Doing the 'right thing'?

Understanding why rape victim-survivors report to the police

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Abstract

This paper explores why victim-survivors engage with the police by drawing upon the accounts of 24 women who reported rape or sexual assault in Scotland. Findings defy public narratives around rape reporting, indicating that victim-survivors may exercise limited agency in reporting. Moreover, a problematic 'aspiration-reality gap' exists due to stark differences between the aspirations attached to reports and the reality of the ensuing criminal justice response. It is suggested that the concepts of 'secondary victimization' and the 'justice gap' can be augmented through appreciation of the 'aspiration-reality gap', and contemporary preoccupation with increasing rates of reporting is called into question.

Key words: rape, sexual assault, police, reporting, victim-survivors, justice

Despite sustained calls from feminist scholars and activists for victim-survivors to be heard within the criminal justice process, and growing recognition that listening to their voices is essential to meeting their needs (Brubaker, 2019; Walklate, 2008), their narratives are conspicuous by their absence when it comes to understanding why rape is reported to the police. Understanding the reasons attached to victim-survivor decisions to engage with the criminal justice system is arguably crucial to understanding their needs and aspirations, and to developing a conceptual framework within which to locate their experiences. Not to mention that the successful prosecution of rape cases, as a crime that is not usually witnessed by anyone other than the victim and the accused, is critically dependent on victim-survivor participation in the criminal justice process (Konradi, 2007).

This article seeks to enhance understanding of victim-survivor experiences, and contribute to improving the responses made to them, by exploring the reasons why women report rape and sexual assault to the police. It draws upon the accounts of 24 women who reported in Scotland and upon earlier research from other jurisdictions, offering an opportunity to understand the experiences of a relatively small and difficult to access population. In addition to the inherent sensitivities involved in doing research of this nature (Brubaker, 2019), as will

be discussed, the vast majority of victim-survivors do not report to the police. Previous studies have typically focused on reporting *intentions* based on hypothetical scenarios rather than *actual* reporting behaviors. Attempts to situate the reasons for reporting (intended or actual) within a broader social and political context and, relatedly, engage with theoretical and contemporary policy concerns has also been relatively limited. This article seeks to address this gap, and the lack of research on this issue in Scotland and the UK more broadly, by situating victim-survivor accounts within the context of disparate public narratives about the rationale for reporting rape and an increasingly politicized criminal justice response (McGlynn, 2011; Mulvihill, Gangoli, Gill, & Hester, 2018).

The paper that follows comprises four main parts. Firstly, the background to this issue is discussed in terms of public narratives around reporting and the problematic criminal justice response to rape and sexual assault. Secondly, the extant research literature on why crimes, and in particular sexual offences, are reported to the police by victims-survivors is appraised. Thirdly, following an overview of study methodology, findings from interviews with participants about why they reported are then presented under four key themes: individual and therapeutic reasons; perpetrator orientated reasons; social and moral responsibility; and third-party influences. Finally, findings are then discussed in detail with regard to their implications for future research, theory and practice. It is argued that the concepts of 'secondary victimization' and the 'justice gap', which have been instrumental in illuminating problematic criminal justice processes and outcomes, can be augmented through appreciation of what is described here as the 'aspiration-reality gap'. In view of the aspiration-reality gap, and the lack of agency exercised by some survivors in the reporting process, the current policy preoccupation with increasing rates of reporting as part of an intensified political and criminal justice response to rape is called into question. Recommendations for future research are made, predicated on the need for a nuanced understanding of the distinctions between rapes reported in terms of both the nature of assaults and how they come to the attention of the police.

Background

Existing research and policy initiatives addressing rape reporting have coalesced around the questions of why women are reluctant to report, what the barriers to reporting may be and how they might be overcome in order that victim-survivors access 'justice' (see Brown, 2011; Campbell, 2001; Fisher, Daigle, Cullen, & Turner, 2003; Kelly, Lovett & Regan, 2005; Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Weiss, 2010). These are understandable concerns given that rates of reporting for rape and sexual assault are notoriously

low across a range of jurisdictions. In Scotland, it is estimated that only one in five rapes are reported to the police (Scottish Government, 2016) and a similar picture has emerged elsewhere in the UK (Hohl & Stanko, 2015), other European countries (Kelly, 2002), the US (Fisher et al., 2003; Weiss, 2011) and Australia (Flood, 2014). However, the enduring research and policy preoccupation with the problem of under-reporting to the police appears to have obscured the question of why victim-survivors *do* report. Arguably, the answer to this question is frequently assumed and grounded in social acceptance of the idea that victims of serious sexual offences, and indeed other crimes, will rightfully seek and access 'justice' via the criminal justice system. In short, reporting is deemed to be both a right belonging to victim-survivors and the 'right thing' for them to do.

Dominant public narratives relating to rape reporting, however, typically represent a dichotomy founded upon whether a complaint (and implicitly, the complainer) is one that considered to be 'genuine'. For those considered 'credible' (Ellison & Munro, 2009; Barn & Kumari, 2015), there is an implicit assumption that 'justice' – via a robust criminal justice response - should be sought. This narrative of the rightful pursuit of 'justice', however, coexists alongside an ongoing discourse about women who 'cry rape', making false accusations of rape against innocent men in an act of malice, a bid to conceal their active participation in sexual (mis)conduct, or the exercise of revenge against a former lover (Kelly, 2010; Lisak, Gardinier, Nicksa, Cote, & Ashley, 2010). This discourse is grounded in historical construction of women's word as "beyond belief" (Jordan, 2004, p. 33). Kelly (2010) argues that historical disbelief of women's accounts have become "sedimented into the cultures" of criminal justice systems despite a wealth of empirical evidence which disputes the notion that women commonly "cry rape" (see Lisak, 2010 for a review of studies measuring the scale of false allegations of rape).

