

**TO BELIEVE OR NOT TO BELIEVE?
POLICE RESPONSES TO
WOMEN RAPE COMPLAINANTS**

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Introduction

In 1975, in an article on rape investigations, a detective wrote:

Women and children complainants in sexual matters are notorious for embroidery or complete fabrication of complaints. (Firth, 1975, 1507)

His statement summarises the dominant attitude towards rape complainants at the time. A prevalent attitude of disbelief in the police reflected wider societal suspicion towards women alleging rape, making it difficult for victims to even decide to risk approaching the police, let alone place their trust in them (Blair, 1985; Chambers and Millar, 1983; Young, 1983). Since then, on one level much has changed. Law reform initiatives have expanded the definitions of rape, advocacy groups have become more widespread and established, and police officers have been exposed to better training and education programmes (Brown and Heidensohn, 2000; Gregory and Lees, 1999; Nixon, 1992). The extent to which these changes have been accompanied by significant shifts in police officers' attitudes towards rape complainants, however, is less clear.

This paper evaluates contemporary police responses to women rape complainants, based on research evidence gathered in the late 1990s. It focuses on the factors assumed by the police to denote credibility and seeks to identify the basis underlying police beliefs in high levels of false rape complaints. Comment is made regarding the significance of police training, policies and procedures in the evaluation of rape complaints, and the paper aims overall to prompt critical reflection of police culture and practice in order to enhance the quality of police responses to victims of sexual trauma and abuse.

Context to this research

The offences of rape and sexual violation have notoriously low reporting rates (Epstein and Langenbahn, 1994; Gilmore and Pittman, 1993; Gregory and Lees, 1999; Kelly, 2002; Kilpatrick et al, 1987; Koss et al, 1987; Mack, 1998). Few victims approach the police of their own accord, and even fewer cases proceed to the point of prosecution (Gregory and Lees, 1996; Harris and Grace, 1999; Holmstrom and Burgess, 1991). Many studies have been conducted of rape cases which resulted in prosecution, examining in particular the progress of such cases through the court system, and the ways in which victims of rape experience trial procedures (for example, Adler 1987; Lees, 1997; van de Zandt, 1998). This chapter presents the results of a study primarily focussed on rape and sexual violation cases that did not proceed to trial.

Internationally, there has been comparatively little research conducted on complainants' experiences of reporting rape to the police since the significant reforms to law and procedures which took place in the mid-late 1980s. New Zealand was one of the first countries to attempt major reforms of its rape laws and, amongst other developments, introduced an expanded, gender-neutral definition of 'rape' in 1986, as well as abolishing married men's 'right' to spousal immunity from prosecution for rape (Sullivan, 1986). However, whilst some important, recent studies have been undertaken in England (Gregory and Lees, 1999; Temkin, 1997; 1999), the United States (Taslitz, 1999) and Australia (Easteal, 1998), developments in New Zealand had remained virtually uncharted since a major study pre-dating these reforms (Young, 1983).

This prompted research in the mid-1990s aimed at determining the extent to which women's experiences of reporting rape to the police had improved since the reforms (Jordan, 1998; 2001). Forty-eight women were interviewed for this study, with extensive information obtained regarding reporting and statement-taking, the medical examination, and support agency contacts.

The issue of whether or not a woman reporting a rape would be believed by the police, and how their disbelief affected her, recurred throughout the study. At least 18 women (one-third of the total sample) considered belief had been an issue at some stage during the reporting process. They felt the police regarded their complaint with scepticism and spoke of feeling as if it was up to them to persuade the police of the genuineness of their allegation before an investigation would proceed.

Some women said they felt disbelieved by the police right from the start, and commented that they felt the police kept trying to catch them out, to see if they were lying. Emma¹, for example, said:

*What really worried me was that after two hours of sitting there going through all this the gentleman said to me, (Emma), have you **really** been raped? I just about exploded... When he said, Were you really raped?, I said, Ha ha, of course not! I wake up at 4 o'clock every morning and I think, What am I going to talk about this morning at morning tea? And this morning I thought I'd say, Oh, yes, I've been raped! I was just spitting. I was so angry (that's why) I just said, Yes, I've made the whole thing up!*

Emma also believed her lack of visible distress was a factor in the police expressing disbelief that she had been raped:

I think that was something that they really couldn't understand, that I was so calm. There were no tears, there was no hysteria, there was nothing, and I think they couldn't accept that I wasn't dissolving.

