdict - an overall conviction rate in the sample of 3%.

The review was able to offer a range of insights in relation to the demographics and needs of the victim-survivors who report rape in London, the profile of suspects, timeliness and evidential challenges, as well as key attrition points and predictors of case outcomes. In doing so, it also challenged some often-held misconceptions around rape, evidencing that in the majority of cases, victim and offender were known to each other, with almost three in five offences taking place in a private or domestic setting and 28 per cent of all allegations relating to domestic abuse.

Whilst the 2019 MOPAC London Rape Review provided the most comprehensive picture of reported rape in London at that time, it was not able to collate sufficient and timely data in relation to the use of technology evidence in cases and its impact on victims and investigations.

### 1.1.2 The use of technology evidence in cases of rape

In 2017 two separate reviews – a joint review by Her Majesty’s Inspectorate for Crime Fire and Rescue Services (HMICFRS) and Her Majesty’s Crown Prosecution Service Inspectorate (HMCPSI); and the Mouncher Investigation Report by Richard Horwell QC - identified several shortcomings in police disclosure processes. Both reports cited the ‘explosion’ of personal communication and social media technology as a new source of potentially relevant material which was not necessarily being thoroughly investigated, nor unused material being

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<sup>2</sup> [https://www.london.gov.uk/sites/default/files/london\\_rape\\_review\\_final\\_report\\_31.7.19.pdf](https://www.london.gov.uk/sites/default/files/london_rape_review_final_report_31.7.19.pdf)



disclosed. The combined reports resulted in 26 recommendations for Police and CPS to take on, published in January 2018 as a National Disclosure Improvement Plan<sup>3</sup>.

Just before the publication of this Improvement Plan, the issue hit the media when in December 2017, the rape case brought against Liam Allan collapsed in court due to disclosure issues. Text messages exchanged between the complainant and Allan fell under the category of unused relevant material, which had not been disclosed to the defence and, the defence argued, would undermine the prosecution case.

The case received considerable media and political attention, publicly highlighted a failure in disclosure processes and brought to the forefront discussions around the prevalence, usefulness and ethics of using victim technology and social media evidence in rape cases. Whilst some argued that technology enabled new opportunities for evidence (e.g., Angiolini, 2015), victim groups in particular raised concerns over the practical implications and risks associated with the seizure and use of such evidence, arguing that disclosure requests were often disproportionate, providing another pathway for victim scrutiny.

Following the 2017 reviews, the Liam Allan case and the National Disclosure Improvement Plan there was a great deal of focus on police disclosure procedures, particularly in rape investigations. This included concerns of a possible knee-jerk reaction on behalf of the police from early 2018 onwards, with an increase in automatic blanket requests for rape victims' mobile phones.

In summary, the issue has received considerable attention and has been much-debated; however, to date, no research has been conducted to contribute empirical evidence.

## **1.2 The current review**

The key objectives of the current research are to:

- Provide an updated picture of reported rape in London - including key attrition points and characteristics of victim/survivors, perpetrators and offences, as well as subsequent actions and responses;
- Make observations about any changes since 2016 - the time period examined in the original MOPAC London Rape Review (2019);
- Examine the frequency with which requests for technology evidence are made and the extent to which this may or may not differ over time (across three specific time periods in 2017, 2018 and 2019);
- Explore the impact of requests for technology evidence have on investigations, case progression and outcome, and on victim/survivors and officers; and
- Identify the key factors influencing attrition, as well as those influencing requests for victim technology.

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<sup>3</sup> <https://www.cps.gov.uk/publication/national-disclosure-improvement-plan>

## 2. Methodology

The current review largely employed a repeat of the methodology used for the 2019 Rape Review. In addition to the case coding, an online survey with survivors and a series of semi-structured interviews with police officers were conducted.

### 2.1 Case coding

Case coding broadly followed the same methodology as that used in the MOPAC London Rape Review (2019): a sample of allegations of rape made to the MPS were taken from the MPS Crime recording and Information System (CRIS) and coded for key characteristics in relation to victims, suspects / accused, offences, case progression and outcome.

Key methodological changes in the 2021 report will be outlined in the sections below and pertain to:

- The use of a random sample of cases taken from within three distinct time periods (rather than using a full sample of all allegations made during the month of April, as was done for the 2019 review); to explore any differences across times; and
- The addition of a suite of coding variables specifically pertaining to technology evidence.

#### 2.1.1 Sample

All crime records with an initial classification of rape reported to the MPS during three distinct time periods were extracted from CRIS.<sup>4</sup> The time periods were:

1. October 2017 and December 2017 (i.e., prior to the national disclosure improvement plan);
2. January 2018 and March 2018 (i.e., following the national disclosure improvement plan); and
3. October 2019 – December 2019 (i.e., more recent).

A random sample of 150<sup>5</sup> cases was drawn from each of these time periods, resulting in three subsamples and a total sample of 450 cases.

Cases were excluded and replaced if: the initial classification was attempted rape; the classification later changed to a non-sexual violence offence; the case was transferred out of the MPS to another police force; or the record was identified as a duplicate of another. Cases that had been no crimed or given a classification of 'rape not confirmed' or 'rape contradictory evidence' were also excluded. Whilst this means that direct comparisons between the current and the 2019 review are not always possible, it increased the likelihood of the final sample

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<sup>4</sup> Crime records were extracted using Full Business Objects Client.

<sup>5</sup> 8% of 1,867 offences during period one (where N100 current classifications and rape transferred current classifications had been removed from initial CRIS download); 9% of 1,660 offences during period 2 (same criteria); 7.5% of 1,999 offences during period 3 (same criteria)

containing a sufficient number of cases that have progressed enough to ascertain whether technology evidence was an issue or not.

### 2.1.2 Case coding and data analysis

A team of researchers from MOPAC Evidence & Insight and MPS staff read each individual CRIS report for the 450 sampled cases and coded them on a total of 140 variables in the coding framework (see Appendix A for an overview)<sup>6</sup>. The coding framework was divided into six categories: Victim/survivor characteristics; Suspect characteristics; Offence circumstances; Procedural characteristics (the police response and investigation); Use of technology evidence; and Outcomes.<sup>7</sup>

All researchers received training on the coding framework and the coding procedures to be followed. Throughout the coding phase of the research, regular meetings between the researchers took place to discuss and address any concerns or uncertainties with cases and / or variables. Spot checks on randomly selected cases were conducted whereby researchers double-coded each other's cases to determine consistency in scoring.

The resultant dataset was analysed using descriptive statistics to explore relationships between case characteristics and enable comparisons to the previous review<sup>8</sup>. Additional in-depth analysis was conducted on the 'Use of technology evidence' variables.

Replicating the analytical approach used in the London Rape Review (2019), a series of logistic regressions were conducted to explore whether case characteristics predicted case outcomes, as well as requests for victim technology. Each category of case characteristic was examined separately (i.e., victim/survivor, suspect, offence, and procedural (including technology) characteristics) before being combined into an overall model. The two outcomes of interest were *victim withdrawal* and *police no further action*, capturing both victim and police decision making. Univariate logistic regressions were first conducted on each case characteristic and the two outcomes.<sup>9</sup> Significant univariate predictors were retained for inclusion in a multi-variate model for each of the four categories of case characteristics.<sup>10</sup> The characteristics that remained significant in each multi-variate model were then retained for inclusion in the final overall model. The same approach was taken to conduct the analysis of predictors of police technology requests. All analyses were conducted in SPSS version 24.

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<sup>6</sup> All researchers were security vetted and followed strict data management and protection protocols.

<sup>7</sup> Most of these variables were coded dichotomously (1=yes, 0=no), whereas others were categorical (e.g. ethnicity, offence location, relationship between victim and suspect).

<sup>8</sup> Descriptive statistics were calculated on the full sample of 450 cases. Predictive analysis excluded ongoing cases (n=18) and believed false allegations (n=15). For Police No Further Action (NFA), victim withdrawals were also excluded (n=288).

<sup>9</sup> Univariate logistic regression explores the relationship between one independent variable (i.e., one case characteristic) and one dependent variable (i.e., one outcome).

<sup>10</sup> Multi-variate logistic regression explores the relationship between two or more independent variables and one dependent variable.

### **2.1.3 Limitations of the methodology**

The research has a number of limitations. As with the London Rape Review (2019), case information as coded solely from CRIS meaning there were areas of the journey from offence to trial outcome that were either not captured or were recorded in an inconsistent manner. Although the current coding framework captured a significant number of variables, data recorded and held by the CPS, the courts, and victim support services may provide a more complete picture than data available exclusively on CRIS.

With regards to the CRIS data, the system was designed as an investigation record, not a comprehensive data capture tool. Therefore, the quality and detail of the data itself is variable. Although there are specific fields available on the database for many of the variables coded as part of this research, completing them is not always mandatory. Furthermore, most of the information coded is derived from the Details of Investigation: a long, free text log, completed by any number of different police officers and staff throughout the duration of the investigation. There may be details or pieces of information that are of interest which are not recorded during the completion of this log, and it is not possible to verify the accuracy and comprehensiveness of the information recorded within. Furthermore, many of the variables were coded only for their presence which means we cannot determine whether the absence of a variable is due to omission in data recording or it not being a factor in the case. As such this limits the consistency and reliability of what was coded.

A further limitation, which is shared with all research that uses police or official data, is that the cases coded and analysed in this research are only those that were reported to the police. Given the high rate of under-reporting of sexual violence, these cases represent a small proportion of the rapes that may have actually taken place.

Finally, random sampling was selected to identify the cases under study – simply, this means that every eligible case had an equal chance of being selected for the research. This method of sampling seeks to generate an unbiased representation of the whole population. Whilst, the sample size was sufficient to enable meaningful analysis and is reflective of what was feasible in the time and with the resources available (in terms of the in-depth case coding), the sample represents 8% of total allegations overall - and therefore caution should be applied with regards to any generalisations.

## **2.2 Survivor and officer feedback**

In order to explore the experiences and perspectives of survivors who reported the rape they had experienced to the police, an online survey was disseminated via the Victims' Commissioner for London, Claire Waxman, and key victim support organisations in London. The survey asked a mixture of closed and open-ended questions to ascertain the experiences and views of survivors of being asked to provide technology evidence (usually phones) and the impact this had on them and their cases (please see Appendix B for the survey questions). The survey was in the field throughout October 2020. A total of 57 responses were received.