It also remains the case that reports of rape rarely translate into convictions (Daly & Bouhours, 2010; Hohl & Stanko, 2015), and the gulf between the two has been described as the 'justice gap' (Temkin & Krahe, 2008, p. 1). The long-standing failure of criminal justice systems to address the needs of those who have experienced sexual violence, despite considerable international effort to improve responses, is well documented (Hohl & Stanko, 2015; Kelly et al., 2005; McGlynn, Downes, & Westmarland, 2016; Smith & Skinner, 2012). Moreover, the additional stress experienced by rape victim-survivors due to 'secondary victimization' whereby the investigative and prosecutorial process exacerbates the trauma of rape through, for example, the victim-survivor reliving the experience, having to face the abuser, encounter disbelief, and endure a traumatic cross-examination process are well

recognized (Adler, 1987; Brown, Burman, & Jamieson, 1993; Bottoms & Roberts, 2010; Kelly et al., 2005).

Within this highly problematic context, the reason why anyone would want to report rape or sexual assault is perhaps a curious question. Indeed, Taylor and Norma (2012) contend that the sometimes hostile reactions of criminal justice agencies to reports of sexual assault may make women's decision to report seem irrational. Nonetheless, there has been an exponential increase in rape reporting rates in Scotland and elsewhere since the 1980s, which is thought to be indicative of victim-survivors moving from a position of powerlessness and silence (Ullman, 2010) to becoming more willing and able to report as the result of a raft of law, policy and practice reform (Burman & Brooks-Hay, 2018; Temkin & Krahe, 2008). Indeed, the police in many jurisdictions have introduced improvements to their response to rape, including enhanced training, specialist policing roles and teams (McMillan, 2014; Westmarland, Aznarez, Brown, & Kirkham, 2012), collaboration with specialist NGOs (Brooks & Burman, 2017; Brooks-Hay, Burman, Bradley, & Kyle, 2018), and third-party reporting mechanisms. However, existing analysis of why rape reporting has increased stops short of asking why any victim-survivor may report in the first instance or, crucially, what their expectations of the ensuing process are.

Reasons for Reporting to the Police: Existing Research

The reasons why an individual might report a crime are varied and complex (Goudriaan, 2006; Menard, 2003; Tarling & Morris, 2010; Tolsma, Blaauw, & Te Grotenhuis, 2010). A notable attempt to provide a common framework for understanding the mobilization of the law, including why victims of different types of crime call upon criminal justice agencies, was developed by Black (1976). According to Black's (1976) *Theory of the Behavior of Law*, the 'amount' of law mobilized can be measured (e.g. in terms of report, arrest, and prosecution) and predicted by five aspects of social life: stratification, morphology, culture, organization and social control. These aspects of social life incorporate variables such as victim/offender age or race (stratification), relationship between offender and victim (morphology), level of education (culture), number of perpetrators (organization), and time or location of the offence (social control). Black's theory, however, has been described as having limited utility in the context of rape reporting (Clay-Warner & McMahon-Howard, 2009); while the five aspects of social life identified by Black appear to impact on the likelihood of reporting, some of their effects appear to operate in a different direction to that predicted, as outlined in the discussion of victim/case characteristics and situational factors below. The theory has also been critiqued following empirical testing, due to its over-reliance on social structural factors (Avakame, Fyfe,

& McCoy, 1999) at the expense of individual and cultural factors.

To elucidate the decision-making processes of individual victims, Goudriaan (2006) harnesses the logic of reporting within a socio-ecological model whereby it is assumed that if the expected benefits of reporting outweigh the expected costs, then individuals (as rational actors) are likely to report a crime. The expected costs and benefits are influenced by victim, offender and offence characteristics, recognizing that victims and individuals embedded within social contexts (Menard, 2003) and that the benefits of reporting crime may be emotional or material (Tolsma et al., 2010). Reporting may, for example, facilitate retribution through the apprehension and eventual punishment of the offender. This, in turn, may enhance victim safety and emotional recovery while acting as deterrence against future offending. Meanwhile material 'benefits' may be secured in cases where a police report is made as part of a pragmatic decision to progress claims for compensation or insurance (Tarling & Morris, 2010). However, Tarling and Morris (2010, p. 475) also note that some victims feel that they have a 'public duty' to report crimes.

While Goudriaan's (2006) socio-ecological model and other over-arching analyses of reporting behavior offer some insight into influential factors and decision making processes when it comes to reporting crime, arguably sexual (and domestic) offences merit particular consideration since they have unique characteristics and emotional impacts (Lizottle, 1985), hence they are 'not like other crimes' (Herman, 1995, p. 753). Domestic and sexual crimes, as forms of gender-based violence, share a number of commonalities and often co-occur in abusive relationships where sexual violence is part of a broader range of abusive behavior. They are also offences that are consistently under reported in comparison to other crimes (Scottish Government, 2016; Smith, 1989; Tolsma et al., 2010).

A valuable body of research has explored why domestic abuse is reported to the police (see Hirschel & Hutchison, 2003; Holder & Daly, 2018; Hoyle & Sanders, 2000; Lewis, Dobash, & Dobash, 2000; Novisky & Peralta, 2015). Debate about whether victims of domestic abuse engage with the criminal justice system to gain safety or respite from the abuse, rather than the punishment of the perpetrator, is central to this body of work. As a form of gender-based violence, which may include rape, studies focusing on domestic abuse offer some insight into the rationale for reporting of sexual offences, though the sustained nature of domestic abuse and the victim's relationship with the abuser limit the transferability of findings between these related but different offences.