Other women suggested that the reasons underlying the police's disbelief that they had been raped may have been related to the context and circumstances surrounding the offence. In Beth's case, she was 16 when she was raped at a party. She went to a neighbour's house for help at 3am and they called the police. While Beth says she was pleased the police came quickly, she was hurt that they did not believe her. They went and had a chat with the accused, then dropped the case:

They never charged the guy. They see me as a slut. They've got proof that he's a rapist but from the very first day the police thought I was a young lady who'd run away, got drunk, and cried rape.

By way of contrast, Anne said she felt the police's response to her was affected by the fact that she had been abducted and raped by someone already known as a sex offender by the police:

I didn't have any trouble convincing them about anything so I was fairly lucky about that....I didn't have to make them believe me, and I know a lot of women do, and have to prove their victimization, prove their sufferance....I think I would have had a completely different experience if it hadn't been so cut and dried. It could have been ghastly, so you got to get lucky about how it happens!

¹ All names used are pseudonyms.

The factors associated with whether or not the women were likely to be believed were not always clearcut. In some cases the women felt that the officers' responses were influenced by rape myths regarding good and bad victims (Kelly, 2002; Kerstetter, 1990; La Free, 1981; Shapcott, 1988). Other women, however, expressed surprise when their fears that the police would judge them according to such moral beliefs proved to be unfounded.

The significance of belief and credibility issues informed the decision to embark on subsequent research, including an analysis of police files to determine the factors affecting investigative decision-making, supplemented by interviews with experienced detectives to elicit their views on rape investigations and aspects of victims' credibility. Both these studies are summarised briefly, and illustrated with examples, in order to provide a research basis for discussion of possible police responses and initiatives to address credibility concerns.

Police File Analysis

New Zealand has a national police service, and permission was obtained from the New Zealand Police to obtain and review police rape and sexual assault files for the year 1997 from three major cities – Auckland, Wellington, and Christchurch. The files requested were those where the complaint was cleared as no offence disclosed, known elsewhere as unfounded complaints, and those which the police classified as a reported offence but ceased investigation on, either because there was insufficient evidence or because the complainant withdrew the allegation.

Of the 164 files examined, three quarters involved rape allegations and the remainder involved other sexual violation offences. Eleven cases involved multiple offenders and/or victims, resulting in a total sample size of 181 offenders and 166 victims. The majority of the complainants were young, with 60% aged 25 and under; in terms of ethnicity, nearly 40% were described as Caucasian; and in 84% of cases, the victim and the alleged perpetrator were previously acquainted in some way.

The files were divided into four main categories, determined largely by police perceptions of the legitimacy of the complaint. The aim of the analysis was to determine what police 'see' and to understand what informs **their** interpretation of its significance. In reality, of course, this classification relied on my interpretation of police comments recorded on file. Thus the subjectivities of both the police and myself inevitably underlie these categories. Given that one might expect police files to reflect only what officers feel is acceptable to commit themselves to in writing, however, biases in interpretation are more likely to show the police in a positive than a negative light. In other words, comments actually recorded on files may have been 'censored' and reveal simply the tip of an iceberg of police attitudes and judgments.

Each of the major categories identified is summarised here with illustrative examples.

I. Genuine Cases: N = 34 (21%)

Cases categorised as genuine represent those about which the police gave clear indications on the file concerning their legitimacy. For example, prosecution action may have been commenced against the alleged offender, a warning may have been issued, or comments may have been made which indicated the complainant's account was believed by police.

Within this category, four small but distinct subgroups emerged:

- (i) Cases clearly perceived as genuine, for which an offender was detected, and prosecution action was commenced (N = 13; 38% of genuine cases overall);
- (ii) Cases clearly perceived as genuine, for which no offender was detected (N = 5; 15% of genuine cases overall);
- (iii) Cases clearly perceived as genuine and for which an offender was detected, but where the police made the decision not to prosecute (N = 3; 9% of genuine cases overall); and
- (iv) Cases where the police clearly believed the complaint was genuine but the complainant insisted on withdrawing the complaint (N = 13; 38% of genuine cases overall). All but one of these cases was cleared by the police as no offence disclosed, despite evidence of victimisation being obvious. In five cases, it appears that the victim and perpetrator were either partners or ex-partners, and the complainant wanted them warned but not charged.

Examples of complaints perceived to be genuine are summarised here to illustrate the decision -making processes involved.