Additionally, five in depth semi-structured interviews with MPS officers working within rape investigations were carried out to explore the experiences and perspectives of officers. This included both Sexual Offences Investigation Trained Officers (SOITs) and Officer in Charge

(OIC) roles. Invites were sent to all SOITS and DCs overseeing rape investigations in the MPS - 11 officers agreed to take part and for the final research five were interviewed.

Responses were recorded, transcribed and analysed using thematic analysis to draw out key themes (see Appendix C for the interview schedule).

### 3. Results

Before presenting findings in relation to police requests for victim technology devices, the first section of analytics seeks to compare the new time periods with the original MOPAC London Rape Review (2019).

#### 3.1 Attrition of rape allegations

In line with the 2019 Rape Review, the current research finds a high attrition of cases – across the sample as a whole and across the three time periods.

Table 1 below shows case outcomes or current status of the full sample (overall), with a comparison of the three separate time periods studied (Period 1, Period 2, Period 3), as well as the findings from the 2019 Rape Review (2019 RR)<sup>11</sup>.

Table 1

	Case progress and outcomes				
	2019 RR	Overall	Period 1 Oct-Dec 17	Period 2 Jan-Mar 18	Period 3 Oct-Dec 19
		<b>450</b>	150	150	150
V Withdrawal	58%	<b>65%</b>	64%	64%	66%
Police NFA	29%	<b>25%</b>	29%	26%	21%
Submitted to CPS	14%	<b>7%</b>	8%	11%	3%
Ongoing	-	<b>5%</b>	1%	3%	11%
CPS Charge	9%	<b>2%</b>	3%	3%	1%
CPS NFA	-	<b>5%</b>	5%	7%	2%
Reaches Trial	6%	<b>1%</b>	1%	2%	1%
Awaiting Trial	-	<b>1%</b>	1%	1%	0%
Convicted	3%	<b>1%</b>	1%	1%	1%
Acquitted	-	<b>0.2%</b>	0%	1%	0%

##### 3.1.1 Victim withdrawal

Victim withdrawal remains the most common form of attrition, accounting for almost two thirds of attrition overall (65%; n292)<sup>12</sup>. This remains consistent across the three time periods studied and is comparable to the 2019 Rape Review. 64% (n=264) of female victims withdrew, while 55% (n=28) of male victims withdrew.

The tendency for victim withdrawal to take place early in the process - noted by the 2019 Rape Review - appears to have become more pronounced in the current sample: of those

<sup>11</sup> Outcome information is not presented in an attrition funnel - such as the one used in the 2019 Rape Review, because the high number of still ongoing cases in the current sample at the time of analysis, make a like for like comparison of samples not possible.

<sup>12</sup> When referring to withdrawal this includes victims that did not wish to pursue a police allegation from the outset, and those that never engaged or ceased to engage with the police investigation.

who withdraw, over one third (38%; n=112) do so within 7 days of reporting, and almost two thirds (64%; n=186) do so within 30 days<sup>13</sup>. In comparison, in the 2019 Rape Review, of those who withdrew, only 18% had done so within 30 days, 48% within 90 days and 77% within 180 days.

The 2019 Rape Review noted that withdrawal reasons tended to be complex and interrelated, and that often multiple issues influenced the withdrawal decision. The current review coded withdrawal reasons across 14 categories (see table 2). For one in five cases that ended in victim withdrawal (22%; n=65) no specific withdrawal reason could be established, because the victim never engaged or ceased to engage with the police (i.e., respond to phone calls, messages and a seven-day letter asking if they wanted to continue).

The most commonly identified withdrawal reasons were not wanting to or not having intended to report to the police in the first place (n=52) or wanting to put what had happened behind them and move on (n=52). External stress factors were identified as a reason in 32 cases (see table 2 below for a detailed overview of withdrawal reasons).

Table 2

Coded withdrawal reason	
Reason for withdrawal	No.
Unable to establish	65
Did not intend to report rape	52
Wants to forget event and move on	52
External stress factors	32
Not wanting perpetrators life negatively affected	26
To be made safe / threat removed	21
Does not perceive assault as rape or crime	21
Length/stress/pressure of investigation	20
Fear of repercussions	14
Reporting out of civic duty / have it recorded	11
Concerns over courts/trial	11
Does not see point in proceeding	8
Concerns over VRI	5
Does not want to hand over requested tech	5
Unhappy with police procedure	2

For those who withdrew within 7 days, within 30 days, and longer than 30 days from reporting, the top three reasons noted in the table above remain consistent with one exception. The bulk of withdrawals whereby the reason was ‘not wanting or intending to report rape’ (49 of the 52 instances) occurred within 30 days of reporting, and 29 of these within seven days – which is much to be expected.

<sup>13</sup> 17 of the 112 victims who withdrew within 7 days had attended a Haven; 33 of the 186 who withdrew within 30 days had attended a Haven.

The victim disengaging or their withdrawal reason otherwise being unable to be determined is the most common withdrawal during various time-frames – be it within 7 days, within 30 days or over 30 days

### 3.1.2 Police NFA and CPS Submission

After victim withdrawal, Police no further action (NFA) was the second most common attrition point, accounting for one quarter (25%, n114) of cases overall. The victim demographics in cases that resulted in police NFA were similar to those of the overall sample.<sup>14</sup>

While the proportion of cases ending in police NFA is similar to that observed in the 2019 Rape Review (29%), those submitted to the CPS for consideration to charge is lower: 6% (n=28) (compared to 14% in the previous review). This is likely to relate to the fact that 23 cases were still ongoing at the time of analysis, with most of these pertaining to the most recent time period examined (i.e., October-December 2019; n=19).

## 3.2 The profile of reported rape in London

As with case outcome, the profile of victim, offender and offence characteristics remains broadly similar to that reported in the 2019 Rape Review.

### 3.2.1 Victim/survivor characteristics

Consistent across the three time periods, the general demographic profile of victims matches the 2019 Rape Review (see table 3 below). Those who report rape in London are still predominantly female and young (with an overrepresentation of those aged under 18). The small increase in the proportion of Asian victims - as observed in the 2019 Review - appears to have continued. A similar, but slightly lower proportion of victims in the overall sample, 37% (n=166), presented with mental health issues when compared to the 2019 Rape Review (41%).

Table 3

	2019 RR	Overall	Period 1 Oct-Dec 17	Period 2 Jan-Mar 18	Period 3 Oct-Dec 19
<b>Gender</b>					
Female	89%	89%	89%	88%	89%
<b>Ethnicity</b>					
White	66%	62%	62%	62%	62%
Black	24%	25%	25%	25%	23%
Asian	7%	10%	9%	9%	11%
<b>Age at offence</b>					
Under 18	31%	30%	34%	32%	25%
19 to 29	36%	36%	35%	39%	35%
30 to 49	27%	28%	29%	25%	30%
50 plus	6%	5%	3%	4%	9%

*Proportions calculated with unknown values excluded*

<sup>14</sup> 55% white ethnicity, 31% black ethnicity; 84% female, 16% male.



### 3.2.2 Suspect profile

Again, with regard to perpetrators, demographics are similar to those reported on in the 2019 rape review and are reasonably consistent across the three time periods studied (see table 4).

Table 4

	2019 RR	Overall	Period 1 Oct-Dec 17	Period 2 Jan-Mar 18	Period 3 Oct-Dec 19
<b>Gender</b>					
Male	99%	100%	100%	100%	100%
<b>Ethnicity</b>					
White	43%	43%	45%	44%	41%
Black	35%	36%	35%	36%	39%
Asian	19%	15%	17%	15%	13%
<b>Age at offence</b>					
Under 18	16%	18%	18%	21%	14%
19 to 29	40%	33%	31%	35%	32%
30 to 49	38%	38%	39%	33%	43%
50 plus	6%	11%	11%	11%	11%

*Proportions calculated with unknown values excluded*

Just over one third of those named as suspects (35%; n=159) were noted to have a history of offending – a significantly higher proportion<sup>15</sup> than that noted in the 2019 Rape Review (29%). This included 40 with a history of either sexual offending or domestic abuse but no other crime types; 63 with a history of other offences (but not sexual or domestic); and 56 with an offending history across these different types.

Similar to 2019 Rape Review findings that suspects in domestic abuse cases were more likely to have a prior offending history, the current research found that in almost half of the cases (47%, n=65) where the relationship was intimate, the perpetrator was known for previous domestic abuse and/or sexual offending, compared to just 10% (n=31) of cases involving any other kind of relationship between the parties.

### 3.2.3 Types of rape being reported

As per the 2019 Rape Review, and across the three time periods, in the majority of cases, victim and perpetrator were known to each other prior to the offence taking place - most commonly as either current or former intimate partners (35%; n=139), followed by acquaintance/friend (29%; n=116). In only 6% of cases the perpetrator was a total stranger.<sup>16</sup>

<sup>15</sup> Statistically significant at  $p < 0.05$ .

<sup>16</sup> To clarify: the Met Police use the terminology Stranger 1 to refer to a perpetrator who is a complete stranger (for example attacks a victim they do not know in a park or alley) and Stranger 2 to refer to a perpetrator that the victim did not personally know before the events that lead up to the offence (for example someone they have met in a bar, or on a train, or via a dating app).

Table 5

	Relationship between victim and perpetrator				
	2019 RR	Overall	Period 1 Oct-Dec 17	Period 2 Jan-Mar 18	Period 3 Oct-Dec 19
Base		450	150	150	150
Stranger 1	7%	6%	7%	5%	6%
Stranger 2	11%	15%	17%	11%	17%
Intimate	35%	35%	35%	33%	36%
Familial	12%	13%	10%	17%	13%
Acquaintance / friend	34%	29%	31%	32%	24%
Professional / carer	2%	2%	1%	1%	4%

In findings unchanged from the 2019 Rape Review, three in five offences (59%, n=264) took place in a private setting (victim's home, 19%, n=86; perpetrator's home, 21%, n=94; or a shared home 19%, n=84). This was mostly consistent across the three time periods, with the exception of offences taking place at the perpetrator's home address which accounted for 26% (n=39) of cases during period two as opposed to 19% (n=28) and 18% (n=27) during periods one and three.