Studies concerned specifically with reporting rape and sexual assault can be broadly categorized in two ways: firstly, quantitative research examining the victim and case

characteristics that are most likely to predict a report being made; and secondly, qualitative research exploring the motivations of victim-survivors who report to the police. Quantitative studies concerned with victim characteristics that are associated with reporting suggest that older victims are more likely to report than younger victims (Gartner & MacMillan, 1995), while higher incomes and education are negatively related to reporting (Avakame et al., 1999; Pino & Mier, 1999; Lizotte, 1985). With regard to race, White women are typically identified as those most likely to report the police (Lizotte, 1985; Feldman-Summers & Ashworth, 1981). Victim ability to recall the incident clearly and perceived seriousness of the assault are also positively associated with reporting (Sabina & Ho, 2014), as is the level of female representation within law enforcement agencies (Schuck, 2018).

Studies seeking to predict the likelihood of reporting to the police have also identified a range of situational factors which are positively related with this outcome, including: the assailant being a stranger (Clay-Warner & Burt, 2005; Fisher et al., 2003; Hohl & Stanko, 2015; Lizotte, 1985); the use of weapons or physical force and significant additional physical injury (Bachman, 1998; DuMont, Miller & Myhr, 2003); the assault taking place in a public or unfamiliar location (Clay-Warner et al., 2009; Fisher et al., 2003); and the assault being committed by multiple offenders or offenders of a different race to that of the victim (Sabina & Ho, 2014). Taken together, this body of evidence points to the finding that the 'types' of rape most likely to be reported are those akin to 'classic rape' (Williams, 1984) or 'real rape' (Estrich, 1987); that is, the assault coalesces with the culturally accepted stereotype of rape as highlighted by feminist scholars (Clay-Warner et al., 2009).

While these quantitative studies provide important insights into cultural acceptance of what constitutes rape and victim willingness to engage with the police or other authorities, they offer limited insight into *why* victim-survivors report to the police or how this might relate to their expectations of the ensuing process. Some of these studies also rely upon hypothetical scenarios to ascertain what participants reporting intentions would be following a rape or sexual assault (e.g. Feldman-Summers & Ashworth, 1981; Moore & Baker, 2018). Arguably, the reality of experiencing sexual violence and the decision-making process in its aftermath is far more complex that hypothetical scenarios can ever depict.

Qualitative studies, currently conducted primarily in the US and Australia, offer a more nuanced understanding of this issue. In an examination of the reasons why a sample of 20 rape victim-survivors participated in the criminal justice system in the US, Patterson and Campbell (2010) identified the prevention of the offender from raping other women or themselves as the main reason factored into initial decisions to report to the police. A notable limitation of

Patterson and Campbell's study, however, is its restrictive focus on victim-survivors reporting very recent rape. It is likely that their results may have differed of they had included participants who had delayed reporting, as is common when reporting sexual offences (Brooks, Burman, & Kyle, 2015; 2018; Hohl & Stanko, 2015). Nonetheless, Patterson and Campbell's findings resonate with earlier US studies by Herman (2005), Kilpatrick et al. (2007) and Konradi (2007), each of which identified safety and the prevention of future assaults on themselves and others as key factors.

Herman's (2005) study of 22 victim-survivors of domestic and sexual offences (half (11) of whom had filed a criminal complaint) is particularly insightful. Herman (2005) concluded that participants primarily sought incapacitation and exposure of the offender as opposed to other conventional aims of criminal justice - deterrence, retribution, or rehabilitation. The main purpose of exposing offenders was to gain seek validation from friends, family and community of the harms inflicted; this was also a prominent theme identified by Demers, Roberts, Bennett and Banyard (2017) in a study with 13 victim-survivors of sexual assault and partner abuse on a US college campus. Similarly, Taylor and Norma (2012) concur that victim-survivors' drive to hold perpetrators accountable was rooted in their desire to protect others rather seeking punishment or retribution. The desire to protect others was articulated by a third of rape survivors interviewed by Jan Jordan (1991) in New Zealand and described by Taylor and Norma (2012) as an 'ever-present' theme within their interviews with 60 women who had reported sexual assault to the police in Victoria, Australia. Similarly, in an earlier Australian study with over 30 survivors of sexual assault, Lievore (2005) identified the safety of themselves and other women as key factors in reporting within a list of 13 reasons why victim-survivors contact the police.

Theoretically, Taylor and Norma (2012) go beyond other accounts of the reasons why victim-survivors report by conceptualizing the motivation to report as 'symbolic protest', underpinned by a sense of civic duty and a disregard for the personal difficulties that they may encounter as a result of taking this action. However, other studies refer to the role that third-parties (e.g. friends, relatives, counselors or state agencies) play in facilitating or making a report on behalf of the victim-survivor though this is not a theme identified by Taylor and Norma (2012). Kilpatrick et al. (2007), for example, found that some survivors (19%) consulted with other people (e.g., friends) about whether to report and approximately half were encouraged to make a police report. Meanwhile, Konradi (2007) identified cases where third-parties either helped victim-survivors to identify the incident as rape and strongly encouraged them to report the crime or contacted the police without the permission of the victim-survivor.

Patterson and Campbell (2010) report that just over a quarter of participants were encouraged to report by others while a further quarter were given no choice in reporting due to others making the report on their behalf. With regard to the role that third-parties play, Patterson and Campbell (2010) draw an important distinction between those who have 'encouraged' victim-survivors to report and those who have taken this choice away from them; this is a distinction that merits further exploration.

