

This is the accepted version of the following article: [Allen, K.](#), [Khan, A.](#), [Horvath, M.A.H.](#) and [Davies, K.](#) (2024), "“Unless you’ve got a conviction, there’s not much you can do”: Rethinking long-term disruption and exit strategy in RASSO investigations", *[Journal of Criminal Psychology](#)*. It is available under a [CC BY-NC](#) licence, and the final published version is available here: <https://doi.org/10.1108/JCP-05-2024-0041>

Author accepted version

Accepted for publication in the Journal of Criminal Psychology, 15th July 2024

'Unless you've got a conviction, there's not much you can do': rethinking long-term disruption and exit strategy in RASSO investigations

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Acknowledgements

The authors would like to thank Rosa Heimer for material developments, Anna Gekoski, Margaret Hardiman, Louise Trott, Thistle Dalton, and Sophie Barrett for materials development, data collection, and coding, as well as Elena Reid, Kristina Massey, Hazel Sayer, Joana Ferreira, and Anca Iliuta for data collection and coding.

The research took place as part of Operation Soteria Bluestone, a UK Home Office-funded programme designed to improve the investigation of rape and serious sexual offences (RASSO) in England and Wales. Designed by Katrin Hohl and Betsy Stanko, work package (pillar) leads were Kari Davies, Miranda Horvath, Kelly Johnson, Jo Lovett, Tiggey May, Olivia Smith, and Emma Williams.

Title: *'Unless you've got a conviction, there's not much you can do': Rethinking long-term disruption and exit strategy in RASSO cases*

Abstract

Purpose: This research was undertaken to assess how five Operation Soteria Bluestone (OSB) participating forces integrated principles of procedural justice and proactive disruption of offending into their investigations, specifically during the closing stages of a case when considering exit strategy and longer-term prevention.

Methodology: A mixed-methods approach was taken, including 32 semi-structured interviews with officers and 59 case reviews of recent RASSO offences. Data analysis methods included qualitative thematic analysis of interviews, while data from reviewed case logs was extracted and analysed using a bespoke case review tool.

Findings: Increased workloads, preparation of evidence, and relational/communication difficulties with CPS were identified as barriers to implementing long-term disruption options. Dedicated resourcing, training, and support is needed to promote suspect-focused investigative strategy and wider uptake of long-term disruption methods. Early investigative approach was also found to have 'snowball' effects on suspect exit strategy, with initial lack of suspect focus and preoccupation with victim credibility, impeding consideration of long-term disruption and safeguarding options. Findings also point to a disparity between promising practice in relation to procedural justice for victims, and (a relative lack of) proactive policing of repeat suspects.

Originality: The study represents a novel contribution to research on policing RASSO, illustrating the scale and nature of the obstacles to changing how these offences are investigated, even when under intense scrutiny from policy makers. It also highlights how increased organisational investment and support is linked to positive changes in practice in some forces.

Key words: rape, sexual offending, disruption, repeat suspects, preventive policing

Introduction

Police responses to rape and serious sexual offences (RASSO) have become a 'litmus test' for trust in the police (Hohl *et al.*, 2022, p.253), with negligible charge rates and high victim attrition contributing to an erosion of public confidence (HM Government, 2021). Police trust and legitimacy are "social facts" with significant material implications (Bradford, 2010, p.6). For philosophical and practical reasons, police necessarily rely on the 'consent, assistance and cooperation' of the public in order to discharge their duties (Jackson *et al.*, 2012, p.2). Citizens are more likely to abide by the law, report criminal offences and comply with police directives, when they view the police as legitimate or 'entitled to be deferred to and obeyed' for normative, rather than instrumental, reasons (Sunshine and Tyler, 2003, p.514). In the wake of advocacy by victim's rights movements, there have been successive reforms to the criminal justice system, including the introduction of a Code of Practice for Victims of Crime, and the Victim's Right to Review scheme (Domestic Violence, Crime and Victims Act, 2004). Victims are no longer the 'forgotten actors' of the criminal justice system (Zedner, 2002), but are increasingly recognised as participants and "rights-holders" whose dignity and interests should be respected (Casey, 2022, p.420). Despite such advances, however, evidence suggests that victims of RASSO remain subject to what has been characterised as a 'second rape' when engaging with the criminal justice system (Campbell *et al.*, 2001), including harms linked to intrusive investigative practices such as routine third party disclosure requests, digital 'fishing expeditions', and excessive scrutiny regarding their credibility as a complainant (Information Commissioner's Office, 2021).

Procedural justice has been identified as a key antecedent of perceived legitimacy (Sunshine and Tyler, 2003), although recent studies suggest that community members may accord differential weightings to distributive justice and procedural fairness based on a range of attitudinal and demographic factors (Metson and Willmott, 2024). In contrast to distributive justice, which is defined by equality of outcome, procedural justice refers to fair treatment, and is often invoked in relation to victim-oriented policies such as the use of special

measures for vulnerable and intimidated witnesses (Metson & Willmott, 2024). Procedural fairness in the criminal justice system has been defined in relation to four key constructs: voice, dignity and respect, neutrality, and trustworthiness (Hohl *et al.*, 2022). Police are “critical gatekeepers” of the criminal justice system and, as such, are in a prime position to promote victim engagement and wellbeing (Hohl and Stanko, 2015, p.327). A procedurally just police response to a rape report involves treating the complainant respectfully and without bias, making space for them to speak about their experiences, and taking their perspective and interests into account. At the point of case closure, such an approach entails ensuring that victims have been fully informed about their rights and options, and that appropriate referrals have been made to mitigate ongoing risks to their safety and wellbeing. This could include applying for special measures where cases are proceeding to court, and providing information about the Victim’s Right to Review if the case outcome is No Further Action (NFA).

Research suggests that procedural justice is central, not only to mitigating secondary victimisation and promoting victim wellbeing, but underpins effective practice: police behaviour which falls short of the ideals of procedural fairness reduces community members’ willingness to engage with the criminal justice system by reporting crimes and/or supporting an investigation (Lorenz and Jacobsen, 2021; Stanek *et al.*, 2023). Recent survey research undertaken as part of Operation Soteria Bluestone (OSB) provides additional support for the link between (a lack of) procedural justice and reduced RASSO reporting (Hohl *et al.*, 2023). Almost 2,000 RASSO victims across England and Wales participated in a survey regarding their experiences with police. Just 37% of respondents felt that officers always or mostly took their needs into account, or made them feel like they mattered, while “many felt deep regret for having trusted the police with their case” (Hohl *et al.*, 2023: 7). As a result, more than half (56%) responded that they would be unlikely to report a rape to the police in future (Ibid: 8).