As reported in the 2019 Rape Review, beyond the intrinsically violent nature of the offence in itself, the majority of cases did not involve serious violence. The victim suffered a physical injury in 17% (n=75) of cases - significantly<sup>17</sup> lower than the proportions reported in the 2019 Rape Review (23%). The injury was recorded as 'minor' in 56 of those cases and 'major' in only 4. The victim resisted in 40% (n=180) of cases - the same proportions as those noted in the 2019 Rape Review - and were more likely to be verbal (38%, n=172), than physical (12%, n=54) (with there being an overlap of both in some cases).

### 3.2.4 Reporting

Similar to the 2019 review, two in five cases (39%; n=175) are reported to the police within a week of the offence occurring, a quarter (24%, n=106) within 24 hours.

Almost one third of cases (31%, n=139) are reported a year or more after the offence was committed (see table 5). On the whole the three time periods are consistent, with the exception of a considerably higher proportion of cases reported between a month and six months after the offence during period 1 compared to the other two time periods.

<sup>17</sup> Statistically significant at  $p < 0.05$ .

Table 6

	Time between offence and report				
	2019 RR	Overall	Period 1 Oct-Dec 17	Period 2 Jan-Mar 18	Period 3 Oct-Dec 19
Base		450	150	150	150
24 hours	29%	24%	20%	24%	27%
1 day - 1 week	16%	15%	19%	13%	15%
1 week - 1 month	12%	11%	9%	11%	13%
1 month - 6 months	-	13%	21%	9%	8%
6 months - 1 year	-	6%	6%	5%	8%
1 year plus	27%	31%	25%	38%	29%

### 3.2.5 Video Recorded Interview

Completing a video recorded interview (VRI) is a necessary part of the investigative process if a case is to progress to the CPS and court (although the victim does have the option of completing a written MG11 statement). The 2019 Rape Review found that the VRI often represented a key barrier for victims. And indeed, the proportion of cases where a VRI was completed have remained unchanged between the 2019 and the current review (34% and 35%, n=157, respectively).

Almost half of VRIs completed are done so within a week of reporting (47%, n=74), and almost three quarters are done within a month of the report (73%, n=114). In 36% of all cases, the victim declined to take part in the VRI and in a further 8% the VRI was arranged, but not completed. In almost all of these cases (182 out 196, 93%) the victim subsequently withdrew from involvement with the investigation (13 or the remaining cases ultimately resulted in police NFA while one is still ongoing).

A considerable proportion of victim withdrawals took place before a VRI could be completed (n=238, 85%). In these cases, withdrawal reason was more commonly noted to be related to the victim not wanting to report or not having wanted to report in the first place, not or no longer perceiving what happened as rape or a crime, or not wanting the perpetrator's life negatively affected).<sup>18</sup>

### 3.2.6 Suspect identification and arrest

A suspect is named or subsequently identified in 62% (n=281) of cases, a figure that remains consistently similar across the three time periods. The suspect is subsequently either arrested or interviewed under caution in 42% of cases (figures comparable to those observed from the 2019 Rape Review data where 60% were identified and 39% arrested or interviewed under caution).

<sup>18</sup> This difference was statistically significant according to a chi-square test:  $\chi^2(1) = 6.01, p=.014$ .

### 3.2.7 Third Party Material

Police requested third party materials, such as medical, educational or social services records in a quarter (25%, n=111) of all cases. While the proportions were similar between Periods 1 and 2 (29%, n=44 and 30%, n=45 respectively), requests dropped significantly<sup>19</sup> in the third period (15%, n=22). Across all periods examined in the current research, proportions of cases where third party material is requested remain lower than those found by the 2019 Rape Review (36%).

As outlined in table 7 below, victim medical records were the most commonly requested material, followed by social services records and education records. Commonly (66 occasions) there was an overlap with more than one type of record or material being requested.

Table 7<sup>20</sup>.

Types of Third Party material requested		
	n	% of TP requests
Medical records	74	67%
Social Service Records	51	46%
Education Records	40	36%
Other	42	38%

Mostly, victims agreed for personal records to be obtained, declining to give consent in just 7% (n=8) of cases. There was a wide range of time between third party materials being requested and received (between 0 – 686 days in the current sample). The mean time difference is 88 days, the median 38.5 days.

### 3.3 Technology Evidence

The research so far has sought to compare results across 2017, 2018 and 2019 to the 2016 data reported on in the 2019 Rape Review. The next section will focus on the evidence in relation to key questions that have remained unanswered by previous research, examining the role of technology, including overall prevalence of requests for victim technology, whether victims subsequently consented - and police obtained the device - or whether they declined, and how this impacted on case progression and outcome. Where possible, comparisons to the 2019 Rape Review will be made<sup>21</sup>.

<sup>19</sup> Statistically significant at  $p < 0.05$ .

<sup>20</sup> There is no comparison to the 2019 Rape Review as although police requests for third party material was coded for as part of that research, it was not broken down and specified as it has been for the current review.

<sup>21</sup> The 2019 Rape Review captured variables in relation to whether reference to the existence of possible technology evidence was made within the CRIS report; whether victim/survivor technology was obtained; whether suspect technology was obtained; and whether obtained technology evidence supported the victim's, the suspect's or neither case.

### 3.3.1 Victim Technology Requests

A police request to take a technology device from the victim occurred in just under one quarter (23%; n=102) of all cases. There were no statistically significant differences in this across the three time periods examined (see table 8).

In 48% (n=49) of cases where police made a request for victim technology, the victim consented to this request and police consequently obtained the device. There were two cases where the victim consented to their device being taken, but the case was concluded due to other factors before the technology was actually obtained. In all other cases, where a victim’s device was requested but not obtained by the police, this was as the result of the victim declining. When considering the overall sample, this makes for an exact **50/50 split between those who consent and those who refuse to hand over their device**<sup>22</sup>. Overall, this constitutes 11% of cases in the sample where victim technology is obtained by the police - the same proportion as in the 2019 Rape Review.

Whilst proportions of police requests for phones remain consistent across the three time periods examined, proportions of victims consenting to having their device taken appear lower during period 2 (36% compared to 61% in period 1). However, this difference is not statistically significant.

Table 8

Requests for and obtaining victim's tech device				
	Overall	Period 1 Oct-Dec 17	Period 2 Jan-Mar 18	Period 3 Oct-Dec 19
Base	450	150	150	150
Request for device (% of all cases)	23%	22%	26%	20%
Victim consents to request (number)	49	20	14	15
Victim consents to request (% of requests made)	48%	61%	36%	50%

In most cases where a request for the victim’s device was made, this was preceded by a specific reference to the existence of technology evidence (87%, n=89)<sup>23</sup>. There were only 13 cases overall where this had not been the case. Again, this remains consistent across the three time periods. Altogether, reference to the existence of possible technology evidence was made in 37% (n=166) of cases - significantly<sup>24</sup> higher than the 27% of cases in the 2019 rape review.

<sup>22</sup> The outcomes for cases where the victim refused consent to hand over their device to the police were: victim withdrawal in 31 cases, police NFA in 16 cases, and submission of the case to the CPS in 6 cases (2 of these were charged, and 2 were ongoing at time of the research).

<sup>23</sup> This was coded when there was reference in the CRIS to potentially relevant evidence involving communications devices and/or social media in the victim’s account of the crime. This included where messages or calls may have been exchanged between the victim and perpetrator and / or witnesses in reference to the assault and circumstances surrounding it, or relevant social media posts.

<sup>24</sup> Statistically significant at p 0.05.

### 3.3.2 Further observations in relation to technology evidence

#### *Suspect Technology*

A technology device was obtained from the suspect in 18% (n=80) of all cases - a slightly higher proportion than the 13% reported in the 2019 Rape Review. This constitutes 41% of cases where the suspect was spoken to (either arrested and / or interviewed under caution).

In two thirds of the cases where a technology device was obtained from the suspect, the police had also made a request for victim technology (65%; n=52). Overall, there were only 27 cases where police obtained both victim and suspect technology - constituting one third (34%) of all the cases where suspect technology was seized and a little over half (55%) of all those cases where the victim consented to hand over their device.

#### *Technology evidence and timeliness*

Data on when victim technology was obtained and subsequently returned could only be gauged from the CRIS reports in 20 cases. It is therefore not possible to provide reliable information on timeliness in relation to victim technology evidence. To illustrate - the mean number of days a device was kept by the police in the 20 cases where relevant data was available was 89 days. However, this contains considerable variation: half of the devices were returned within a month (eight of them within 4 days), whilst in six instances the device was kept for more than 100 days and in one case for more than a year.

#### *Evidential material gleaned from victim technology devices*

Information on whether potentially relevant material had been found on victim technology devices could only be ascertained from the CRIS report in 25 of the 49 cases where the victim agreed to hand over their device. In 11 of them, no relevant material was found, whilst in 14, material taken from the victim's phone provided evidence that was considered to potentially support the prosecution case (n=9), the defence (n=4) or both (n=1).

### 3.4 Predictors of attrition

The next stage of the report seeks to replicate the methodology from the 2019 Rape Review and conduct analysis to identify the variables that can predict the two main forms of attrition in this sample: victim withdrawal and police decision to take no further action (NFA). The innovative aspect in this report specifically seeks to incorporate the new victim technology variables to see if these relate to the key outcomes of interest. It was not possible to conduct predictive analysis on the likelihood of attrition following CPS submission because of the low numbers of cases at this stage (n=29 submitted to CPS).

As before, case characteristics were split into four categories: victim/survivor, suspect, offence, and procedural. The four categories were first examined in separate models before being combined into an overall model.<sup>25</sup> This process allowed the relative contribution of each

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<sup>25</sup> Univariate logistic regressions were first conducted on each case characteristic and the two outcomes. Significant univariate predictors were retained for inclusion in a multi-variate model for each of the four categories of case characteristics. The characteristics that remained significant in each multi-variate model were

category to be determined, and variables that remained significant in the overall model can be considered predictive of outcomes after controlling for the characteristics in the other categories.

The subsequent sections summarise the key findings of the predictive analysis. Detailed findings in relation to those case characteristics that were significant predictors of victim withdrawal and police NFA can be found in Appendix D.