Methodology

The findings presented in this paper are drawn from in-depth qualitative interviews with female victim-survivors of rape and sexual assault conducted as part of two related evaluation studies: one focusing on a local pilot Rape Crisis advocacy service in Scotland and the other on a subsequent evaluation of a national Rape Crisis Scotland advocacy project. The advocacy projects were designed to provide dedicated support to victims-survivors engaging with the criminal justice system. Over the course of the two evaluation studies, I conducted semi-structured interviews with 24 female victims-survivors across Scotland who had reported rape or sexual assault to the police and used an advocacy support service. While the value of advocacy support to victim-survivors formed the primary focus of these interviews, important insights into the research question that forms the basis of the current article also emerged; that is, why rape and sexual assault victim-survivors report to the police.

Prior to approaching potential participants, ethical approval was granted by the research team's institution. All participants were recruited via Rape Crisis Advocacy Workers. Though it is possible that the views and composition of this group of victim-survivors may differ from those recruited via alternative means, this method of recruitment was deemed to be the most ethically appropriate approach. Participants were women aged 16 to 65 and all were White. Though this study did not seek to recruit representative samples of particular participants, the lack of racial diversity amongst participants is acknowledged as a limitation of the study.

Victim-survivors were interviewed when they were reaching the end of criminal justice procedings and their contact with the advocacy project. Offences reported included rape (19), sexual assault (2) and child sexual abuse (3). Eleven of these cases related to recent assaults (reported within one week) and 13 were historical cases. Further, almost half (11) of the cases occurred within the context of domestic abuse as defined in Scottish law (i.e., the perpetrator was a partner or ex-partner). In the remaining 13 cases, the perpetrator was an acquaintence in nine cases, and a family member in four cases.

The research focus and conduct was grounded within a feminist understanding of rape

and sexual assault as a gendered offence underpinned by gender inequalities and power dynamics. A feminist methodological approach guided the conduct of the victim-survivor interviews. First, in recognizing that qualitative methods have been instrumental in giving women a voice, particularly in relation to male violence (Griffiths & Hanmer, 2005) (though it is acknowledged that qualitative research does not constitute a feminist methodology and feminist research is characterized by a multiplicity of methods (Reinharz, 1992)). Second, attention was given to potential power differentials between the researcher and the researched (Stanley & Wise, 1993), and to the emotional wellbeing of both parties (Skinner, Hester, & Malos, 2005). Third, participants were able to exercise a degree of control over the conduct of the interview: the timing, length and location of the interviews were determined by them. In practice, most of the interviews took place within Rape Crisis premises as an identified 'safe space'.

With the exception of one interview where the participant chose not to be audio-recorded, all interviews were transcribed verbatim by prefessional transcribers and re-coded manually by the author in discussion with the research team (following the completion of both evaluation studies) to address the question specific question of why victim-survivors report to the police. With regard to the data analysis, a three stage process informed by grounded theory was adopted: open coding, axial coding and selective coding (Strauss, 1987). Though a fully grounded theory approach (Glaser & Strauss, 1967) was not adopted during the research since data collection and analysis did not occur in parallel, managing the analysis and coding in this way allowed the generation of concepts and categories to remain close to, and emerge from, the data. During the initial open coding process, data relevant to the research question was organized into key concepts and categories. At the axial coding stage, the data was revisited to refine and develop the links between the emergent themes. During the third phase of analysis, extracts from data which best illustrate the main themes identified were selected. This coding process was complimented by a Framework matrix-based approach (Ritchie, Spencer, & O'Connor, 2003) to synthesize and chart data relating to individual participants; this was particularly important for highlighting connections (and contradictions) both within and across participants' accounts.

Findings

Analysis of victim-survivor accounts revealed four key themes with regard to the reasons why they reported their rape and/or sexual assault to the police. These themes are explored below using verbatim extracts from participant interviews (with pseudonyms) to

highlight key points. The first three themes discussed are: individual and therapeutic reasons; perpetrator orientated reasons; and social and moral responsibility. Notably, the majority of participants cited third-party influences either within, or driving, their reasons for reporting. This, therefore, forms the fourth and final analytical theme.

Individual and Therapeutic Reasons

Analysis of victim-survivor accounts revealed a range of reasons for reporting to the police that were orientated towards personal safety and wellbeing. In keeping with existing research literature many of the participants were reluctant to report, but did so in order to 'move on' for both emotional and practical reasons:

> I can't even go into shops now […] It's, like, this fear all the time … the other day I was standing at the bus stop and one of the guys, it looked like one of the guys, was coming up to the bus stop and I started taking palpitations […] But I was, like...I really can't be doing with this […] I think it's time to change and get on with my life. I don't know. So that's why I went to the police. (Zara)

Reporting to the police for some victim-survivors was precipitated by a crisis point (e.g. family breakdown, child contact or personal safety concerns). Hence, although these women 'chose' to report, they perceived themselves as having reached a point where there was little or no alternative. This feeling was particularly acute where children were implicated:

> … I think if he gets out and he does manage to get in my head again, it's just going to happen all again, and my wee lassie [daughter] will get took off me and that can't happen, so I kind of need to do it [report] whether I want to or not. (Sophie)

While some participants' reasons for reporting were underpinned by their need for the criminal justice system to provide safety and protection, for others, reporting to the police represented a way of validating their experience and acknowledging the harm that they had suffered: "It was huge step to just even phone them [police], but …I knew what had happened … and that's why I phoned them. But I just wanted somebody to go, 'of course that's not okay'". (Pippa)

Seeking acknowledgement of harm and injustice resonates with the identification of the criminal justice system as a mechanism to publicly acknowledge the seriousness of a crime (McGlynn, 2011). For Carrie, reporting to the police was a way of her "doing herself justice" and she had a sense that by going through criminal justice system, "the truth will prevail

eventually". The belief that the criminal justice system would uncover the 'truth' was also shared by other participants:

> So I'll do it right, and I'll take him to court, you know, and just put him, tell them what has happened, and leave a jury to work it out, and tell the truth. And hopefully, at the end of it, you get the right answer at the end of it, and I got the right answer. (Olivia)

Implicit within these statements, is faith in the criminal justice system and its ability to seek out the truth and deliver justice. For Olivia, the criminal justice system was able to meet this aspiration via a trial that resulted in a guilty verdict. However, others felt deeply let down as a result of their encounters with the criminal justice system: "They're always the people that you grow up as a child believing any problems, if you need help, go to the police. That's what they want you to believe. Reality wasn't that for me I'm afraid." (Kerry). Kerry's 'reality', and her sense of the disparity between this and her prior belief that criminal justice personnel such as the police can help you when needed, is likely to resonate with the experience of numerous other complainers given the well documented difficulties for victim-survivors in engaging with the criminal justice system (Campbell, 2006; Kelly, 2005; Brooks & Burman, 2017) and persistently low conviction rates for rape (Daly & Bouhours, 2010; Hohl & Stanko, 2015).

Perpetrator Orientated Reasons

Where reasons for reporting were directed towards the perpetrator, they were most commonly grounded in desire for him to be held accountable for the damage inflicted and not "get away with it" (Pippa). A sense of anger accompanied some of these actions: "I didn't deserve that so […] it's more an anger as well, very angry" (Sophie). For Sophie, a sense of injustice about what had happened was a strong motivator for reporting. The strength of this motivation is all the clearer in view of the fact that Sophie was fearful of doing so after receiving death threats from the perpetrator. Desire for the perpetrator to be held accountable was mainly articulated via a sense that the he should be publicly disgraced or exposed "to make sure that his name is out there in some way" (Shazia):

> … thinking that they were going to get away with it for the rest of their lives and then all of a sudden thirty, forty years later guess what – here's karma for you […] they'll get a chap on the door and their reputation shattered because folk will be wondering why they were arrested and taken in for questioning – which I suppose has happened to my [family member]. (Harleigh)

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This finding concurs with that of Herman (2005) whereby the goal most frequently sought by participants was exposure of the assailant, "to deprive the perpetrator of undeserved honor and status", rather than deprive him of either "liberty or fortune" (Herman, 2005, p. 593). A small number of victim-survivors, however, did seek punishment of the offender in the form of imprisonment:

> I waited so long to come to the police, I don't think I would have went to the police if I hadn't made up my mind what I wanted out of it. I went to the police knowing that I wanted him jailed, even though it took three years, almost four, really, I still got what we went for. He was jailed, he got two years. Not long enough, obviously, but we still got what we went to do. (Dee)

A notable feature shared by those who were concerned with the punishment of their abuser was that they were reporting either historical childhood sexual abuse or rape and sexual assault within the context of long-term domestic abuse. These participants also shared a sense of determination in their desire to report and sustain their engagement with the criminal justice process. In Dee's case, this engagement was particularly lengthy and at almost four years, this was double the length of the prison sentence that the accused received.

However, perpetrator orientated reasons were not always punitive. Some participants hoped that the perpetrator would be helped rather than punished:

> I want something good to come out of this and I want him not to do this again and I want him to get the help he needs, because that would make me feel better […] I didn't have big thing that I felt I had to have him locked up. (Jen)

In sum, for victim-survivors who cited perpetrator orientated reasons for reporting, the retributive aspects of these reasons were largely underpinned by a desire for their attacker to be publicly exposed and held accountable rather than to encounter pain and punishment.

Social and Moral Responsibility

Interestingly, some participants described their reasons for reporting in terms of a broader social responsibility or movement for change. A sense of injustice and anger that underpinned some of these sentiments, as is reflected in Carrie's statement about there being 'a massive social problem' in terms of how women and girls are treated if they are raped or sexually assaulted:

> It's like a national thing, everywhere, all over the world, but in the UK like there's a

massive social problem and girls are made to feel like they deserve this and if it happens it should be swept under the carpet […] and it's disgusting and I would just say for that alone you have to go to the police because it's not right. (Carrie)

Perhaps unsurprisingly, Carrie was very clear about her decision to report. For others, like Bethany, there was a feeling that by standing up, taking action and doing the 'right' thing, sexual violence could be stopped: "… I feel like every girl should stand up and report it so that we could hopefully stop it from happening completely." (Bethany). Taking action against sexual violence does not appear to have been so strongly observed within earlier studies. This may, in part, be a reflection of recent cultural change in terms of high profile public condemnation of sexual assault and associated resistance movements (e.g. #metoo). At a more personal level, however, this sense of being able to exert control and affect change has an understandable appeal given that rape and sexual assault remove an individual's control (Miller, 2011) and bodily autonomy. For others, reporting was simply "a case of right and wrong" (Esther) or "doing the right thing" irrespective of the personal costs: "I don't want to do it [report], but I'm driven to do it, because that's the right thing to do […] it has created an awful lot of additional stress, but I think I feel better, kind of." (Shazia).