Meanwhile, low conviction rates have been identified as contributing to a culture of impunity for those perpetrating RASSO, resulting in rape being seen as a 'low risk, high reward' crime by offenders (Scully, 2013, p.137). The 'justice gap' (Temkin and Krahe, 2008) for RASSO is particularly concerning given that the evidence suggests that repeat and serial perpetration is prevalent, including among undetected offenders (Lisak and Miller, 2002).

In light of such findings, it has been suggested that 'official' estimates of the number of repeat suspects are "just the tip of the iceberg" (Stanko, 2022, p.1), and that police should move towards a "default investigatory model" that recognises the prevalence of serial offending (HM Government, 2021, p.7). Indeed, more recent research conducted as part of OSB found that repeat suspects comprised between 19.5% to 45.6% of reviewed RASSO cases, underlining the urgency of mounting a strategic, long-term response to suspected repeat offending (Davies *et al.*, 2022). Concerningly, the same findings also illustrated widespread "investigative oversights" in relation to identifying and 'disrupting' repeat suspects, and a lack of time or capacity to consider avenues for long-term disruption (Davies *et al.*, 2022). Disruption refers to the use of methods by law enforcement to prevent or interrupt the recurrence of sexual offending. Disruption is consistent with wider 'Peelian' principles of civic policing and effective practice, according to which police are obliged not only to react to crime but to prevent it (Davies *et al.*, 2022). The principles were first codified in 1829 as part of Sir Charles Rowan and Richard Mayne's *General Instructions* to the Metropolitan Police Force (Lentz and Chaire, 2007), and have historically been regarded as foundational to the philosophy of policing by consent (Loader, 2014). Policing according to Peelian principles centrally entails impartial service and strict adherence to the law, securing the consent and cooperation of the public, rather than policing by force, and 'preventive' policing which fosters a just and peaceable society rather than stifling crime and disorder once it arises (Home Office, 2012). By examining the threat a suspect may pose beyond the scope of a specific investigation, law enforcement can begin to more accurately assess, strategise about, and manage risk, with the aim of disrupting repeat offending (Davies *et al.*,

2022). Methods of disrupting repeat offending may include, but are not limited to, the use of bad character evidence, the timely use of civil orders (COs), proactive checks for previous offences, and reinvestigation of possibly linked crimes. Less employed, but still significant, methods for disrupting the suspect in the long term and reducing harm include rehabilitative and reintegrative interventions such as Impact Pathways (Impact Pathways, 2023) and Circles of Support and Accountability (Kitson-Boyce, *et al.*, 2018).

In practice, however, recent findings from OSB research with five participating forces yielded limited evidence of the deployment of long-term disruption methods such as COs, owing to heavy workloads and/or a lack of understanding as to when or how to obtain these (Davies *et al.*, 2022). Interviews with participating forces also highlighted investigator misconceptions regarding what constitutes a repeat suspect, how to target repeat suspects, and how intelligence should be used to effectively disrupt in the long term. Significantly, “the notion of crime prevention was not discussed in detail by any of the officers,” and there was a lack of ownership for taking a more proactive approach to combatting perpetration (Davies *et al.*, 2022, p.118).

Findings also highlighted a range of issues in relation to the five forces’ approach to the investigations’ exit strategies, including a tendency for cases to ‘drift’ in their later stages, a failure to close cases in a timely fashion, leading to poor victim service, and stalled investigative opportunities related to a lack of follow-up; for example, collecting forensic evidence but failing to test it (Horvath *et al.*, 2022). These challenges were attributed to a combination of factors, including a lack of capacity, specialist knowledge and skills among investigators.

Taken in conjunction, this pattern of findings implies that some proportion of suspects in cases which do not proceed to prosecution will have previously offended and/or will go on to reoffend, and that non-carceral options are seldom considered. If conviction is ‘Plan A’ for

identifying and managing ongoing risk, the current situation highlights the need for a robust and routinised 'Plan B'; alternative methods of engaging in suspect-focused and preventative policing that reduces the risk posed to victims and the wider public at the point of case closure and beyond.

The aim of this research was to understand how five OSB¹ participating forces are integrating the principles of procedural justice and proactive disruption of offending into their investigations, specifically during the closing stages of a case when considering exit strategy and long-term disruption. Employing a mixed-methods approach, the exploratory research questions for the present study were:

1. Following evidence-based recommendations made as part of OSB, what changes to standard police practice can be observed regarding exit strategy and methods of long-term disruption across the five forces?
2. How do officers across the five forces view any changes made and the way in which these changes work in practice?

Methodology

A mixed-methods approach was taken to data collection in this study, including interviews with officers and case reviews of recent RASSO offences.

The data collection was undertaken for Pillars One and Two of OSB. Study design and methodology was reviewed and approved by the Research Ethics Committees at participating universities: the University of Suffolk (RETH21/006) and Bournemouth University (39633).

¹ This research was conducted as part of Operation Soteria Bluestone, funded by the UK Home Office. Designed by Katrin Hohl and Betsy Stanko, work package (pillar) leads were Kari Davies, Miranda Horvath, Kelly Johnson, Jo Lovett, Tiggey May, Olivia Smith, and Emma Williams.

The samples for case review and interviews were drawn from five police forces (A,B,C,D,E) who participated in OSB. These forces were included in the present study to allow for understanding of what current and emerging practice in this area may look like, and to capture what those changes may mean for forces and officers working on RASSO cases. Due to time constraints and workload, Forces A and C were delayed in implementing changes at the time of data collection. As such, the collected data for both Forces A and C is reflective of pre-change, whereas data collected from Forces B, D, and E is reflective of post-change.

Interviews

Sample

Thirty-two interviews were conducted with police officers across five force areas, recruited through opportunity sampling. Officers were eligible to participate if they had worked on, supervised, or managed officers working on RASSO cases.