### 3.4.1 What factors predict victim withdrawal?

The 2019 Rape Review found that procedural characteristics were more important in predicting withdrawal than victim, suspect and offence characteristics. The current research finds a broadly similar picture.

When examining each category of case characteristic separately, only one victim/survivor characteristic significantly predicted victim withdrawal: **victims/survivors aged under 18** at the time of reporting were significantly less likely (x2) to withdraw compared to victims/survivors aged over 18. It is worth noting that whilst in the 2019 Rape Review, male victims were found to be three times less likely to withdraw compared to female victim/survivors, this is no longer the case in the current sample.

In terms of suspect characteristics, cases where the suspect was or had been in an **intimate relationship** with the victim/survivor were significantly more likely (x2) to end in victim withdrawal. This is different from the 2019 review, though may be related to the impact of reporting via DASH, which will be outlined in the next section.

When looking at offence characteristics, **unknown offence location** was found to be a significant predictor, making victim withdrawal 3 times more likely. This finding appears to relate to cases with substantial evidential difficulties, with significantly more cases with an unknown location seeing a victim withdrawal that took place within the first month of the investigation and where the withdrawal reason related to the victim not having wanted to report in the first place or no longer considered what had happened to them a crime.

Furthermore, and in line with the 2019 analysis, victims/survivors who reported their rape in response to the **DASH** questions asked when police attended a domestic abuse call were significantly more likely (x3) to withdraw than victims/survivors who reported by other means.

Similar to the 2019 Rape Review, variables relating to the **reference, request or obtaining of victim or suspect technology**<sup>26</sup> were significantly related to case outcomes on their own but did not remain significant when included with other procedural characteristics in multivariate models. However, cases where **police encountered technical difficulties with victim and/or suspect technology evidence** were significantly less likely to end in victim withdrawal (x5).

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then retained for inclusion in the final overall model. Cases flagged as likely false allegations were excluded from the predictive analysis (n=15). Ongoing cases with no outcome were excluded from all predictive analysis (n=18). When predicting police no further action, cases that were withdrawn by the victim were also excluded (n=288).  
<sup>26</sup> Please note that the 2019 review did not specifically code for whether police made a request for technology, only whether a reference was made and whether technology was obtained.

A number of other procedural characteristics were significant predictors of victim withdrawal: cases where **police expressed doubts as to victim credibility** (3 times less likely). Finally, and in a repeat of findings from the London Rape Review 2019 review, cases where the **victim/survivor completed a Video Recorded Interview** were significantly (11 times) less likely to end in victim withdrawal, further evidencing the potential barrier to case progression first outlined in the 2019 review. Indeed, most victims who withdrew did so before participating in a VRI, with only 15% (n=44) of those who withdrew completing a VRI, compared to 35% in the sample overall.

The finding that when police expressed doubts as to victim credibility, victim withdrawal was significantly less likely may seem counter-intuitive at first but may be explained by the fact that this variable in fact made another outcome more likely: that of police no further action.

When looking at the four categories of case characteristics simultaneously to determine the relative contribution of each category to predicting victim withdrawal, **as in the London Rape Review 2019, the strongest predictors of victim withdrawal were the procedural characteristics**: all three (i.e., police encounter difficulties with technology evidence; police express doubts as to victim credibility; completion of VRI) remained significant in the overall model. Suspect and offence characteristics were no longer significant predictors after taking the procedural characteristics into account, suggesting these variables were less important in predicting victim withdrawal.

Another way of determining the relative contribution of the four categories of case characteristics is by looking at model fit. Analysis indicates that the procedural models and final models were better performing than the victim, suspect or offence models. In line with findings from the 2019 London Rape Review, Procedural characteristics were better predictors of outcome.

### 3.4.2 What factors predict police no further action?

When exploring what predicts 'no further action' (NFA) on a case, caution should be taken in interpreting the results due to a lower sample size (n=139), and the small number of CPS submissions in particular (n=29).

In terms of victim/survivor characteristics, cases where the **victim was aged over 30** at the time of the offence were significantly more likely to result in NFA (x4). To some extent this is likely to be reflective of the evidential difficulties associated with intimate partner rapes; victims over 30 were significantly more likely to have such a relationship with the perpetrator.<sup>27</sup>

Where suspects had either **previous offending histories** (x3) or **mental health issues** (x3), cases were significantly less likely to result in NFA. As would be expected given the Full Code test guidelines on evidence, offences which had named **witnesses** were significantly less likely

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<sup>27</sup> 35% (n=15) of cases where the victim was aged over 30 had an intimate relationship with the suspect, compared to 19% (n=18) if the victim was under 30. This difference was statistically significant according to a chi-square test:  $\chi^2(1) = 4.27, p.039$ .



to result in NFA (x3). Where the victim had suffered a **physical injury** as the result of the offence, cases were also significantly less likely to end in an NFA decision, again reflecting evidential influences. Whilst victim injury may be considered another strong evidential factor in progressing a case.

As with the 2019 Rape Review, procedural characteristics were generally the strongest predictors of NFA. If the police noted an **inconsistent account** from the victim/survivor, cases were significantly more likely to end in NFA (x12). Conversely, seeking **early advice from the CPS** (x12) or **requesting 3<sup>rd</sup> party materials** (x13) indicated a stronger evidential case and made cases significantly less likely to end in NFA. Similarly, where a **suspect was arrested** the case was significantly less likely to end in NFA (x12).

The overall model looked at all four case characteristic categories simultaneously, enabling comparison as to the relative contribution of each category in predicting police NFA. This shows that victim and suspect characteristics, as well as offence characteristics are no longer significant after taking procedural characteristics into account. As with victim withdrawal, and in line with previous findings, **procedural characteristics remained significant in the overall model**, suggesting these variables are most important when predicting NFA compared to variables relating to the suspect or offence<sup>28</sup>.

### 3.4.3 The role of technology variables in predicting case outcome

The only technology related variable that remained a significant predictor of outcome in the overall model, was whether **police struggled with technology evidence** - this made victim withdrawal significantly less likely (x5). It may be that this variable acts as a marker of case progression - in other words, cases reach the point where police try and extract technology evidence (and encounter issues). Indeed, the proportion of cases ending in CPS submission was significantly greater where police struggled with technology around evidence compared to those where no difficulties were noted.<sup>29</sup>

When considered independently **reference to, request and obtaining of victim technology** were all significant predictors of case outcome<sup>30</sup>, although analysis suggests this should be

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<sup>28</sup> It should be noted that two variables were excluded from the case characteristic and overall models due to co-linearity or a high degree of correlation to the dependent variable (NFA outcome) 'Police doubt victim credibility' correlated significantly with 'inconsistent victim account'. On its own, cases where police expressed doubts about the victim's credibility were significantly more likely to end in NFA (x11). In addition, 'Previous sexual or domestic abuse victimisation' had a strong correlation with the dependent variable. Further exploration demonstrates that these results should be interpreted in the direction of CPS Submissions. The proportion of cases in which the victim has suffered previous victimisation for sexual or domestic abuse is similar for both NFA and Victim Withdrawal outcomes; the variable is not predictive of either NFA or Victim Withdrawals, but rather makes CPS submission less likely. Analysis also highlights some learning around variable creation, with an indication that sexual offences and domestic abuse victimisation should be coded separated, and greater consideration given to the nuanced issues of false or mistaken allegations within the sample.

<sup>29</sup> For cases where either suspect or victim technology was seized, 41% of cases where police struggled with technology ended in CPS submission, compared to 15% of cases where no struggle is mentioned. This difference was statistically significant according to a chi square test:  $\chi^2(1) = 5.98, p.0145$ .

<sup>30</sup> Univariate analysis found that cases where reference to the existence of technology evidence is made are significantly less likely to end in victim withdrawal (2x); 3x less likely to end in withdrawal where victim technology is requested and 4x less likely where victim technology is obtained.

interpreted in terms of a significantly increased likelihood of CPS submission, as opposed to making either NFA or Victim Withdrawal more likely. Further, the **seizure of suspect technology** (3x) and existence of **other digital evidence** (2x) also made victim withdrawal less likely. Unsurprisingly, when considered in isolation, **victim refusal to hand over technology** made victim withdrawal significantly more likely (4x). Further exploration indicates that victim technology requests are best seen as an indicator of the evidential strength of a case, becoming more likely as a case progresses, thus increasing the likelihood of CPS submission.

In summary, when included in either the case characteristic level or overall models, neither reference, request or seizure of Victim Technology remain significant predictors of Victim Withdrawal or police NFA, suggesting that technology variables have some influence, but not as much as the other procedural variables that remained significant in the multivariate model.

### 3.5 Predictors of police requests for victim technology

Using the same approach applied to case outcomes, analysis also explored which variables predicted police requests for victim technology (please see Appendix E for a detailed overview of variables that predicted police requests for victim technology).

In terms of victim/survivor characteristics, **victims aged over 30** at the time of reporting were significantly **less likely** to be asked for their mobile phones or other technological devices (x2).

Similarly, in cases where **suspects were aged over 30** at the time of reporting, police were significantly less likely to request victim technology (x2). Where the victim and suspect were in or had been in an **intimate relationship**, victim technology was also less likely to be requested (x2), compared to cases where the suspect had been a stranger (1 or 2 combined). Linked to this, cases with a Domestic Violence flag were significantly less likely to result in a police request of victim technology (x3).

Where the case featured a **black or minority ethnic (BAME) suspect**, victim technology was more likely to be requested (x3). This finding may be linked to the role played by victim-suspect relationship: BAME suspects were significantly more likely (x3) to be in a stranger 2 relationship with the victim, compared to any other relationship, indicating a likelihood that BAME suspects are more involved in the type of offence which generates victim technology requests.

Cases in which named **witnesses** were identified were significantly more likely to result in police requesting victim technology (3x), as were those where the **victim/survivor resisted the attack** either physically or verbally (3x). Both are likely related to evidential grounds.

A number of procedural characteristics predicted police requests for victim technology. The **referral to an ISVA** was linked to an increased likelihood of victim technology requests (2x), as was **completion of a VRI** (2x), **seizure of suspect technology** (6x), police accessing **other digital material** (2x) and requesting **third-party material** (2x).