Case 119 involved a young Caucasian woman who met a good friend of her boyfriend's while she was in a bar. He told her she was welcome to 'crash' the night at his parents' inner city apartment. She said she woke to find him raping her. He denied the offence. The police made it clear that they believed her complaint to be genuine but decided not to charge him. Instead, the detective noted that the offender was:

brought in with his lawyer, and warned of the consequences of any similar behaviour in the future. He was told that I believed [complainant], however would not arrest him in this instance because of the effect that a jury trial would have on the complainant in these circumstances.

The police said they explained to the complainant and her mother how the situation would look if the case went to court and they were happy to accept the offender being let off with a warning.

In some cases, the level of physical injury sustained appeared to be a factor in convincing the police that the complaint of sexual violation was genuine. Case 26, for example, involved a young prostitute who, while drunk, was violated by a client. The victim showed clearly visible signs of physical attack, and was found curled up and hysterical, in the street by a passing taxi driver and his passenger. The victim had not wanted the police called and was insistent that *she just wanted to forget the whole incident and go to bed*. Concern was expressed by the sexual assault counsellor who was called that the complainant had injuries to her wrists from a recent suicide attempt and the 'Psych' team² were notified.

The above case involved a victim who was drunk, a prostitute, and perceived as mentally unstable. The report of her rape was accepted as valid by the police, however, partly because the obvious physical injuries provided corroborative evidence. The fact that the complainant had not called the police herself may also have bolstered her claim – she was not alleging rape but had, in effect, two recent complaint witnesses (the taxi driver and his passenger) whose testimony supported her account of her attack.

² Hospital-based psychiatric teams are notified of patients who may require mental health assessment and treatment.

There are insufficient cases in this category from which to draw definite conclusions. Overall, the analysis suggested that cases were often treated by the police as genuine because there was clear evidence of physical injury and/or of previous violence by the alleged offender. These factors, however, should not be interpreted as sufficient and consistent indicators - analysis of incidents deemed by police to be false complaints showed these factors to be present in some of these cases also. Police assessment of a complaint is also affected by who reports it and when, and by the perceived credibility of the complainant compared with the alleged assailant.

II. Possibly True/Possibly False Cases: N = 62 (38%)

The second category comprised cases which the police seemed unsure, from their file comments, whether or not to treat as genuine complaints. Remarks were often made suggesting that, from the evidence available, it was impossible to determine if the complainant was telling the truth, or whether the incident reported constituted a criminal offence. Frequently the phrase 'insufficient evidence' was used in relation to these cases. Cases were also included in this category where the police noted some irregularities or discrepancies in the complainant's testimony but refrained from declaring the complaint false. Those cases which the complainant withdrew in circumstances where the police also expressed some misgivings about the complainant's veracity were included as part of this grouping. In at least half of these latter cases (N = 14), it was clear from the files that the complainant had not wanted the police involved but someone else had reported the incident on the complainant's behalf, often against her wishes.

The criteria evident in many of these apparently dubious cases echo the findings of overseas studies concerning factors that diminish the credibility of rape complainants (Adler, 1987; Burgess, 1999; Estrich, 1987; Harris and Grace, 1999; Gregory and Lees, 1999; Kelly, 2002; Lees, 1997; Scutt, 1997; Taslitz, 1999). For example, a delay in reporting a rape by the victim is often interpreted as questionable; the assumption is that the first thing any genuine victim would do is to contact the police (Bronitt, 1998; Kelly, 2002; Torrey, 1991). While evidentially there may be advantages in early reporting, the belief that this factor indicates genuineness may be misplaced, with many victims taking significantly longer periods of time in making the difficult decision to approach the police.

Case 23, for example, was labelled as an 'historic rape' although the time lapse between the incident's occurrence and its reporting was less than three weeks. A woman student, who had recently broken up with her boyfriend, reported drinking and smoking cannabis with another male friend. She alleged that she became very intoxicated and, while lapsing in and out of consciousness, was raped by this man. Police clearly viewed with some suspicion the fact that she then left the house, told no-one else about the incident for several days, and did not inform the police for more than a fortnight. The complainant claims that, when she came to and found him on top of her, she insisted he stop and tried to fight him off. He told a male friend, however, that it was she who had *jumped on him* and had sex with him. When spoken to again by a detective, the file noted that she admitted she had only made the complaint at the insistence of her ex-boyfriend, whom she wished to get back with. The detective also noted:

She told me she did not believe she had been raped. She was just annoyed that [alleged offender] had not stopped having sex with her when she said no.

Conversely, prompt reporting by a complainant may be interpreted positively by police. In Case 140, for example, while weighing up the credibility of a case, the detective specified that one of the factors in support of her allegation was that the complainant reported within 24 hours of the alleged rape.