Materials and procedure

Police leads organised lists of possible participants and academic researchers emailed officers directly inviting them to take part in an interview. Prior to interview, participants were sent an information sheet to read and consent form to be signed and returned.

A semi-structured interview schedule was developed to explore general and specific changes to working practice because of OSB. Interviews took place over Microsoft Teams between November 2022 and June 2023 and were recorded before being transcribed. Full interview schedules are available upon request. Example questions pertaining to changes in investigative exit strategy and long-term disruption included:

- Has your approach to creating an investigation strategy changed?
- Has your approach to longer term targeting of repeat suspects changed?
- Has your approach to exit strategy changed?

Analysis

Interviews were analysed using the qualitative method of thematic analysis, following the six phases articulated by Braun and Clarke (2006). The analysis was conducted manually by the researcher who conducted the interviews. In the analysis, participants were assigned a random letter to preserve their anonymity.

Case reviews

Sample

Adult rape offence cases that occurred between 2021 and 2023 were requested from the five forces. The request for different types of adult rape offence was calculated based on the prevalence of case outcome and relationship type in the force. The final sample is robust and highly diverse, comprising 59 cases across the five forces. A breakdown of all analysed cases by each force is presented in Table I.

Table I: Breakdown of case reviews completed by force

Materials

Materials included the force laptops provided to researchers, with access to the forces' information systems. Divided into thematic areas of particular importance for rape investigations, a case review tool designed to capture quantitative and qualitative data from the cases was used to extract data in a standardised format. The tool is available from the researchers upon request.

Procedure

The five police force leads identified relevant cases based on the sampling criteria.

Eight researchers analysed and coded cases using the review tool (between 1 and 2 per force). To ensure quality and consistency, researchers were paired together and undertook an interrater reliability exercise at the start of the data coding process, blind reviewing the same case and comparing results in a discussion mediated by the case review methods lead.

Analysis

Once the data extraction of individual cases was completed for each force, five researchers (one per force) conducted a second level of analysis, bringing them all together. An overall qualitative assessment of all cases from every force was completed, in which each theme and sub-theme was evaluated according to their strengths, weaknesses, or average/mixed findings. A bullet point summary with examples was provided for each sub-theme and a broad comparative overview for each central theme. In each force, the main themes were rated based on the average rating from all cases, and cases were classified as good, average, or poor.

Findings

Contextualising the findings

During case reviews, it was often difficult to ascertain whether an action was completed and just not recorded or was not completed at all. Failing to properly log information on police systems means that any other officers would be unaware of such actions having taken place, and so for the purpose of analysis it was assumed that if the action hadn't been logged, it hadn't occurred. There were also substantial differences in the detail of information provided in case logs from force to force.

In contrast to recent OSB findings (Horvath *et al.*, 2022), which illustrated shortcomings in relation to victim exit strategy owing to late-case 'drift' and hesitancy about closing cases, findings from both interviews and case reviews in the present study point to a positive shift in victim engagement at the end of a case. However, case review findings also indicated

ongoing issues among some forces in relation to suspect-focused actions, including a lack of follow-up where positive investigative steps had been taken initially.

Overall, case review findings suggest a discrepancy between the consideration, completion, and/or documentation of suspect- and victim-facing exit strategy actions (see Table II), with variations between forces but a broad tendency among all five forces for victim-focused actions to be more commonly completed and/or logged than suspect-focused ones.

Table II: Exit strategy actions by and across forces

Victim exit strategy

Case review summaries across all forces suggested that victim engagement overall was average-to-good, with instances of “exceptional” practice by individual victim-focused officers (Force A qualitative analysis), and (with some exceptions) general respect for victims’ agency and preferences.

When specifically looking at actions reviewed in relation to exit strategy, instances of good practice included providing information about/applications for special measures, closing THRIVE risk assessments, MARAC referrals, referral for ongoing support and safeguarding from social care services, assignment of a victim progression officer coordinating wellness checks, and multiple in-person visits to ensure that a victim’s retraction of their report was non-coerced.

Interviews also illustrated some positive findings regarding how officers perceived or approached their engagement with victims. To promote long-term safeguarding of a victim who was not able to proceed with prosecution, one investigator described facilitating her application for an Occupation Order:

B003UI: *Sometimes victims will report something to us like a rape, sexual assault, whatever it may be and they'd just say I'm not strong enough to go through with it, I can't physically put myself in court, but actually, I need to separate from him but he'll take the house from me. And we are like, we will actually will go to this particular solicitor and get an occupation order so you can keep your house, so she's than really happy and we safeguarded her and she can stay in that house without getting a rape conviction.*

Interviewees also described employing a range of methods to promote victim wellbeing and procedural fairness when communicating NFA outcomes, including keeping the victim informed throughout the investigation and establishing a sense of trust, seeking to inform the victim in-person, and involvement from Independent Sexual Violence Advisors (ISVAs).

As one interviewee discussed, by maintaining clear lines of communication with the victim as the investigation proceeds, and keeping them informed about their options, investigators can work towards mitigating the impact of an NFA outcome:

B0014CI: *If things don't go, then at least we've got the relationship where we can explain and understand, because they've already been informed about the investigation as we've gone through it anyway. And it kind of reduces the impact on them.*

These comments are consistent with a move towards a more relationship-based and procedurally just approach to engaging with victims grounded in voice, trustworthiness, dignity and respect (Hohl et al, 2022). By establishing a relationship with victims, and ensuring they receive regular and meaningful updates about the progress of their case, officers demonstrate that they have 'the wellbeing or best interests of victim-survivors at heart' and make space for them to feel heard during the investigative process (Hohl et al,

2022: 7). This approach enables officers to anticipate and minimise adverse emotional outcomes for complainants, in addition to focusing on substantive investigative outcomes.

Interviews also highlighted gaps in victim exit strategy. While Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) are intended to manage the risk posed by “perpetrators who present an on-going risk of violence to the victim with the objective of securing a co-ordinated approach across agencies for the protection of victims” (Home Office, 2022), there was a perception by some that DVPNs and DVPOs were a waste of time and money:

***E002CI:** Because I've worked in the hub where, where they introduced the DVPO and DVPNs and when you go to court, if the victim is not on board with it, even though it gets put in place, nine times out of ten is breached by means of the victim going back. So unfortunately, it's a lot of money wasted because the force have to pay for those DVPNs to be put through the courts*

Notably, this perception is contradicted by Home Office guidance (2022). The guidance emphasises that the responsibility for complying with the conditions of DVPN/Os ultimately rests with the perpetrator, and that breaches should be used as an opportunity to ensure that all “substantive criminal offences are thoroughly investigated and actively pursued” (Home Office, 2022).