This sense that reporting is the 'right thing' to do is centrally linked to the main reason victim-survivors cited for reporting their rape or sexual assault to the police; that is, to prevent the perpetrator from committing further assaults – on known or unknown others in the future. This finding resonates with the work of Herman (2005), Kilpatrick (2007), Konradi (2007), Patterson, and Campbell (2010) though in the current study, the desire to protect others (rather than themselves) was the overriding concern. Arguably this is a distinct rationale to that of guarding their own personal safety, which was discussed under an earlier theme, though previous studies have tended to subsume these differing reasons under the generic concept of 'safety' irrespective of whose safety is being protected. For Shazia, reporting was clearly grounded in protecting (unknown) others in a generalized way:

I don't have a burning desire to punish him. Punishing him isn't gonna change what happened to me. What I have is a burning desire is knowing that he's not doing that to other people […] I would like to know that my voice might help somebody else. (Shazia)

The need to protect known others was related to direct (and often justified) concern about family members who were at risk of threatening and abusive behavior from the accused. These participants were particularly clear and decisive about their decision to report as a necessary means to protect their children or other family members, and this superseded concerns about

their own safety or the ensuing criminal justice process. This narrative of the drive to protect others stands in direct contrast to the notion of women making vengeful or malicious reports of rape. While these reasons for reporting may seem positively orientated or even admirable, for some participants, the need to protect others was imbued with the burden of responsibility for the perpetrators actions and in some cases, guilt for not reporting sooner: "I would feel responsible if…like in my case, he assaulted somebody else" (Jen).

Third-Party Influences

Amongst the 24 women who reported to the police, a striking feature of their accounts was the influential role of third-parties (e.g. friends, relatives, support workers or police officers). In 14 of the 24 cases, a report to the police was either made, or driven by, a third-party. A further five participants chose to report after discussion with a third-party (the remaining five cases were reported as a result of the victim-survivor reaching a 'crisis point', as discussed previously). The role of third-parties, therefore, merits detailed analysis.

For some participants, third-parties played a key role in assisting them to identify their experience as rape or as a serious offence:

> I had a sick gut feeling, 'cause he was my first boyfriend, I couldn't tell what was right and wrong […] I said to the police, examples of what he was doing. He attacks me in my sleep […] and they explained, even if your boyfriend does that, it's classed as rape. I didn't know that […] so, the police were quite supportive, and reminding me of the seriousness of it. (Niamh)

Difficulties in self-identifying an experience as rape are documented within the literature (Hlvaka, 2014; Weiss, 2011). Patterson and Campbell (2010) also observed that some victim-survivors were uncertain if their experience constituted rape (e.g. because they did not physically fight back), and it was only following discussion and validation with others in their social network that they reported. The supportive role played by others was a key factor in facilitating victim-survivors engagement with the criminal justice system and this also included challenging self-blame on the part of victim-survivors and redirecting accountability towards the perpetrator. It is worth noting that only three of the 24 participants had accessed advocacy support prior to reporting to the police (for some, their report to the police pre-dated the launch of the new advocacy service); two of these participants described advocacy support as influencing their decision to report, and the third described herself as determined to report regardless. In Shazia's case, her counselor played an important role in encouraging her to think

carefully about whether reporting was the right course of action for her and this ultimately clarified that it was what Shazia wanted:

> She [counselor] felt that it was very easy for me to get carried away with the zealousness of wanting to do the right thing and not consider me, as in how it might affect me, … it was her kind of saying to call canny [go cautiously] on it, and leave it a wee [little] while. I think that was a good idea because it actually helped reinforce in my mind that I wanted to do it. (Shazia)

The supportive and reflective decision-making process that Shazia describes, however, was not one shared by the majority of participants. On the contrary, it was evident that many victim-survivors had little or no control over the initial decision to report. In a small number of cases, for example, giving a statement to the police was prompted by the participant being contacted by the police in response to another report being made about the perpetrator:

> So that's when the police arrived, the CID came to the door at four in the morning and were like, somebody's made a complaint, we're going to investigate him now, you can either help us or not. So, sort of dazed, I just said, 'yeah, okay then, why not?'. (Linzey)

In some cases, victim-survivors describe being coerced or feeling pressured by the police to report. In Pippa and Isobel's cases, for example, they had initially contacted police primarily for advice and did not appear to be at a point where they were ready to report: "I phoned the police for advice and they came to see me… they told me he was dangerous, that I had been groomed, and I didn't have a choice but to make a statement." (Isobel). Similarly, in Josie's case, a friend had pressured her into reporting and perhaps unsurprisingly, she subsequently sought to withdraw at an early stage in the process:

> …police lady said that as well, you've got to report this, you know, for the future as well. Think about other people […] and I was being selfish… but I thought, I want be selfish, 'cause this has happened to me […] but then the police lady said, well … maybe his exes in the past have suffered and they've been too frightened to speak up. You've got to take the bull by the horns and you've got to take the control and just go for it. (Josie)

Perhaps ironically, in suggesting that Josie 'takes the control', it seems that the police officer pressurized Josie to overturn her own personal decision not to report by suggesting that she had a duty to protect others. There were a number of other examples where well-meaning friends and family pressurized victim-survivors to report and in a small number of other cases, third-parties reported on the victim-survivors behalf:

I didn't really have a choice, to be honest. The way it happened, after it happened, I went straight to my mum's because I was supposed to pick up my wee girl, but my mum's saying that I was really distressed and like my face was all red and swollen from how much I was crying, and she just ran down and telephoned the police. (Sophie)

There are important implications of third-party influence on making reports of rape and sexual assault. This is particularly true following recent assaults given the time-sensitive nature of gathering forensic evidence; intervention by friends and family may be critical in facilitating the timely capture of forensic evidence to support the case at a later date. However, pressure or the removal of control from the victim-survivor has concerning implications for both their emotional wellbeing and the likelihood that they will be able to sustain engagement in the ensuing criminal justice process, which for many is a difficult, protracted and unknown journey:

It was actually within a few hours of the incident happening […] I didn't want to report it at the time, but his [boyfriend's] mum had contacted the police and honestly within them coming I felt, kind of, more provoked to kind of speak up and report it […] I wish, I still wish I didn't because just the experience from start to finish it was, oh it was just indescribable, it was horrible and it has been horrible. (Bethany)