When examining all four case characteristic categories simultaneously, predominantly procedural variables remained - mainly those that can be considered **signals of case progression**: completion of VRI; suspect technology obtained; other digital material accessed;

and third-party material request. An exception to this pattern is the referral to an ISVA, which also remained a significant predictor of police technology request in the overall model, alongside victim resistance and a suspect aged over 30. Suspect ethnicity was no longer a significant predictor of victim technology requests in the overall model.

### **3.6 The perspectives and experiences of survivors and officers**

The final section of the report incorporates the views of both victim/survivors as well as officers working on rape investigations to bring additional context to the data discussed so far. In doing so, it focuses on the experiences of 57 survivors who responded to an online survey and those of five MPS officers who shared their views and perceptions in semi-structured interviews.

The survivor survey responses were analysed, and content analysis was conducted on both the free text responses to the survivor survey, as well as the officer interviews. This identified a number of key themes, some of which overlap across victim/survivor and officer responses, whilst others illustrate the existence of differences and contrasts between perspectives and experiences.

#### **3.6.1 Survivor-reported experiences with technology evidence**

The majority of the 57 survey respondents reported that police had made either a formal request to examine their device (n=37) or referred to this as a possibility, though no actual request was later made (n=16). This difference in prevalence, compared to the crime data sample, is likely a reflection of those who responded to the survey being more representative of victims whose cases had progressed (e.g., only a minority had withdrawn from the investigation or court case, whilst 16% (n=9) had seen their case either charged by the CPS, had reached or were awaiting trial, or had seen a conviction.

Of the 37 respondents who said that the police had made a formal request, 27 agreed to hand over their device.

#### **3.6.2 Survivor and officer experiences in relation to technology evidence**

##### *Officer decision-making on victim technology requests:*

There was consensus among the officers interviewed that police requests for victim technology usually only took place in response to specific reference to the existence of such evidence. In this context, the VRI was seen as a key point in the investigation, providing an opportunity to review and discuss evidence and next investigative steps, including phone evidence where relevant: *'I will sit down with the victim, normally when we go to do the VRI. We tell them why we want their phone, what we want to download and that we are not going to download everything...'*

The officer feedback fits with the findings of the data analysis, which suggests a link to the VRI and other markers of case progression. However, feedback from the survivor survey suggests this is not always the case and technology requests can be made at various stages in the investigative process. Of the 37 survey respondents who said that the police had made a formal request, 16 said that it was later in the process, whilst 19 indicated that it had

happened earlier on<sup>31</sup> (for 8 when they first reported and for a further 11 when the SOIT officer first contacted them<sup>32</sup>).

#### *Victim concerns about technology evidence:*

Whilst some officers reported that they rarely encountered victim concerns or resistance, others reported that concerns and push backs were common, with younger victims in particular being more likely to raise concerns about their phone being taken. When concerns were encountered, they tended to be about timeliness and the practicalities of not having access to a phone, but also concerns and questions about what will be looked at and who by.

Concerns about the police request for technology were expressed by the majority of survey respondents: 31 perceived it to be intrusive - a view shared by those to whom it was referred to as a possibility, but no request was made (n=13). The majority of both those asked (n=29) and those to whom the possibility was suggested (n=14) also felt that handing over the device would cause them practical difficulties.

Whilst police felt they were usually able to reassure victims (by outlining what they would be accessing and explaining that they would not be looking through every detail on the victim's device), survivor feedback suggests that unease and discomfort frequently remained. Of the 37 survey respondents who said that their device was requested, 27 felt that the police explained the purpose for this to them – 16 of them were satisfied with this explanation, while 11 were not.

Key reasons for finding the police explanation unsatisfactory related to either a perceived lack of clarity and/or detail, including in some cases being given only a 'blanket policy' as an explanation, or feeling the police explanation strongly implied that the key objective of technology seizure would be to check the victim's account of events, which was felt to be very unsettling: "*I thought it was unreasonable - I was not under investigation/a suspect of a crime*".

It is also worth noting that whilst both survivors and officers talked about intrusiveness and practicalities as key concerns, officers tended to talk about these issues in the context of the investigation (i.e., officers going through material), whilst survivors' concerns were more focused on later stages of the criminal justice process (relevance and use of material during trial). In this respect, survivors' concerns related to potential privacy breaches and fear of who may access the material, as well as questions surrounding how the content would be used during a trial. Relevance of the material was a key concern: in historic cases for instance, where devices did not exist at the time of the event, yet a request had been made.

#### *Accessing technology evidence:*

Officers talked about the practical challenges of dealing with technology evidence. This mainly related to having to rely on others who were trained to undertake phone downloads, the provision and accessibility of which was seen as insufficient and as inconsistent across

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<sup>31</sup> Two respondents said they could not remember.

<sup>32</sup> Typically, the SOIT will be in contact with the victim as soon as possible: the victim will make the report, it will be referred to Sapphire, and a SOIT will call them as soon as they can, while there are, of course, sometimes delays in this, and some victims who disengage with the police very early may not be responsive to contact.

boroughs and teams: *'...it is a postcode lottery. If you have no downloaders, then your request goes into a queuing system...the whole downloading thing is pot luck'*.

With current processes not as reliable, streamlined or efficient as they could be, subsequent delays to case progression also meant additional pressure on officers to manage the victim relationship whilst waiting for others. This was reflected in the survey responses, where survivors gave mixed feedback on the length of time their phones had been kept: of the 27 respondents who agreed to hand over their phone to the police, the device was returned to the victim within a week in 8 cases and a further 2 had it returned within a month. However, for 8 victims it was up to 6 months, and in 1 case up to a year (the remaining respondents either could not remember (n=2) or said that the police still had their device (n=6).

Where there was reliable, consistent access to a trained downloader (or where officers had been able to access and complete the training themselves), it made the process considerably more straightforward, resulting in greatly reduced turnaround times for victims' phones and the ability to coordinate a phone download with minimal disturbance to the victim.

Indeed, a suggestion was made by officers interviewed that training SOITs in downloading and looking through material would be beneficial in terms of timeliness and officer autonomy in progressing an investigation, but also in terms of reassuring victims that the officer going through their phone would be someone they had already built a relationship with.

#### *Phone searches and identifying relevant material:*

Whilst officers acknowledged that recent software improvements had enabled better searching, it was still seen as very time consuming to go through downloads. It was not uncommon to spend a whole shift on one phone download - something that was incompatible with other demands, such as responding to new and / or urgent reports, resulting in delays and backlogs. These delays in reviewing material impacted overall timeliness but also ran the risk of evidence being compromised or lost (e.g., by the time material is accessed there may be technical issues, which then means having to go back to the victim, who may have deleted messages / material).

Most officers interviewed felt confident in conducting searches, but nevertheless were very aware of the impossibility of going through everything, whilst also worrying that something important could be missed. This had been exacerbated by the impact of R v Allan and some suggested that this had made officers spend more time on reviewing downloads: *'It's one of those things that is a necessary evil but otherwise you would end up in a R v Allan situation. There is a certain amount of fear that you may miss something, when I go through a phone I err on the side of caution definitely and spend way too much time because I personally don't want to be in that position...'*

Overall, there did not seem to be a consistent methodology to reviewing downloaded material and officers interviewed described their own individual approaches and taking a case by case approach. Whilst any review of a phone download will inevitably need to be driven by the needs of the individual case, this nevertheless suggest there may be a need for more guidance (and training) on how to systematically approach phone searches. Indeed, one interviewee talked about limited police knowledge and training need regarding better

understanding social media, apps and how they are being used; and how to optimise a phone download and search.

Only very limited information could be gleaned from survivor feedback regarding what material was gleaned from devices and how proportionate or relevant it was. The majority of respondents answered 'no' to the question 'Did the police tell you what material they retrieved from your device?' (19 out of 26), whilst 2 of the 7 who said yes disagreed that the material retrieved was relevant. Overall, 15 of 26 survey respondents had mixed views over the material retrieved from their device being used in a court case; 7 were happy for it to be used and 4 not happy for it to be used.

#### *Differing perspectives when assessing (technology) evidence:*

When officers talked about technology evidence, they did so in the context of an opportunity to secure corroborating evidence (e.g., victim texting friends about what happened; or using phone location). This viewpoint was felt to be in direct contrast to that of the CPS, who were seen to be frequently asking for more speculative phone searches, often to check whether there were undermining messages.

Indeed, there was a perception that the CPS would drop a case if a victim did not give their phone - a message the police feel obliged to pass on to victims: *'There have been cases where people have been reluctant to give us the phones, then we have to say the CPS will drop the case, which is what they have said to us and is really horrible.'*

Some of the contrasting views in relation to technology evidence were seen as part of much wider issues around different perspectives between police and CPS. Those interviewed felt that getting cases through the CPS was a key challenge and illustrated some of those contrasts: while police focused on the evidence they had and on reasons why a case should go to court and be decided by a jury, the CPS was seen as focusing predominantly on the weaknesses and reasons for why a case should not go to court - a situation that, in the eyes of the officers interviewed, has been exacerbating in recent years.

The majority of survivors who responded to the survey had not seen their cases progress to trial. There was a strong sense from respondents that cases were dropped despite strong evidence and many were left feeling that the overall objective had been to prevent cases from progressing, possibly for reasons related to limited finance, time or resources available within the criminal justice system. One respondent felt *"things were used to drop the case that shouldn't be"*, and another stated that the case was *"dropped by the CPS due to lack of evidence despite my rapist filming the attack with in-home CCTV..."*. Such instances go to stress the importance of ensuring effective and just victim engagement and treatment throughout the process.

### **3.6.3 Wider reflections**

#### *Meeting the needs of the victim and those of the criminal justice system:*

Officers interviewed felt that wider emotional support and counselling were the most pressing needs for many of the victims they worked with, yet something that was very difficult to access - either due to waiting lists or due to limitations around pre-trial therapy whilst an investigation is ongoing. In this context, there was a lot of appreciation of the wider services

available to provide support to victims, particularly with regards to Independent Sexual Violence Advisors (ISVAs): *'a lot of the general and psychological support is now removed from the police which I think it should be, you should be empathetic and a SOIT officer is really well trained at that but a lot of that has been deferred to other support services.'*

Particularly for SOITs, working in a role that required them to support the victim, but also a system they considered to be frequently scrutinising of victims, was felt to be challenging. For some interviewees this had meant taking steps to protect the victim from potential scrutiny and judgement - for example by not mentioning within the CRIS report that the victim had expressed concerns about progressing the investigation because this may be used against them in court.