Suspect exit strategy and use of long-term disruption measures

Civil Orders

Interviews suggested signs of improvement among Forces B and E, with additional resourcing supporting uptake of COs (Force B). Although one officer in Force E (E001PI) stated that “*you can only do what you can do with the evidence you've got,*” interviews suggested that increased knowledge of Sexual Harm Prevention Orders (SHPOs) and

Sexual Risk Orders (SROs) led to more consideration of utilising these, especially if a crime had not made it to the full code test. Interviewees from Forces A, B, C, and E described considering COs in advance of, or in lieu of, a charge, evidencing the potential for COs to form part of a more holistic strategy to disrupt patterns of harmful behaviour. For example, in Force B, one officer described employing COs in cases where the victim does not wish to proceed with the investigation:

B008PI: There's definitely a push for us to consider using those because obviously, we get a lot rapes that get reported, and they just don't want to go any further [...] So, yeah there's definitely a shift that we're looking at COs to try and prevent offences, not just going down the criminal route.

However, indications that a CO had been discussed or implemented were present only in a low number of reviewed cases overall, even among those forces where interviewees displayed increased awareness. The apparently low uptake of COs despite increased awareness may be linked to the range of institutional and resource-related challenges highlighted during interviews, particularly within Forces A, C, and E. These included limited and/or delayed training, a reliance on *ad hoc* or informal guidance, and perceived barriers to pursuing COs where there is no charge/conviction.

In Forces A and C, interviewees cited delays in training on COs for newer officers and/or a reliance on guidance from supervisors or offender management units. When COs were considered, preparation of evidence, resourcing issues, and difficulties with the CPS constituted time-consuming barriers across Forces A, B, and E, which were difficult to manage alongside existing investigations. The laborious task of applying for COs led to early preparation in Force A, with concerns over the CPS being “*very last minute with asking you to do things.*” Apart from the issue of last-minute actions for officers, an officer in Force B described how the courts view COs “*as a nuisance.*” There was a sentiment on the part of

officers that “the courts aren’t keen,” leading to the process of applying for COs feeling “as onerous, if not more sometimes, than getting a conviction.”

Notably, one Force B interviewee indicated that adequate resourcing can be influential in facilitating applications for COs:

B001PI: *We are using ARMS [Active Risk Management System] assessments to do risk assessments on those people and then we are using the funding to outsource to different legal firms to get those COs through really quickly.*²

Other perceived barriers to obtaining COs included the conviction history of the suspect (or lack thereof), resulting in difficulties considering longer term disruption tactics if the case resulted in anything other than a charge. One officer in Force B (B012UI) explained how COs “are very, very difficult to obtain without any convictions” due to the level of evidence needed to justify imposing restrictions on an individual. Similarly, in Force E, an example was provided of one suspect who had a “clear pattern of offending, or suspected offending, [and] clear elements that show he’s a risk” (E001PI). However, due to the lack of both evidence and convictions, the officer described how “there’s nothing we can do because there’s no charges.”

E001PI: *The concept of disrupting or the concept of dealing with regular offenders is actually, we just don’t really have any powers to do with anything, you know. It’s- it’s- **unless you’ve got a conviction at court, there’s not really much that you can do.***

This perception is at odds with the guidance on Sexual Risk Orders (SROs), which can be used against those without a relevant conviction or caution for a sexual offence, as long as

² ARMS is a dynamic risk assessment tool employed across all 43 police forces in England and Wales to gauge the risk of sexual reoffending (Mydlowski, 2022).

the individual it is being sought for has demonstrated they pose a potential risk of sexually offending.

Case review findings lend qualified support for the claim that forces were increasingly considering COs, showing that these were discussed or implemented in several, although not all, relevant cases in Forces A, B, C, and E. Notably, there was no mention of COs as a method of long-term disruption in either interview or case review data within Force D.

Linking of crimes and bad character evidence

The admissibility of bad character evidence is governed by the Criminal Justice Act 2003, which defines bad character as “evidence of, or of a disposition towards, misconduct” which is admissible to criminal proceedings through one of seven statutory ‘gateways’ (Criminal Justice Act, 2003). Salient evidence may include prior convictions for similar offences, dishonesty, and, where relevant, previous charges or prosecutions that did not end in conviction (Ibid). The use of bad character evidence has been debated extensively, with critiques regarding its predictive validity and its potential prejudicial effects (Goode, 2020). However, situationist challenges to the notion of stable character traits notwithstanding, claims that character evidence are “categorically unreliable” have been refuted through the use of recidivism data, suggesting that evidence of bad character is sufficiently probative to warrant admission in a variety of cases (Goode, 2020). The use of bad character evidence, therefore, allows for a more holistic perspective on the suspect, facilitating accurate risk assessments and thereby promoting effective victim safeguarding, exit strategy and long-term disruption efforts.

Interview and case study findings suggested signs of positive change in two forces (B, E), while for three (A, C, D) there was limited evidence regarding how linking crimes and bad character were being used or the extent to which they informed long-term disruption.

In Force B, several changes were identified following the OSB Year 1 recommendations, including a stronger focus on offending history, which in one instance prompted officers to reinvestigate previously NFA'd cases as a series. Officers used this information as evidence of bad character for the current investigation, ultimately building a stronger case for a positive charge outcome. Meanwhile, a Force E interviewee (E001PI) observed that there was *“more of an option to look more at the suspect and their background and their M.O. and their offending and their profiling,”* with increased knowledge that *“actually it is critical to RASSO offences.”* One officer (B002PI) reported that specific plans were made to target suspects with two or more allegations of rape or serious sexual offences, by increasing referrals to PDP / MARAC, and liaising with other officers regarding long-term disruption to figure out *“what’s the plan around this person?”*. However, data from case reviews suggested that several cases missed opportunities of linking crimes in Force E. For example, in one case, two previous third-party reports that had been no further actioned regarding the same suspect and victim were not linked to the current investigation despite the same victim being involved.