I did want something to happen. I didn't know what because I didn't know how these things work. And it just got bigger and bigger and more scary and intimidating and then you start talking about procurator fiscals and courts and witnesses and, sort of, safety screens, protective measures in court and things that…and you just start thinking, 'oh my God, why do I have to do all this', you know? This is really scary. (Pippa)

Discussion

To re-cap on the findings presented, victim-survivor reasons for reporting can be categorized as being underpinned by: individual and therapeutic reasons; perpetrator orientated reasons; social and moral responsibility; and third-party influences. The validity of these findings is enhanced by the parallels that can be drawn with the relatively small evidence base on reasons for reporting sexual offences in other jurisdictions; namely, that a desire and responsibility to protect others was most commonly cited as the reason for engaging with the criminal justice system (Herman, 2005; Kilpatrick, 2007; Konradi, 2007; Lievore, 2005; Patterson & Campbell, 2010; Taylor & Norma, 2012). Meanwhile, some victim-survivors

reported for reasons that were grounded in the need to ensure their own safety, seek validation of the harms that they had experienced (Demers et al., 2017; Herman, 2005), or 'move on' emotionally. Relatively few participants sought the punishment of the offender for retributive reasons (Herman, 2005) and the influential role of third-parties was observed (Kilpatrick, 2010; Konradi, 2007; Patterson & Campbell, 2010; Taylor & Norma, 2012).

However, there are some important points of departure between the study findings and those of earlier research relating to the motivations for reporting, who the report was made by, and the nature of the assault(s) experienced. Firstly, victim-survivors desire to 'do the right thing' and take a stand against sexual violence emerged more strongly in the current study compared to earlier work. This theme merits further exploration in future research since it may reflect the contemporary cultural context, characterized by a resurgence in young women associating with feminist movements and high-profile social campaigns publicly challenging sexual harassment and violence (Burman & Brooks-Hay, 2018). It is also noteworthy that, compared to studies addressing why domestic abuse is reported, there was a heightened focus on the protection of others rather than self-protection. Secondly, although earlier studies have noted the role of third-parties in encouraging or actually making a report to the police (Kilpatrick et al., 2007; Konradi, 2007; Patterson & Campbell, 2010), this theme was particularly prominent within the current study with third-parties influencing reporting in almost four out of five cases. Findings also point to victim-survivors also experiencing pressure to report – an experience that sits within a spectrum between positive encouragement on one hand or the complete removal of choice on the other. Thirdly, marked differences were observed in the aspirations and determination associated with reporting between women who had experienced rape or sexual assault as part of historical, long term or domestic abuse compared to women who had experienced recent assaults perpetrated by a someone less intimately known to them. The conceptual and policy implications of these findings are within the current social and political context are discussed below.

Understanding and Conceptualizing Victim-Survivor Reporting

With regard to how victim-survivor accounts are conceptualized, it is notable that their reasons for reporting rape and sexual assault to the police are diverse and that they do not fit within dominant public narratives about reporting: the victim seeking retributive 'justice' or making a false-allegation. Firstly, findings appear to largely defy dominant narratives of individual victims 'seeking justice'. As McGlynn (2011) notes, justice for rape victims has become synonymous with securing convictions and imprisonment of rapists, reflective of

neoliberal punitive attitudes, yet few participants sought punishment of the perpetrator for punitive reasons. Moreover, reports were often made (with a degree of reluctance) when the victim-survivor had simply reached a 'crisis point' or when third-parties (in the form of families, friends, colleagues, support workers and police officers) encouraged, or indeed made, a report to the police on the behalf of the victim-survivor. Secondly, and in stark contrast to the notion of a vengeful woman making a malicious allegation against an innocent man, findings indicate that women report largely to protect other women and due to a moral obligation to 'do the right thing' or 'take a stand' against sexual violence.

A troubling implication of the finding that victim-survivors report in the belief that their actions may protect others – a belief propagated by third-parties including the police - is that the onus of responsibility for the perpetrators behavior is (again) put back onto women when the likelihood of a conviction is very low. In Scotland, only 1 in 20 rapes or attempted rapes reported to the police resulted in a conviction during 2016/17 (Scottish Government, 2018) and similar rates of attrition are replicated in other jurisdictions (Daly & Bouhours, 2010; Hohl & Stanko, 2015). Hence, in the current climate, victim-survivor aspirations are unlikely to ever likely to be realized. While Taylor and Norma (2012, p. 45) conceptualize reporting as a self-sacrificing 'symbolic protest' whereby women are not "ignorant of the misogynistic tendencies of the Australian justice system or deluded as to the likelihood their reporting is going to produce any good effect", this is arguably an optimistic framing within the context of the current study whereby some victim-survivors were profoundly disappointed and disillusioned by the response to, and the outcome of, their report (see also Brooks & Burman, 2017; Brooks-Hay et. al. 2018). Further, victim-survivors desire to have their experiences acknowledged and validated are likely to be undermined by an adversarial system that encourages the accused to refuse to admit guilt or harm (McGlynn, 2011).