At the same time, officers also talked about disclosing information to the CPS that they felt was not relevant but still considered it something the CPS would want to know: *'I may put in my material to the CPS that the victim has multiple sexual partners every week, based on phone downloads from Tinder, which I don't think is undermining necessary but it is something the CPS should know for them to make their decision. It is relevant, I don't think it helps or undermines the case, it's just context that's known.'*

For victim/survivors, the disclosure of private, intimate information to the defence, the accused and subsequently the public, was a commonly expressed concern. For some, such a disclosure felt like a form of betrayal (by police and CPS), insofar as enabling the defence, during court proceedings, to twist the narrative and/or call into question the victim's character and account based on a misrepresentation of the disclosed information.

#### *Stark contrasts in officer vs survivor perceptions of relationships and experiences:*

Looking across the feedback and experiences shared by both officers and survivors, some considerable differences in perceptions can be seen. Officers talked about having gone into their roles with the specific goal of working with and supporting victims. In this sense they spoke about feeling a sense of care and protectiveness, and that they considered it important for victims to have a positive, supportive experience of the police.

This is in stark contrast to the negative experiences that were frequently recounted by the survivors who responded to the survey. More than half of the survey respondents (26 out of 41) described experiencing negative interactions with the police. The main concerns included victim blaming attitudes, poor communication and a perceived absence of empathy and support. Repeatedly victims felt their treatment was more akin to that of a suspect. One respondent said there was *"no level of understanding and I was made to feel like I was an inconvenience"*, whilst another concluded: *"my experience of the police has put me off ever engaging with them again"*.

Importantly, not all interactions reported were negative; 5 of the 41 survey respondents documented favourable interactions with the police, focusing predominantly on the police treatment of them as respectful, kind and empathic: *"The DC I dealt with was absolutely wonderful...I really trusted him, and he was so kind and compassionate when I needed it the most"*.

Nevertheless - and it is difficult to deconstruct experiences specifically with the police from those with the CJS overall - survey respondents frequently spoke of the adverse effects with regards to their emotional, mental and/or physical health of their experiences following the incident and the process that ensued once they reported: *"The whole experience from my disclosure was and remains as traumatizing as the rapes themselves"*. The length of the overall process, and delays in particular, were highlighted as particularly problematic.

*Victim withdrawal and 'good' outcomes:*

Officer experiences reflected the findings of the current and previous rape review case coding: that victim withdrawal was common and often happened very early in the process. Indeed, officers talked about seeing early indications of likely victim withdrawal - and felt this was usually not only unchangeable but a choice that needed to be respected.

Echoing in part the victim withdrawal reasons from the data sample - in the experience of the officers interviewed, reporting rape did not necessarily mean a victim wished to pursue a criminal justice outcome. Often, victims reported because they wanted to have what happened noted, they wanted to tell someone, but not take it further: *'sometimes they are doing it because they feel they should, or they want someone to acknowledge what happened to them and believe them, whilst not necessarily having it go to court....'*

Despite this, officers talked about trying in each and every investigation even if they got a sense the victim was likely to withdraw - there was always potential for it to be picked up again in the future. Furthermore, in the context of low conviction rates - something officers felt most victims were very aware of - the experience of reporting can be closure - and this was why a lot of importance was put on police treatment of the victim and the victim experience of the police as sensitive, being taken seriously and as having their case progressed efficiently.

*Practical challenges as key stressors for officers:*

Whilst it was acknowledged that the nature of the work, especially when working on particularly difficult cases, could impact officers, any stress experienced was felt to be predominantly to do with practicalities, structural issues and lack of support, not as a direct result of working within rape investigations.

All officers interviewed described high workloads and caseloads – and always chasing a backlog. The latter was often a consequence of dependencies on others, both internal (e.g., lab results / toxicology, or phone downloads) and external (e.g., third-party material), but holding all these strands of an investigation, whilst also managing a relationship with the victim, carried considerable emotional labour for officers, SOITs in particular.

Overall, those interviewed felt that lack of resources made their roles stressful and that there was a need for support with practical / basic things to enable them to do their job more efficiently. This included having access to cars, USB sticks, evidence bags, interview disks – but also access to people sufficiently trained to support them (e.g., phone downloaders or someone with PNC access to conduct checks).



Related to this was a perceived lack of access to training – again, it was mainly basic things that were needed, such as PNC access, or phone downloads. This would enable officers to do things themselves and progress cases rather than being dependent on others.

## 4. Discussion

The 2021 London Rape Review revisited an in-depth case coding methodology to analyse data on reported rape in London. Through the coding of 450 crime reports across 140 variables, the resulting data set provides an updated picture and a follow up to the 2019 MOPAC London Rape Review. Additionally, the current research provides evidence around a much-debated topic: that of technology evidence and the use of victim technology (phones) in rape cases.

### 4.1 Summary of key findings

#### The current landscape of reported rape in London - Comparison with previous reviews

Consistent with previous reviews, the 2021 London Rape Review found steep attrition of cases following initial reporting. In the current sample, two thirds of cases ended with the victim withdrawing, whilst a further quarter ended in a police NFA decision.

Similarly, victim/survivor, as well as suspect profiles and offence circumstances have remained broadly consistent. Those who report rape in London continue to be predominantly female and young - with almost one third under the age of 18 at the time of the offence. Black victims continue to be over-represented when compared to their overall proportions in the population of London. Suspects in the cases reported continue to be men with a slightly older age profile compared to victim/survivors. Again, black suspects are over-represented when compared to their overall proportions in the London population. Consistent with previous research and the 2019 Rape Review, in the majority of cases victim/survivor and perpetrator are known to one another, and there is a considerable overlap between rape and Domestic Abuse. In terms of the above characteristics of reported rape in London, there was little change over the three time periods under study.

Victim withdrawal has consistently remained the largest attrition point (65% of cases withdraw) and the current research finds evidence that withdrawals frequently take place soon after reporting and are often linked to victims not or no longer wishing to pursue a criminal justice outcome. This suggests a need to revisit whether alternatives to criminal justice outcomes need to be considered (see also Angiolini, 2015) and review support provisions for victims, as well as additional steps that could be taken with the aim of public protection.

#### Predictors of attrition

The modelling replicated previous analytics into exploring the factors that can predict victim withdrawal as well as police NFA. Here we see many similarities with the 2019 Rape Review and overall it is **procedural characteristics** that contribute most to the outcomes of interest as opposed to victim, suspect or offence characteristics. Of note is particularly the role of VRI completion in making victim withdrawal significantly less likely, suggesting that its function as a barrier has continued. Variables relating to an assessment of the victim's account and victim credibility also impact on outcome, with inconsistencies in the victim's account making police NFA more likely, whilst markers of case progression (i.e., request for third party material, suspect arrest, Early Investigative Advice) make police NFA less likely.

## **The role of victim technology evidence**

Turning to the use of victim technology - one of the core research aims - the current review found that in just under one quarter of cases a request for victim technology was made by the police - a proportion that remained broadly consistent across the three time periods examined. In all but 13 cases, such a request followed an explicit reference to the possible existence of technology evidence. As such, the current review does not find evidence of police making blanket requests for victim technology, nor of a spike in such requests after R v Allan.

Following a request for technology, half of victims agreed to handover their device, whilst half declined. The proportion of victim consent drops slightly in the time immediately following R v Allan. Whilst this could be related to publicity around the case and media attention – it should be noted that the change was not statistically significant. Either way, the 50 / 50 split in terms of victim consent to the request indicates that more work needs to be undertaken in the engagement of victims with respect to technology evidence.

When considering overall case progression and outcomes, reference to the existence of technology evidence, as well as request for and obtaining of victim technology were all found to be linked to a significantly increased likelihood of CPS submission. However, when included in the overall predictive model they did not remain significant, suggesting that technology variables have some influence on case outcome, but not as strongly as other - procedural - variables.

The current research also sought to understand which cases victim technology was requested within. Again, procedural characteristics were strongest at predicting the likelihood of a victim technology request in the current review - mainly, again, those that can be considered markers of case progression: VRI completion, ISVA referral, request for third party material, accessing other digital material and seizure of suspect technology all significantly increased the likelihood of a police victim technology request. Outside of procedural variables, victim resistance and BAME suspect made it more likely that victim technology was requested, whilst a suspect over 30 made it less likely in the overall model.

The finding that cases featuring BAME suspects appear significantly more likely to involve a victim technology request is worthy of further attention. Whilst this aspect does not remain significant in the overall predictive model, and analysis suggests links to the victim-suspect relationship variable, it also sits within a wider context of disproportionality of both black victims and suspects in the overall sample – a consistent finding across previous rape reviews. These findings also speak to the Mayor’s Action Plan to improve trust and confidence which has a focus on the use of police powers and how they impact on Black Londoners. The findings of the current review suggest that the prevalence of Black victims and suspects as well as any potential impact of ethnicity on case progression will be key issues to monitor going forward.

## **The perspectives of survivors and officers**

The current review, for the first time, incorporated feedback from both survivors and police officers, adding a much-needed voice to the statistics. Victim/survivors’ concerns about technology requests were frequent and related to the practicalities of not having access to

their phones, but also the perceived intrusive aspect of this. The latter was a particular concern for victims in the context of worrying about potential privacy breaches and how the content would be used during a trial. In this respect, survivors frequently expressed feeling that the overall objective was to check their account of events - making them feel like a suspect - or, particularly if disclosed to the defence - to discredit them. Officers, on the other hand, tended to talk about technology as an opportunity to find corroborating evidence and were clear they only requested victim technology if there was an explicit reference to the existence of such evidence in a case.

A key theme across the victim/ survivor feedback pertained to issues of fair treatment and engagement, with a consideration here of how the police broached the topic on requesting technology. Results indicate something of a perception gap: whilst officers described a considered and reassuring approach, this view was not shared by all the survivors who responded to the survey. They outlined that whilst officers had explained the purpose of the technology request in most cases (albeit not all), many victims were not satisfied with the explanation, wanting more detail. The small sample sizes in the qualitative element here are a limitation, but they nevertheless point to the importance of effective victim engagement, with expectation management, fair treatment, reassurance, regular information provision and empathy as critical factors. There are routine measures in place that capture feedback from many victims of crime and their satisfaction with the police (e.g., via the MOPAC User Satisfaction Survey<sup>33</sup>). However, this currently does not include victims of high harm crimes, such as rape, and there is therefore a gap in capturing and learning from the victims of these offences to generate insights and shape practice. It is proposed that future research will include a victim survey of High Harm offences.