Notably again, no information on linking crimes or evidence of bad character was obtained from interviews with Force D, however, some information was identified from case review data. Whilst crime numbers related to the current investigation were logged, there was no information on whether the crimes were linked and reinvestigated as a series, or how these previous reports informed methods of long-term disruption for the suspect.

Although data from Forces A and C are reflective of pre-change, there was an overall lack of information on whether crime linking is used and how it informs the long-term disruption of the suspect. For example, in Force C, if a case did not result in a charge, officers would ensure a police footprint was created on PNC so crimes could be linked in the future if necessary. However, there was no mention of any long-term disruption tactics put in place if

the case did not result in a charge, or on how the suspect's offending history or linked crimes could potentially be used to inform these tactics.

Early suspect focus and exit strategy

Case reviews highlighted instances in which a lack of suspect focus in the early stages of an investigation shaped the subsequent course of the investigation, with knock-on effects for exit strategy and reinvestigation opportunities. In one force, case reviewers observed that every investigative action recorded on the log was oriented towards the victim, with the objective of "*determining her credibility and establishing the circumstances of the offence and whether or not it was rape at all*". On the log, the officer noted that the victim had not physically resisted the rape or verbally expressed her non-consent, implicitly shifting responsibility from the suspect to the victim, despite evidence that the reported offence had occurred in the context of a pattern of exploitative behaviour. This scrutiny of victim behaviour during the reported offence underlines the disparity between current investigative practices in some reviewed cases and a 'whole story' framework which could yield a more nuanced understanding of the offence and potential risk posed by the suspect to the victim and wider public (Tidmarsh *et al.*, 2012).

In another case, despite a documented pattern of domestic abuse by the suspect during previous relationships and in his relationship with the victim, there was "very sketchy recording and detail of past related offences", including recording about repeat offending within the relationship. There was no discussion of bad character evidence in the review of the case, and post-closure COs were not considered. Instead, analysis of the case suggested that the investigative focus was on "pulling apart the victim's version of events [...rather than] pursuing potential lines of enquiry" regarding the suspect. Although the victim's ISVA flagged concerns about coercive control, a dynamic which could account for perceived inconsistencies in the victim's account and corresponding "weaknesses" in the

case, there was no evidence that this had been followed up, or that potential long-term safeguarding concerns associated with this had been considered.

Similar barriers were observed in Force C cases. In one case, there were five previous crime numbers linked to the suspect-victim relationship and a well-documented history of high-risk domestic abuse and coercive control by the suspect. However, the lack of explicit dissent by the victim during the reported offence was characterised as a “weakness in the case,” despite her explanation of the relational and situational factors that made outward compliance the safest behavioural option available to her at the time. This case was NFA’d, with no recorded consideration of how future perpetration could be disrupted through COs.

Discussion

Analysis of interview and case study data collected from five forces showed how successfully, and to what extent, forces implemented key changes in relation to exit strategy and long-term disruption, and how officers viewed prospective/implemented changes. It should be noted that the specific indicators chosen in relation to exit strategy and long-term disruption are not intended to be taken as an exhaustive list of options or conclusive measure of effectiveness in these areas. Rather, they provide a snapshot of the extent to which officers are viewing offending holistically and are aware of and making use of available disruption methods.

In addition to identifying evidence of positive change, particularly in Forces B and E, findings remained consistent with previous Pillar 1 and 2 OSB findings regarding underlying barriers or areas of friction in relation to promoting a more Peelian response to sexual offending; for example, a chronically underfunded criminal justice system, limited capacity due to heavy workloads, and a lack of specialist knowledge (Davies et al, 2022). Resource-related obstacles continued to feature prominently, including a lack of access to training and

dedicated support for CO applications, and (perhaps resulting) misconceptions about the utility and accessibility of COs.

Equally, the overarching pattern of findings – including gaps and silences within the data, such as the lack of recorded suspect-focused actions in case reviews – may be suggestive of deeper conflicts or uncertainties regarding taking a more proactive, suspect-focused approach to policing sexual offences. Themes included a lack of suspect-facing actions, a sense of hopelessness regarding disrupting repeat suspects, and, in some instances, a preoccupation with victim behaviours and credibility which may preclude timely consideration of suspect disruption and exit strategy.

Interview and case review findings regarding victim exit strategy were generally positive, indicating increased attention to meeting victims' communication and safeguarding needs consistent with a procedurally just approach to RASSO investigations (Hohl et al, 2022). However, interviews also highlighted instances where investigators' understanding of safeguarding measures – and their implied hopes or expectations regarding outcomes – may diverge from both the statutory guidance and victims' own expectations. For example, the perception that breached DVPN/Os are evidence of 'wasted' time and effort contradicts the global evidence base on protective orders: as Douglas (2018) writes based on research undertaken with victims in an Australian context, "despite the fact that DVOs are often breached, they may be considered successful because they reduce, rather than eliminate, the abuse and the need for police contact" (Douglas, 2018, p.217). In other words, the wider literature suggests that victims themselves value DA-related COs, even though they often work partially and imperfectly, because they can increase their sense of safety, helping to set boundaries between the victim and their (ex-)partner and contributing to a "paper trail" to promote suspect accountability (Douglas, 2018, p.230).

Interview findings suggested that constraints on investigator time and resources contribute to limited uptake of COs, despite increased awareness of their utility as an option for long-term disruption. This under-resourcing included a lack of access to training, which may in turn be linked to relevant knowledge gaps, for example, the perception of breached DVPN/Os as 'wasted'. Notably, however, there were minimal applications for COs among reviewed cases, even for those forces with additional resourcing to support CO applications (B and E). This suggests that, while adequate resourcing may be a necessary condition for increased uptake of COs, it is only part of the puzzle.

Equally, across forces A, C and D, authors identified a lack of supportive evidence for what might be characterised as a preventative or 'Peelian' sensibility when it comes to linking crimes and bad character evidence; that is, an underlying attunement to, and robust follow-through regarding, a suspect's pattern of past behaviour, propensity to reoffend, and potential avenues to disrupt repeat offending and promote desistance. This is particularly concerning given empirical findings in relation to prevalence, which underlined the importance of equipping investigators with the "relevant knowledge and time to be able to appropriately assess this intelligence in terms of how it factors into both a short- and long-term investigative strategy" (Davies *et al.*, 2022, p.111).