The limited ability of the criminal justice system to meet the needs and aspirations of those reporting rape or sexual assault has significant implications for the understanding the potential trauma experienced in engaging with the criminal justice system. The concepts of the 'justice gap' and 'secondary victimization' are well recognized. However, findings point to a concept described here as the 'aspiration-reality' gap. The 'aspiration-reality gap' reflects the likely discord experienced by victim-survivors between: their expectations and the reality of criminal justice processes and outcomes; and between their aspiration to validate their experiences and protect others by 'doing the right thing', and the ability of the criminal justice system to respond in kind. These stark disparities have the potential to leave victim-survivors feeling intensely disillusioned by undermining their faith that the state, via the criminal justice

system, offers them protection and condones harmful behavior. Hence there is much at stake when a woman reports, beyond securing 'justice' for the personal wrong or harm that she has endured. It is argued here that the concepts of 'secondary victimization' and the 'justice gap', primarily concerned with criminal justice processes and outcomes respectively, can be augmented and strengthened through an appreciation of the aspiration-reality gap. In sum, to fully comprehend the impact of criminal justice processes and outcomes on victim-survivors, analysis must be foregrounded by an understanding of how and why they engaged with the criminal justice process in the first instance.

Amongst the 24 women interviewed, a striking feature of their accounts was the role of third-parties and – related to this – the limited agency exercised by some in the reporting process. Victim-survivor reluctance is important to note here; it sits in contrast to positive reports of increased numbers of women empowered to report as a result of improved societal and institutional responses to rape and sexual assault (Burman & Brooks-Hay, 2018). To clarify, the findings observed here indicate that rapes reported to the police are *not* the same as rapes women have freely chosen to report to the police. Yet, the implications of a rape or sexual assault being reported are immense for the victim-survivor involved and it may prove difficult to halt an unknown and "long drawn out" process (Patterson & Campbell, 2010, p. 192) once it is underway. This is especially true in Scotland where in early 2018, the Crown Office and Procurator Fiscal Service (COPFS – Scotland's prosecution service) revised their policy to allow the compelling of reluctant complainers in rape cases. The revised policy is framed by the State's obligation to protect its citizens and as such, it locates the decision to prosecute a case as one to be taken by the Crown rather than by the complainer. Complainer views are cited as 'a very significant factor' in prosecutorial decision making (COPFS, 2018), though it remains to be seen how this policy will play out in practice. In compelling reluctant complainers there is scope to perpetuate loss of control over matters they are intimately affected by.

The lack of free choice in reporting in some cases, and the likely distress caused by the gap between victim-survivor aspirations and reality, calls into the question the current policy preoccupation with increasing rates of reporting. Indeed the decision to refrain from or delay reporting may be a positive, or at least a pragmatic, and informed choice. Weiss (2011), for example, frames victim non-reporting in cases of sexual victimization in terms of strategies to neutralize their victimization and restore some normalcy to their lives. There are, however, negative implications of not reporting – for both the individual and the societal response to rape and sexual assault. Taylor and Norma (2012) locate victim-survivors regret at not reporting as commonly rooted in a sense they let down other victims. Moreover, legal responses to rape are

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of symbolic importance (Bain & Kumari, 2015) and recourse to the law remains an important signifier of conduct considered to be socially unacceptable (Wahidin & Carr, 2013). The magnitude of reporting decisions points to the ongoing need for independent specialized support and advocacy services (Brooks & Burman, 2017), not only for those who do report, but also for victim-survivors who need assistance to make an informed choice about reporting and for those who ultimately choose not to report.

Conclusion

Within the context of a politicized and expanded criminal justice response to rape and sexual assault, victim-survivors are apparently being put at the centre of the justice process. However, we must critically question whether they are they really being listened to, who is putting them there and to what end? These questions are all the more pertinent in view of the finding that victim-survivors may exercise limited agency in reporting and are likely to experience an 'aspiration-reality gap' due to stubborn differences between the reasons and expectations attached to their reports and the reality of the ensuing criminal justice process and outcomes.

Within public narratives, it is often assumed that 'genuine' victims-survivors of serious sexual offences will rightfully seek and access 'justice' via the punitive measures afforded by criminal justice system. The findings presented in this paper, however, defy public narratives around rape reporting indicate that the reality is far more complex. Further, conventional narratives surrounding engagement with the criminal justice system points to a taken for granted notion of what justice is and a belief that it works, though this arguably remains a socially constructed ideal rather than the lived reality of most women's experiences.

While criminal justice processes and outcomes clearly matter, understanding how and why victim-survivor's start their criminal justice journey is an essential precursor to meeting their needs and conceptualizing their experiences. The concepts of 'secondary victimization' and the 'justice gap', which have been instrumental in facilitating understanding of victim-survivor experiences of criminal justice processes and outcomes, are augmented and strengthened through appreciation of the 'aspiration-reality' gap. Improving the criminal justice response to rape and sexual assault is a commendable goal, and one that should undoubtedly continue by addressing both procedural and distributive justice. However, the drive to improve responses should operate in tandem with greater understanding of, and respect for, the reasons why victim-survivors may or may not engage with the criminal justice process.

Future research on how, why, and to what extent rape and sexual assault come to the

attention of the police should pay close attention to the observation that reported rapes are not the same as reports that victim-survivors have freely chosen to make. Reports initiated by third-parties have particular implications for the impact of reporting on individual victim-survivors and their ability to remain engaged in the criminal justice process. There are also implications here for how rapes reported to the police (or indeed any authority) are counted; distinguishing between reports initiated by the victim-survivor and third parties merits consideration if trends in reporting are to be fully understood. Future work should also be attentive to the nuances of how experiencing rape or sexual assault in different contexts (e.g. as a recent one-off incident or as part of ongoing domestic abuse) affects victim-survivor ability and desire to engage with the criminal justice process, rather than viewing rape reports as a homogenous category. Further exploration of the relationship between victim-survivor aspirations and experiences beyond the point of reporting, and how this may evolve as their journey through the system unfolds, is also required due to the likelihood of an aspiration-reality gap constituted by the troubled space between their hopes, expectations, needs and lived experiences.

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