Indeed, the review found some further contrasts in the way survivors and officers reflected on their overall experiences of the criminal justice system. These were particularly prominent in relation to the support given to victims, with officers emphasizing their goal of providing a positive, caring experience, whilst victim/survivors frequently recounted feeling a lack of empathy and support. Whilst issues around effective victim engagement remain relevant here, officers also talked about carrying high caseloads and the challenges of progressing an investigation whilst having to wait on or chase others (e.g., for lab results, phone downloads, or for third-party material) - with resulting delays putting pressure on their relationship with the victim. This suggests that there is a need to look at what improvements could be made to the practical and emotional support officers currently receive. In relation to technology evidence in particular, this may need to take the form of more guidance (via training and / or toolkits) on how to systematically approach phone searches, but also points to the need for further input and training to help officers better meet victim needs and to close perception gaps. This could include joint training with victim support agencies, but also additional measures to support officers, such as offering reflective practice or clinical supervision - models of which have been found to be beneficial in other professions (e.g., nursing, teaching, social work<sup>34</sup>).

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<sup>33</sup> <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-statistics/taking-part-mopacs-surveys>

<sup>34</sup> See, for example, Cutcliffe et al (2018); Farhat (2016); Vandette and Gosselin (2019).

Finally, there was a sense that whilst police requests for victim technology were more likely to follow an explicit reference to the possible existence of such evidence, this was in contrast to the CPS, who were seen to be frequently asking for more speculative phone searches. Indeed, officers felt that, whilst police focused on reasons why a case should go to court, the CPS predominantly focused on the reasons for why it should not - a situation that, in the eyes of the officers interviewed, had exacerbated in recent years. Some of this sentiment is reflected in the views of the survivors who responded to the survey: most had not seen their cases progress to trial and there was a strong sense that cases were dropped despite strong evidence. The current research is not able to add to this the perspective of the CPS and those working within it - something that is needed to be able to give a more comprehensive picture. The findings certainly point to the importance of effective partnership working between these two agencies.

## 4.2 Future Research

The current review identifies three key areas for further research:

Firstly, the review focuses on the police investigation stage following an allegation of rape. To gain a more complete picture, there is a clear need to track cases beyond police systems and incorporate data as well as feedback from partners, including and particularly the CPS. This should include further detail in relation to outcomes, what constitutes 'good' case file quality, police-CPS correspondence and decision-making, including that in relation to victim and suspect technology evidence, what material is disclosed, and how disclosed material is being used in court / during trial. Information from other partners such as ISVAs / support agencies should also be sought, with multi-agency forums being one potential route to such data.

Secondly, in addition to an over-representation of both Black victims and suspects - a finding that has been consistent across different reviews - the current review identified a relationship between BAME suspects and a significantly increased likelihood of victim technology requests. The complexities of these relationships demand exploration beyond the scope of this study but sits comfortably within the framework of the Mayoral Action Plan into transparency, accountability and trust in policing, published November 2019<sup>35</sup>, specifically established to address issues of disproportionality and the use of police powers for Black Londoners. Future research and reviews on this nature should continue to monitor and understand these disproportionalities.

Finally, given the consistent finding that the majority of victim/survivors who come to the police to report their rape subsequently withdraw - often within days of the report - there is scope for further research to explore withdrawal reasons in more depth, possibly alongside research to better understand decision-making to report and victim needs and expectations at this point in order to inform support provisions and explore alternatives to criminal justice outcomes.

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<sup>35</sup> [https://www.london.gov.uk/sites/default/files/action\\_plan\\_-\\_transparency\\_accountability\\_and\\_trust\\_in\\_policing.pdf](https://www.london.gov.uk/sites/default/files/action_plan_-_transparency_accountability_and_trust_in_policing.pdf)

### **4.3 Conclusion**

The current review finds much unchanged in terms of the profile of reported rape and the picture of attrition in London, as well as the key factors affecting case outcomes. Additionally, it is able to contribute evidence-based insights to the debate around victim technology evidence and disclosure requests. It is hoped the findings from this review can encourage further discussions about how experiences and outcomes for victims/survivors can be improved and how the different criminal justice agencies and wider partners can come together to facilitate such improvements.

## Appendices

### Appendix A: Variables included in the coding framework

1. Initial Classification
2. Current Classification
3. Victim age at time of reporting
4. Victim age at time of offence
5. Victim Sex
6. Victim Ethnicity
7. Victim requires interpreter?
8. Victim mental health issues
9. Victim learning disability
10. Victim physical disability
11. Victim is a sex worker?
12. Victim is a missing person or homeless?
13. Victim previous victimisation in relation to sexual assault and / or domestic abuse
14. Victim previous victimisation - any other crime
15. Time between offence and report
16. Offence Location
17. Victim had been drinking
18. Victim had been taking drugs
19. Victim believes that they were drugged
20. Evidence to show that offence was drug facilitated
21. Perpetrator had been drinking
22. Perpetrator had been taking drugs
23. DV Flag
24. Offence reported as part of DASH / 124D questions
25. Witnesses
26. Offence Recorded/ Photographed
27. Mix of consensual and non-consensual sex: This occasion
28. Victim verbal resistance
29. Victim physical resistance
30. Weapon used
31. Weapon type
32. Victim Injury Level
33. Multiple Perpetrators
34. Number of Perpetrators
35. Perpetrator age at time of reporting
36. Perpetrator age at time of offence
37. Perpetrator deceased
38. Perpetrator Sex
39. Perpetrator Ethnicity
40. Perpetrator requires interpreter?
41. Victim - Perpetrator relationship
42. Perpetrator mental health issue
43. Perpetrator learning disability

44. Perpetrator physical disability
45. Perpetrator previous history of domestic abuse
46. Perpetrator previous history of sexual assault / rape
47. Perpetrator previous history of any other types of offending
48. How reported
49. Report to Police made by
50. Third Party Description
51. Body Worn Video (BWV)
52. Havens Attendance
53. EEK (Early Evidence Kit) administered
54. Officers record that there were no forensic opportunities
55. Early Investigative Advice (EIA) sought from CPS
56. Victim referred to and/or receives ISVA and/or RCC support
57. Video Recorded Interview (VRI) completed?
58. If no, was VRI arranged?
59. Date of VRI, if applicable
60. Time to VRI (days)
61. Police identify perpetrator
62. Perpetrator arrested
63. Perpetrator interviewed under caution + 3
64. Inconsistencies in victim account are noted
65. Victim unsure if offence took place
66. Victim unsure whether they gave consent
67. Perpetrator denies intercourse/ sexual contact
68. Perpetrator claims consent
69. Is this CRIS linked to others?
70. Reference to existence of tech evidence is made (e.g. social media interaction, phone calls, emails, messages exchanged etc.)
71. Police request victim technology
72. If so, which technology is requested: Phone?
73. If so, which technology is requested: Computer / tablet?
74. If so, which technology is requested: Other?
75. Police seize victim technology?
76. If so, which technology is seized: Phone?
77. If so, which technology is seized: Computer / tablet?
78. If so, which technology is seized: Other?
79. Victim refuses / declines to hand over technology
80. If so, which technology is refused: Phone?
81. If so, which technology is refused: Computer / tablet?
82. If so, which technology is refused: Other?
83. Reasons given for victim refusal to hand over tech
84. Victim agrees to handover tech, but expresses concerns / doubts / asks for reassurance
85. If yes, Briefly outline victim concerns.
86. Date technology seized
87. Date technology returned to victim
88. Time between tech seized and returned
89. Time from report to tech seized
90. Was material found within the device(s) that could aid the prosecution case?



91. Was material found within the device(s) that could undermine the prosecution case or support the defence case?
92. Was perpetrator technology seized and/or downloaded?
93. Was material found within the device(s) that could aid the prosecution case?
94. Was material found within the device(s) that could undermine the prosecution case or support the defence case?
95. Either victim or perpetrator tech seized (or both)
96. Indication police struggle with Tech materials (capacity etc.)
97. Do police access/acquire digital material other than via a technology seizure or third-party material requests?
98. If yes, was this publicly accessible social media?
99. Please briefly describe:
100. Was digital material found that could aid the prosecution case?
101. Was digital material found that could undermine the prosecution case or support the defence case?
102. Did police request any third-party material?
103. If so, what third party material is requested: victim medical records?
104. If so, what third party material is requested: victim social service records?
105. If so, what third party material is requested: victim school or education records?
106. If so, what third party material is requested: any other victim records?
107. If 'yes' to last question, what were they? (specify below)
108. Did victim refuse consent for access to any of these records?
109. If 'yes' to last question, for what reason?
110. Victim consents to third party material request, but expresses concerns / doubts / asks for reassurance
111. Was material found in any of these records that could aid the prosecution case?
112. Was material found in any of these records that could undermine the prosecution case or support the defence case?
113. Date material requested from third party
114. Date material sent to police by third party
115. Time between third party material requested and received
116. Police references to follow ups / chasing / lack of progress in third party material being shared
117. Date of CPS submission
118. Time to CPS submission
119. Did police receive a CPS action plan?
120. Date of CPS charging decision
121. Time to CPS charging decision (from reported date)
122. Police reference to high caseload or workload
123. Police express doubt / negative views of victim credibility/ reliability
124. Police express doubt / negative views of how CPS / jury / judge may view victim credibility/ reliability
125. Victim withdrawal
126. Withdrawal statement completed
127. Primary withdrawal reason
128. Secondary withdrawal reason
129. Date of withdrawal, if applicable
130. Time to withdrawal (days)

131. Police NFA (where victim does not withdraw)
132. Date of police NFA, if applicable
133. Time to police NFA
134. Case submitted to the CPS
135. Case charged by the CPS
136. Case is still ongoing
137. Reaches trial
138. Trial Start Date
139. Trial End date
140. Conviction

## Appendix B: Survivor Survey Questions

Please note the following questions were asked as part of an online survey and were routed depending on answers given by the respondent.