Across forces C and D, individual case reviews pointed to investigative shortcomings which may have undermined both procedural justice for victims and consideration of longer-term prevention efforts in some cases, including excessive victim-focus and a reliance on rape myths regarding victim (in)credibility, particularly regarding offences alleged to have occurred in the context of a relationship. Rape myths are defined as 'prejudicial, stereotyped, or false' beliefs regarding rape, victims and perpetrators, which shape public attitudes and create an inimical climate for those who have experienced sexual violence (Burt, 1980, p. 217). In a UK criminal justice context, research indicates that police adherence to myths regarding 'real rape' (Estrich, 1987), victim behaviour and credibility contributes to attrition

during RASSO investigations (Hohl and Stanko, 2015; Gekoski et al, 2024). The apparent reliance on rape myths regarding victim credibility and/or culpability in some reviewed cases may signal a lack of understanding of the dynamics, risks, and gravity of harms associated with “chronic sexual violation”, whereby a victim’s autonomy is eroded over time through coercive control (Palmer, 2020, p.573). This has implications for accurate risk assessment and safeguarding.

Equally, there are negative implications for any case in which lack of consent is the fulcrum: if investigators work under the interlinked assumptions that sexual offending can only be prevented through successful prosecution – and that acquaintance and intimate partner rapes are, often by definition, evidentially weak cases unlikely to persuade a jury – then the restrictive and unrepresentative ‘real rape’ template (Estrich, 1987) will mean that only a tiny minority of those perpetrating sexual violence can be disrupted or diverted.

The apparent reliance on rape myths as an early interpretive lens in some reviewed cases poses a particular concern as it could impair investigators’ ability to anticipate and manage risk from repeat suspects, who may be well aware of, and eager to exploit, cultural discourses regarding ‘real rape’ (Estrich,1987), sexual miscommunication (Kitzinger and Frith, 1999), and victim duplicity (Gekoski *et al.*, 2024). It is key that long-term disruption measures are considered as early as possible in the investigation process, especially in light of persistent challenges regarding resourcing which led to officers ‘losing steam’ towards the end of an investigation due to mounting workload and competing claims on their time.

These findings point to an urgent need for ongoing, evaluated training on rape myths and the dynamics of chronic sexual violence and coercion in order to support effective investigative and exit strategy. Although absence of evidence (in the form of clear, dated records) is not necessarily evidence of absence, the exit strategy documented across reviewed cases may reflect a skew towards victim-oriented actions and a relative neglect, or

lack of documentation, of suspect-facing actions. If reflective of an underlying disparity in completed actions, this could reflect the fact that there are, or are at least perceived to be, substantive differences between 1) engaging victims in a procedurally just way, and 2) embodying Peelian principles by proactively targeting suspects with long-term disruption methods. In other words, the broader legal, operational, and ethical issues that feed into disrupting prospective behaviours by repeat suspects may deter or complicate implementation.

Equally, while interviewees' pessimism in relation to disrupting non-convicted suspects may simply reflect a lack of training regarding relevant COs, it is worth noting that this also resonates with broader concerns about the rise of the 'Preventive State'. The use of COs to prevent sexual offending has attracted scholarly and media controversy owing to the potential for state intrusion into the subject's private life legitimised by "a prediction of future behaviour" based on a civil standard of proof (Hudson and Henley, 2015, p.565). More broadly, critics of the preventive state argue that taking a precautionary stance in relation to uncertain and/or future offending poses a threat to "core liberal values of individual liberty and autonomy" and sits uncomfortably with normative legal ideals regarding 'principled asymmetry' and the presumption of innocence (Zedner and Ashworth, 2019, p.437).

While giving full weight to such concerns – as well as related and similarly valid anxieties regarding discriminatory biases in application – it is equally important to note that RASSO forms part of a continuum of gender-based violence largely perpetrated in the hidden, intimate and domestic realms, which disproportionately affects women, children and young people, gender and sexual minorities, and those subject to intersecting forms of marginalisation (Rothman *et al.*, 2011; World Health Organisation, 2021; Qu *et al.*, 2022; Mailhot Amborski *et al.*, 2022). Moreover, it is notable that case review findings pointed to similar neglect or under-utilisation of more well-established legal tools such as bad character evidence. This is arguably more consistent with a lack of understanding of, or a lack of

facility with, available options for disrupting repeat suspects, rather than a philosophical objection to preventive policing.

At present, there is ongoing contention regarding whether a more expansive and proactive criminal justice response to repeat suspects is appropriate, or whether additional resources should instead be invested in primary and secondary prevention efforts as part of a wider public health response to sexual violence. Whatever one's perspective on the feasibility and propriety of a meaningfully 'Preventive State', the present studies' findings suggest that criminal justice responses to repeat suspects fall short of Peelian ideals, often corresponding to a binary logic of conviction and incarceration or 'No Further Action'.

Limitations and Future Research

There are several limitations of this study. Firstly, while sampling criteria were provided to participating forces, it is possible that selection bias shaped the choice of cases supplied, with a preference towards cases institutional gatekeepers thought reflected well on investigators. Notably, the majority of the cases provided by Force A were charge and remand cases, which is not representative of overall trends in RASSO cases for this force. Therefore, the positive indicators observed in relation to some aspects of exit strategy and long-term disruption may potentially be less evident in a randomly selected sample of cases from the same force.

Secondly, there were differences in the number, richness/level of detail, and proportion of open versus closed cases provided by each force. The provision of cases where investigations were still ongoing posed a particular issue when analysing exit strategy and long-term disruption, as it meant that not all relevant sections of the case review tool could be completed. Therefore, it is not possible to make 'like for like' comparisons between forces, nor to conclude that differences in recorded actions invariably reflect underlying differences in practice in these areas. Interview findings should be considered with similar

limitations in mind; specifically, identification of, and contact with, prospective participants were facilitated by institutional gatekeepers, with potential implications for volitionality and selection bias. There was also an issue in a lack of standardisation in how the interviews were conducted, with each force having a different single point of contact (SPOC). Furthermore, changes in team structures, absences, and schedule clashes meant that numerous different researchers conducted, transcribed and analysed the interviews – with varying levels of experience and different interviewing styles – resulting in a lack of consistency. Consistency of staff was also an issue across police forces, for example, in frequent changes in police pillar leads, who were difficult to recruit due to workloads and the voluntary nature of the role. The methodological challenges linked to differing/partial levels of implementation among the five forces also elucidate the scale of the practical, epistemological, attitudinal, and organisational obstacles to changing how RASSO are investigated, even when forces are under intense scrutiny and pressure from policy makers to do so.