Another way in which credibility became problematic arose in situations where the complainant had initially concealed factors associated with the incident, or subsequently changed her/his 'story'. In Case 11, for example, a young woman initially alleged abduction and rape from a suburban party. When challenged concerning aspects of this incident, she admitted the incident had occurred in the context of a prostitute-client relationship. She maintained she had been abducted and raped, but in a different context to that initially alleged. The original story had been quickly concocted to conceal her identity as a sex worker and to protect her manager – understandable concerns on her part - but the fact of concealment damaged her reputation in the eyes of the police more, it seems, than the fact that she worked in the sex industry.

Thus some of the cases in this category became suspicious to the police once it emerged that the complainant had attempted to conceal parts of the story or lie about certain aspects associated with it. In some cases, such concealment arose from efforts by the complainant to minimise the amount she had been drinking or to obscure the fact that she had taken drugs.

The drunkenness of the complainant was noted as a factor in nearly half of the cases in this category (46%) and has been identified previously as contributing towards police scepticism (Kelly, 2002; Torrey, 1991; Wiehe and Richards, 1995). Drunkenness per se did not appear to be a significant determinant of police suspicion, however, and this is evidenced in part by its high occurrence in all categories of this file analysis.

One additional factor that appears to be correlated with police closure of an investigation is that of diminished competency in the victim. This may be seen as resulting from intellectual disability or psychiatric illness. Complainants in such cases undoubtedly pose difficulties for the police, ranging from possibly poor or confused recall through to concerns about their competency in the witness box. Of particular concern to police will be apprehension over the vulnerability of such victims to defence lawyers' tactics and intimidation. Whilst not disputing the legitimacy of police concerns, the result may unwittingly be that victims with intellectual or psychiatric disabilities have diminished access to justice.

What is it, then, that makes cases grey as opposed to black and white? Since similar factors seem to underlie both the grey and the black/white categories, what tips the scales one way or the other? The scales of justice analogy may well be useful here, since in practice it does often seem to be a question of balance. Do the factors interpreted as adding plausibility to a complaint outweigh those seen as undermining it? Seldom does one individual factor seem to tip the balance; rather, clusters of variables emerge that, considered together, are interpreted as indicators of a complainant's credibility.

Many of the factors identified as significant, therefore, may not be sufficient on their own to dent a complainant's credibility but clusters of these factors clearly raise suspicion. Some of these doubts may be well-founded and should prompt further investigation. The police do, in fact, have to tread a fine line between the victim and the accused as they attempt to preserve the balance of justice and guard against the possibilities of wrongful conviction. However, an over-zealous commitment to the rights of the accused may unwittingly tip the balance the other way. The police may become in effect the adjudicators, applying their own judgments and interpretations to individual cases. Within this context, factors identified as determinants of complainants' credibility assume enhanced significance and can result in the premature closure of investigations. Whether or not an offence actually occurred is different from whether or not it **can be proven** to have occurred; for victims of rape, the first concern is understandably the more pressing, but because of their role in the prosecution process, it is the latter which is of primary importance to the police.

These considerations become even more pronounced in the next category, involving cases determined by the police to be not simply of dubious credibility but actually false.

III. Cases which the Police said were False: N = 55 (33%)

Cases were included in this third category when comments on the file clearly stated that the police considered the complaint to be false. This included cases which the police decided to halt investigating (N = 29), as well as those suspected of being false for which the complainant withdrew the charge (N = 26). Officers sometimes tried to identify motives underlying the complaint – for example, ‘*cried rape to avoid a hiding*’, and ‘*a woman scorned*’. In other cases, the police maintained it likely that sex had occurred but was consensual, and that for some reason the complainant wanted to conceal this fact. A suspicion of falsehood was not enough for a case to be placed in this category; if the police seemed at all equivocal, the case was categorised as possibly true/possibly false. Many of the same factors were evident as those in the previous category, such as delayed reporting, and contributed to police doubts in similar ways to those already identified. So what made the police so sure that the cases in this category were false?

Concealment of particular aspects associated with the incident often produced sceptical police reactions. Women under 20 sometimes lied about having been in a bar³, minimised the amount they had drunk, or denied cannabis use. The women’s motives for doing so are understandable, in that they feared they would be blamed for what happened to them or even prosecuted themselves for law violation. From a police perspective, however, the fact of their lying about what seemed to be a small detail opened a window of doubt over their whole testimony. Case 151 illustrates this issue.