1. In what year did you report the rape that happened to you to the police?
2. Thinking about the police response and how they dealt with you, tell us how these statements reflect your experiences...
  - *I felt the police responded quickly enough*
  - *I felt supported by the police*
  - *I felt the police believed what I said*
  - *I felt the police had my best interests at heart*
  - *I felt I could make decisions about what I wanted to do*
  - *Speaking to the police was a good decision*
  - *I felt safer reporting to the police*
3. Electronic devices, digital communications and social media are becoming more prominent in police investigations of sexual offences. To what extent do you support or oppose the use of such technology evidence as part of police investigations or court cases?
4. In the case you reported, did the police make any reference to seeing or examining your phone (or laptop, tablet, or other device)?
  - *Yes, they suggested this may happen at some stage, but no formal request was ever made (routed to question 4b below)*
  - *Yes, there was a formal request to take my phone (or laptop, tablet, similar device) for examination (routed to question 5)*
  - *No (routed to question 4c below)*
  - *Can't remember (routed to question 12)*
    - 4b. Thinking about how you felt when the police suggested that you may be asked to give your phone or other device, to what extent do you agree / disagree with the following statements:
      - *I felt that giving over my phone would be intrusive*

- *I worried giving over my phone would cause practical difficulties*
  - *I felt pressured to hand over my device*
  - *I would have agreed to hand over my device to the police if asked (routed at this stage to question 12)*
- 4c. If the police had asked you to give your phone or other device, to what extent do you agree / disagree with the following statements:
  - *If this had been asked of me, I would have found it intrusive*
  - *Giving over my phone would have caused practical difficulties*
  - *I would have agreed to hand over my device to the police if asked*

*(routed at this stage to question 12)*
- 5. At what stage in the process did the police request to examine your phone or other device?
  - *When I first reported the offence*
  - *When the specialist SOIT officer first contacted me*
  - *Later on in the process*
  - *I don't remember*
- 6. Did the police explain why they wanted to examine your phone or other device?
  - *Yes (routed to question 6a)*
  - *No (routed to question 7)*
  - *Can't remember (routed to question 7)*
    - 6a Were you satisfied with this explanation
      - *Yes (routed to question 7)*
      - *No (routed to question 6b)*
        - 6b Could you tell us a little about why you were not satisfied with this explanation
          - *Free text*
          - *(then routed to question 7)*
- 7. Thinking about how you felt when the police requested your phone or other device for examination, to what extent do you agree / disagree with the following statements:
  - *I felt that giving over my phone would be intrusive*
  - *I worried giving over my phone would cause practical difficulties*
  - *I felt pressured to hand over my device*
  - *I thought it was a sensible course of action*
- 8. Did you agree to give your phone or other device to the police for examination?
  - *Yes (routed to question 9)*
  - *No (routed to question 8a)*
    - 8a What were your reasons for not doing so?  
*Free text response*

9. How long did the police keep your device?

- *Up to a week*
- *Up to a month*
- *Up to 6 months*
- *Up to a year*
- *More than a year*
- *It has not yet been returned*
- *I can't remember*

10. What was the impact on you of your device being kept?

- *No impact*
- *Minor impact*
- *Major impact*

10a Please tell us more, if you wish, about the impact this had?

*Free text*

11. Did the police tell you what material they had retrieved from the device?

- *Yes (routed to 11a, 11b, 11c and 11d below)*
- *No (routed to 12)*
- *Don't know (routed to 12)*
  - *11a. Did you agree that this material was relevant?*
    - *Yes, all of it*
    - *Yes, some of it*
    - *No*
    - *I don't know / I can't remember*
  - *11b. Were you happy for the material to be used as part of your case?*
    - *Yes*
    - *Mixed*
    - *No*
  - *11c. Was there any material that the police or CPS said they were going to disclose to the defence (the lawyers representing the accused)?*
    - *Yes (route to question 11d)*
    - *No*
    - *Don't know*
    - *(routed at this point to question 12)*
  - *11d. Please use this space, if you wish, to tell us more about how you felt about material being disclosed to the defence?*

*Free text*

12. What was the outcome of the case that you reported to the police?

- *I withdrew from the police investigation or the court case (routed to 12a and 12b below)*
- *The police and / or CPS said that they could take no further action*
- *The case went to court and the accused was convicted*
- *The case went to court, but the accused was not convicted*

- 12a. Was your decision to withdraw at all influenced by the possibility of being asked for, or actually being asked, for your phone or device?
  - *Yes*
  - *No*
  - *Rather not say*
- 12b. Please use this space, if you wish, to tell us more about the reasons for your withdrawal decision.
  - *Free text*

13. Is there anything else you would like to tell us about your experience with the police overall (including handing over your device if that is relevant)?

## **Appendix C: Officer Interview Schedule**

### **General perceptions of the role**

1. Just briefly, can you tell me why you moved into your current role and how you have found it?
  - *How long have you worked as a SOIT /OIC in rape investigation?*

### **Officer perspective of conducting rape investigations and of providing victim care**

2. What would you say are the main barriers, and enablers, to carrying out your role?
  - *What works well?*
  - *How do you deal with challenges?*
  - *What are the main partners and how do you work with them?*
3. What are the key victim support needs you deal with and how do you identify them?
  - *Do you feel enabled / able to meet those needs?*
  - *What is particularly challenging?*
4. What makes a 'good' case outcome?
  - *What do victims indicate would be the outcome they want?*
  - *What do you, personally, feel makes for a good outcome?*
  - *How do you deal with victim withdrawal?*

### **Working with victim technology**

5. What is your experience of working with technology evidence and requesting victim technology?
  - *What do you see as the pros and cons of technology evidence?*
  - *(On balance, does it provide more investigative options, or has it made things more difficult?)*

- What (if anything) has changed since early 2018? (*prompt, if necessary: after the National Disclosure Improvement Plan and the Liam Allan case*).
6. How do you decide whether to request a phone or other device from a victim for evidential examination?
- In your experience, do officers explain to victims at the outset, or early on, that at some stage their phones may be requested – or only when it is established that there may be potential evidence on the phone.
  - (Any changes since early 2018)
7. How do you communicate this to the victim?
- How do you explain the reason for request and how the material may be used?
  - Have you encountered concerns by victims over technology requests and the use of technology evidence?
  - How do you deal with these concerns?
  - How commonly do you encounter such concerns?
  - *Where, if anywhere, do you record the interactions with the victim regarding these matters (CRIS dets, SOIT log, elsewhere?)*
8. How easy is it to identify and then to access and download relevant material on a victim's phone or device?
- What are the key challenges?
  - What helps?
  - (tech magnet?)
  - What is the impact on timescales? On the investigation? On the relationship with the victim?
  - How do you work with the CPS regarding technology material? Has this changed since 2018?
9. Do you have anything else that you would like to say about your experience of working with technology evidence and requesting victims' devices?

### **Officer welfare and support needs**

10. How would you describe the impact this role has had on you?
- *In terms of stress levels; in terms of emotional wellbeing*
  - *What impacts you the most?*
  - *What helps?*
11. Would you say you have what you need to be able to do your job well?
- *Have you had the training you feel you need? Any gaps?*
  - *Do you feel able to manage your workload / caseload?*
  - *Resources / equipment*

- *In terms of ongoing support*
- *Is there more that could be done to support you?*

### **Final reflections**

12. Is there anything else you would like to add?

## Appendix D: Case Characteristics predicting victim withdrawal and police NFA

	<b>Victim Withdrawal</b>		<b>Police NFA</b>	
<b>Victim/Survivor Characteristics</b>	Victim aged under 18 (report)	x2 less	Victim aged over 30 (offence)	x4 more
<i>Model Fit</i>	0.03		0.12	
<b>Suspect Characteristics</b>	Intimate relationship	x2 more	Any offending history	x3 less
			Mental Health Issues	x6 less
<i>Model Fit</i>	0.03		0.12	
<b>Offence Characteristics</b>	Location unknown	x3 more	Witnesses	x3 less
	Reported via DASH	x3 more	Injury sustained	x3 less
<i>Model Fit</i>	0.09		0.12	
<b>Procedural Characteristics</b>	<b>Video Recorded Interview completed</b>	<b>x11 less</b>	<b>Inconsistent victim account</b>	<b>x12 more</b>
	<b>Police encounter technical difficulties with victim/suspect technology</b>	<b>x5 less</b>	<b>3rd Party Material requested</b>	<b>x13 less</b>
	<b>Police Doubt Victim Credibility</b>	<b>x3 less</b>	<b>Early advice from CPS</b>	<b>x12 less</b>
			<b>Suspect Arrested</b>	<b>x12 less</b>
<i>Model Fit</i>	0.42		0.63	
<b>Full Model Fit</b>	0.42		0.68	

Note: model fit was assessed using Nagelkerke pseudo R squared. The closer the figure is to one, the better the model fit. Model fit can only be compared across models with the same outcome, not between different outcomes.

Odds Ratios reported for case characteristic level models. Variables in bold remained significant in overall model.



## Appendix E: Case Characteristics predicting police technology request

<b>Police Request Victim Technology</b>		
<b>Victim/Survivor Characteristics</b>	Victim aged over 30 (report)	x2 less
<i>Model Fit</i>		<i>0.04</i>
<b>Suspect Characteristics</b>	<b>Suspect aged over 30 (report)</b>	<b>x2 less</b>
	BAME	x2 more
	Intimate Relationship	x2 less
<i>Model Fit</i>		<i>0.14</i>
<b>Offence Characteristics</b>	Domestic Violence flag	x3 less
	Witnesses	x3 more
	<b>Victim resisted (physical or verbal)</b>	<b>x3 more</b>
<i>Model Fit</i>		<i>0.2</i>
<b>Procedural Characteristics</b>	<b>ISVA/RCC referral made</b>	<b>x2 more</b>
	<b>Video Recorded Interview completed</b>	<b>x3 more</b>
	<b>Suspect technology seized</b>	<b>x6 more</b>
	<b>Other digital material seized or accessed</b>	<b>x3 more</b>
	<b>3rd Party Material requested</b>	<b>x2 more</b>
<i>Model Fit</i>		<i>0.45</i>
<b>Full Model Fit</b>		<b>0.5</b>

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