Further research is merited regarding the relationship between the contextual barriers highlighted by participants – including limited or delayed access to training and capacity issues – and the knowledge gaps and attitudinal issues identified by researchers, including a reliance on rape myths. ‘Schematic’ or heuristic-driven information processing can bias decision-making in RASSO cases, with adverse consequences for outcome and procedural justice (Temkin and Krahe, 2008). Since environmental factors such as time pressure are associated with increased reliance on cognitive shortcuts and reduced adoption of systematic problem-solving (Mohaghegh and Furlan, 2020), it is plausible that suboptimal working conditions such as under-staffing and heavy workload undermine systemic change efforts in this area. Additional research is needed to guide the development of interventions supporting effective exit strategy and long-term disruption, including individually focused training activities and organisational change efforts to cultivate a climate that promotes critical reflection.

Conclusion

This study suggests improvements in long-term disruption and exit strategy across forces that implemented recommendations generated as part of OSB, particularly in relation to increased attention to crime linking and increased knowledge of COs for disrupting perpetration. Promisingly, interview and case review findings for all forces indicated positive changes regarding engaging and communicating with victims up to and at the point of case closure, evidencing greater understanding of the importance of embodying a procedurally just approach during the latter stages of an investigation. However, interviews also revealed officer perceptions which, in addition to resourcing issues, may account for the limited number of COs requested in reviewed cases despite increased awareness; namely, the view that obtaining COs for non-convicted suspects is prohibitively difficult and that DVPO/DVPNs are 'wasted' when breached due to victim non-adherence.

When framing recommendations to ameliorate each of these issues, and enhance long-term disruption and exit strategy, it is important to note that addressing well-evidenced resource, organisational wellbeing, and capacity-related issues across police forces is a prerequisite for effecting meaningful and sustainable improvement. Proactive policing is impossible when investigators are perpetually 'firefighting' due to heavy workload and under-staffing. With this caveat in mind, we suggest that RASSO investigations would benefit from:

- Increased organisational investment and resourcing to support CO applications;
- Increased training on the range of disruption options available for non-convicted suspects, including eligibility criteria and enforcement; and determining when and how to use these within a sound ethical and legal framework
- Increased training regarding investigating and disrupting sexual offending perpetrated within the context of intimate and coercively controlling relationships;

- Methods of long-term disruption routinely being considered early in the investigation to support timely implementation;
- Ensuring accuracy and high-quality input of data on suspects in databases to minimise missed opportunities and promote crime linking/bad character evidence.

References

- Bradford, B. (2010), *From personal experience to moral identification: The roots of trust, confidence and police legitimacy*. London School of Economics and Political Science, UK.
- Braun, V. and Clarke, V. (2006), "Using thematic analysis in psychology", *Qualitative research in psychology*, Vol. 3 No. 2, pp.77-101.
- Campbell, R., Wasco, S.M., Ahrens, C.E., Sefl, T. and Barnes, H.E. (2001), "Preventing the "Second rape" rape survivors' experiences with community service providers", *Journal of interpersonal violence*, Vol. 16 No. 12, pp.1239-1259.
- Casey, J. (2022), "Terra incognita: Victim Participation Rights, Sexual Offending and Brexit," *New Journal of European Criminal Law*, Vol. 13 No. 4, pp.420-438.
- Davies, K.A., *et al.* (2022), "Pillar 2 - Targeting repeat suspects: End of year 1 report", pp.100-122. Stanko, B. "Operation Soteria Bluestone Year One Report", available at: [Operation Soteria Bluestone Year One Report \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114122/operation-soteria-bluestone-year-one-report-accessible-version.pdf) (accessed 19 January 2024).
- Douglas, H., (2018), "Domestic violence protection orders and their role in ensuring personal security", *Intimate Partner Violence, Risk and Security: Securing Women's Lives in a Global World*, pp.216-232.
- Estrich, S. (1987), *Real rape*, Harvard University Press, Cambridge, MA.
- Gekoski, A., Massey, K., Allen, K., Ferreira, J., Dalton, C.T., Horvath, M. and Davies, K., (2024) 'A lot of the time it's dealing with victims who don't want to know, it's all made up, or they've got mental health': Rape myths in a large English police force. *International review of victimology*, 30(1), pp.3-24.
- Gekoski, A., Davies, K. and Allen, K. (2023), "Barriers and challenges to police and Crown Prosecution Service joint working on rape and serious sexual offence cases: A police perspective", *Policing: A Journal of Policy and Practice*, Vol. 17.
- Goode, S. (2020), "It's Time to Put Character Back into the Character-Evidence Rule", *Marq. L. Rev.*, Vol. 104, p.709.
- HM Government (2021), "The end-to-end rape review report on findings and actions", available at: <https://assets.publishing.service.gov.uk/media/60ed551c8fa8f50c6ef84fbc/end-to-end-rape-review-report-with-correction-slip.pdf> (accessed 19 January 2024).