A young woman made a delayed report of rape following a drinking session she and her friends had with a male neighbour in his fifties. While she was in the toilet, he allegedly made remarks considered ‘unsavoury’ by her friends and they left. She claims he detained and raped her; he alleges sex was consensual. The complainant lost credibility with police when she told her friend to say she had drunk only three beers instead of the large quantity of mixed drinks and spirits that had been consumed. In discussing why the investigation was halted and the incident cleared as no offence disclosed, the detective said:

The offence was reported some 2 1/2 weeks after occurring, and subsequent investigations revealed inconsistencies in the complainant’s version of events, and an apparent attempt on her behalf to influence the testimony of one of the witnesses.

There is no medical or forensic evidence, and while it is clear that sex took place, there is only the seemingly unreliable testimony of the complainant, coupled with an equally unreliable recent complaint witness, to support the allegations.....

I therefore recommend that the complaint be taken no further, and that some action be taken against [complainant] and her flatmate in relation to wasting Police time.

In this case, the police uncovered that the alleged offender had question-marks over his credibility also, in that he had previous convictions for assault and possessing indecent documents for sale; the complainant’s efforts to conceal how much she had drunk, however, caused greater concern. What influenced the police to regard Case 151 as a definite false complaint, rather than a possible false complaint, appeared to derive from the fact that they believed the complainant had deliberately lied to them. The fact of her lying, added to other doubt-generating factors, pushed this case into the realm of non-believability.

³ In 1997 the minimum age for admission to licensed premises was 20 years of age – this was reduced to 18 in 1999.

Over half of the cases in the 'Police believed complaint to be false' category involved persons perceived as intellectually disabled or psychiatrically disturbed (55%). For instance, Cases 4 and 179 involve two separate rape allegations made by the same woman against her de facto, with whom police said on the file she had been *in a rocky relationship for two years*. During this time she is said to have made repeated complaints against her partner for assault and sexual violation. Police noted on her file:

This woman can only be described as a habitual complainant who suffers from delusions and paranoia.... On every occasion she has complained about alleged offences committed mainly by her ex-partner... The offences have ranged from very minor to very serious. To my knowledge none of these has been proved. [Local police] do not give any credence to her complaints. Her living conditions resemble that of a rubbish dump. By her own admission she has a psychiatric history.

In more than a third of the cases that the police said were false, officers tended to ascribe motives to women whom they suspected of having made a false complaint. It is virtually impossible to tell from the file evidence available whether or not such scepticism is well-founded in reality or simply emanates from a police occupational trait of general suspiciousness (Reiner, 1994). What is significant, however, is the identification of suspicious cues by police. These are sometimes triggered in situations where it seems the complainant stands to gain personally from a rape allegation. In Case 64, for example, the complainant, a Pacific Island woman in her late twenties, reported a stranger rape ten days after its alleged occurrence. The delay was noted, along with a description of her stating that she

suffers from some degree of mental impairment and her complaint of Rape is possibly a false one.... [She is] a IM⁴ who appears to have made a complaint with the sole purpose of making a claim through ACC.

Lump sum compensation for rape victims through the Accident Compensation Corporation (ACC) ended five years before this complaint was made, yet the suspicion that this was what motivated some women to allege rape remained.

Rape complainants also appeared to be regarded with considerable suspicion if they were on record for having made previous rape complaints that did not result in prosecution. This was the case in Case 27, involving an intellectually impaired Maori woman in her twenties who made a complaint against a man, also Maori, in his twenties, and a sickness beneficiary. She alleged that this male friend of hers had come to visit when her parents were out, kissed her and made her touch him sexually before inserting his hand into her vagina. When spoken to by police, the alleged offender said it was she who had approached him sexually, and he had inserted only one finger. A man working nearby told police he had seen this man visit before, and police noted that he

... states that from his observations that there appeared to be no animosity (sic) between the two, [she] even coming to the front door to wave [offender] good-bye when he left, hardly the actions of a woman who has just been violated.

An IHC⁵ adviser commented that the complainant had a limited understanding about society's 'rules' regarding the appropriateness of public and private behaviour, and she may find it hard to make good decisions concerning what is appropriate to do or to talk about. However, her disability may also make

⁴ Police code for a person with some form of psychiatric disturbance.

⁵ Intellectually Handicapped Children's Society.

her more vulnerable to sexual assault. The adviser recommended that this case be investigated in same manner as all such investigations, although a skilled child interviewer may be useful with such a complainant. It appears from the police file that this advice was not followed.