- Hohl, K., Johnson, K. and Molisso, S. (2022), "A procedural justice theory approach to police engagement with victim-survivors of rape and sexual assault: Initial findings of the "Project Bluestone" pilot study", *International Criminology*, Vol. 2 No. 3, pp.253-261. doi:10.1007/s43576-022-00056-z
- Hohl, K. and Stanko, E.A. (2015), "Complaints of rape and the criminal justice system: Fresh evidence on the attrition problem in England and Wales", *European journal of criminology*, Vol. 12 No. 3, pp.324-341.
- Hohl, K., Reid, A.K., Molisso, S. and Pullerits, M. (2023), "Rape and sexual assault survivors' experience of the police in England and Wales. Survey Report I: January–June 2023", available at: <https://openaccess.city.ac.uk/id/eprint/31310/9/Survey%20Report%20I%20%2021%20September%202023%20UPDATE%20%20September.pdf> (accessed 26 June 2024).
- Home Office (2012) "Definition of policing by consent", available at: <https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent> (accessed 26 June 2024)
- Home Office (2022), "Domestic violence protection orders", available at: https://assets.publishing.service.gov.uk/media/636a3b0ce90e076190d2c4aa/DVPO_guidance_November_2022.pdf (accessed 19 January 2024).
- Horvath, M., *et al.* (2022), "Pillar 1 – Suspect focused investigations: End of year 1 report", pp.74-99. Stanko, B. "Operation Soteria Bluestone Year One Report", available at: [Operation Soteria Bluestone Year One Report \(accessible version\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk) (accessed 19 January 2024).
- Hudson, K. and Henley, A. (2015), "Disparities in public protection measures against sexual offending in England and Wales: an example of preventative injustice?", *Criminology & Criminal Justice*, Vol. 15 No. 5, pp.561-577.
- Information Commissioner's Office (2021), "Mobile phone data extraction by police forces in England and Wales An update on our findings", available at: <https://ico.org.uk/media/about-the-ico/documents/2620093/ico-investigation-mpe-england-wales-202106.pdf> (accessed 19 January 2024).
- Jackson, J., Bradford, B., Stanko, B., and Hohl, K. (2012), *Just Authority?: Trust in the Police in England and Wales*, Willan Publishing, Oxford.
- Kitson-Boyce, R., Blagden, N., Winder, B. and Dillon, G. (2018), "A prison-model of CoSA: the potential to offer "through the gate" support and accountability", *Journal of Sexual Aggression*, Vol. 24 No. 3, pp.294-310.
- Kitzinger, C. and Frith, H. (1999), "Just say no? The use of conversation analysis in developing a feminist perspective on sexual refusal", *Discourse & Society*, Vol. 10 No. 3, pp.293-316.
- Lentz, S.A. and Chaires, R.H. (2007), "The invention of Peel's principles: A study of policing 'textbook' history". *Journal of Criminal Justice*, 35(1), pp.69-79.
- Loader, I. (2016), "In search of civic policing: Recasting the 'Peelian' principles". *Criminal Law and Philosophy*, 10, pp.427-440.

- Lorenz, K. and Jacobsen, C. (2021), "Sexual violence survivors' experiences with the police and willingness to report future victimization", *Women & Criminal Justice*, pp.1-23.
- Lisak, D., and Miller, P. M. (2002), "Repeat rape and multiple offending among undetected rapists", *Violence and victims*, Vol. 17 No.1, p.73.
- Mailhot Amborski, A., Bussieres, E.L., Vaillancourt-Morel, M.P. and Joyal, C.C. (2022), "Sexual violence against persons with disabilities: A meta-analysis", *Trauma, Violence, & Abuse*, Vol. 23 No. 4, pp.1330-1343.
- Metson, J. and Willmott, D. (2024) "Victim Care or Defendant Rights? Assessing Public Attitudes towards Special Measures Designed to Support Vulnerable Witnesses at Trial", *Social Sciences*, Vol. 13 No. 4, pp.198.
- Mohaghegh, M. and Furlan, A. (2020), "Systematic problem-solving and its antecedents: a synthesis of the literature", *Management Research Review*, Vol. 43 No. 9, pp.1033-1062.
- Mydlowski, L. (2022) "Briefing paper on police management of registered sex offenders: The Active Risk Management System risk assessment process on the home visit", University of Central Lancashire, available at: <https://clock.uclan.ac.uk/43206/1/FV%20Briefing%20paper%20on%20police%20management%20of%20registered%20sex%20offenders%202022.pdf> (Accessed 26 June 2024)
- Palmer, T. (2020), "Failing to see the wood for the trees: Chronic sexual violation and criminal law." *The Journal of Criminal Law*, Vol. 84 No. 6, pp. 573-595.
- Qu, X., Shen, X., Xia, R., Wu, J., Lao, Y., Chen, M., Gan, Y. and Jiang, C. (2022), "The prevalence of sexual violence against female children: A systematic review and meta-analysis", *Child Abuse & Neglect*, Vol. 131, p.105764.
- Rothman, E.F., Exner, D. and Baughman, A.L. (2011), "The prevalence of sexual assault against people who identify as gay, lesbian, or bisexual in the United States: A systematic review", *Trauma, Violence, & Abuse*, Vol. 12 No. 2, pp.55-66.
- Scully, D. (2013), *Understanding sexual violence: A study of convicted rapists*, Routledge.
- Stanek, K.A., Fox, K.A., Telep, C.W. and Trinkner, R. (2023), "Who can you trust? The impact of procedural justice, trust, and police officer sex on women's sexual assault victimization reporting likelihood", *Violence against women*, Vol. 29 No. 5, pp.860-881.
- Stanko, B. (2022). "Operation Soteria Bluestone Year One Report", available at: [Operation Soteria Bluestone Year One Report \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/Operation_Soteria_Bluestone_Year_One_Report_accessible_version.pdf) (accessed 19 January 2024).
- Sunshine, J. and Tyler, T.R. (2003). "The role of procedural justice and legitimacy in shaping public support for policing". *Law & Society Review*, 37(3), pp.513-547.
- Temkin, J. and Krahé, B. (2008), *Sexual assault and the justice gap: A question of attitude* (Vol. 5), Bloomsbury Publishing, London, UK.

Tidmarsh, P., Powell, M.B. and Darwinkel, E. (2012), "Whole story: A new framework for conducting investigative interviews about sexual assault", *Investigative Interviewing: Research and Practice*, Vol. 4 No. 2, pp.33-45.

World Health Organisation (2021), "Violence Against Women Prevalence Estimates, 2018", available at: [Violence against women prevalence estimates, 2018 – WHO European Region](#) (accessed 19 January 2024).

Zedner, L. (2002), 'Victims', Maguire, M., Morgan, R. and Reiner, R. (Ed.3), *The Oxford Handbook of Criminology*, Oxford University Press, Oxford, UK, pp.419-456.

Zedner, L. and Ashworth, A. (2019), "The rise and restraint of the preventive state", *Annual Review of Criminology*, Vol. 2, pp.429-450.