Some cases perceived by the police as arising from false complaints did in fact appear very likely to be fabrications. What is also important to acknowledge, however, are the reasons and emotional states which can prompt such allegations. Case 112, for instance, illustrates well, and sadly, how previous abuse may sometimes underlie subsequent false allegations. The complainant, a woman in her late forties, reported that her teenage son had raped her. She was highly intoxicated at the time, and in pain, and the boy had phoned for a doctor. The police were immediately sceptical, stating:

The Police are not willing to accept that a seemingly well adjusted 15 year old son would rape his drunken mother immediately after having phoned for a doctor to attend his mother's plight of severe abdominal pain. Equally the police do not believe the mother who claims to have been in control of herself, would allow her son to undertake such a task with no resistance.

The file goes on to note that she was given a thorough interview by three detectives,

the outcome of which has added weight to Police assessment that the offence did not occur.

An interview with her ex-husband revealed that in the past his wife had suffered bad dreams after drinking, during which she would call out, 'No, don't do that'. One detective was also able to establish that

as a 16 year old the complainant was allegedly raped at a beach in Christchurch. The Police declined to investigate the matter and on being taken home she was subsequently placed in the bath by her father and scrubbed raw.

It has been suggested to [complainant] that she has been reliving this distress for some years and that her consumption of alcohol contributes to these memories coming to the fore. Her reply whilst pensive, was also in agreement. She accepts the police version of events but cannot bring herself to withdraw her complaint.

The police referred her for counselling and the case was resulted as 'no offence disclosed'. In this case, the police involved were open to considering the emotional factors underlying the woman's allegation and responded with understanding and sensitivity.

While false complaints do occur, some of the incidents concluded by the police to be false appeared to have been pre-judged on the basis of stereotypes regarding the complainant's behaviour, attitude, demeanour, or possible motive. Where such doubts existed and the complainant then withdrew the complaint, detectives often interpreted this as proving it was false. Complainant withdrawal, however, may signify many different things. It could signal a false complaint; equally, however, it could denote a withdrawal of the complainant's trust and confidence in the police. What can complicate this in many rape cases are the effects of sexual violation itself. The experience of being raped undermines a sense of self-trust and self-belief (Kelly, 1988). Women often describe themselves as 'feeling all over the place' as they struggle to understand and move on from the attack. The effects of rape are, in fact, likely to produce unconvincing complainants.

The final category involved cases which the complainant, rather than the police, claimed to be false.

IV. Cases which the Complainant said were False: N = 13 (8%)

The final category is the smallest. It comprises those reports of sexual assault which the complainant decided to withdraw after having stated that the allegations were false, in that sex had been consensual, or that there had been no sex and the report of a sexual attack had been fabricated for personal reasons.

In over half of the cases in this category (N = 8; 62%), it was not the complainant's decision to contact the police. Someone else decided to call the police or, in two cases, pressured the complainant to do so.

When one young woman, for instance (Case 78), came home late from a date with 'hickies' on her neck, her mother asked her repeatedly if she had been raped. The daughter kept saying no, but her mother said she did not believe her. Finally, the daughter decided to go along with the rape allegation, since her mother seemed so convinced, and the police were called. After questioning, she later admitted that sex had been consensual. Background details recorded on the file note that this teenager's sister was, at 15, already a solo mother, and that there was a real fear of being physically beaten by her father – factors which could help to explain both the mother's insistence on the incident being rape and the daughter's decision to accept this explanation of events.

Some of the cases involved situations where the person reporting the incident presumed a rape to have happened when it had not. Case 65, for instance, was recorded on the police files as 'Two false complaints of rape by above subjects' involved two Pacific Island teenage sisters who returned home late from a church dance. Their mother found out that they had spent time with two young men, and decided to take them to the doctor for the morning after pill. When the doctor discovered that the younger sister was a few days short of 16, he phoned the police. Never at any stage did either of the young women say that sex was anything other than consensual, and nor did their mother think this was the case – she was focusing on damage control given the lack of contraceptives used at the time. However, the police records categorised this incident as a false report of rape, which was cleared as no offence disclosed.

Overall, analysis of this category indicates a complexity of reasons often underlying reports of rape which the complainant later states to be false. Over half of the cases studied here involved situations where the alleged victim had been pressured to tell the police about an incident, sometimes in circumstances where a third party presumed a sexual violation had occurred when in fact none had. Teenage girls, scared of the wrath and possible physical chastisement of their parents, may go along with such assumptions initially, only to find themselves trapped in a lie. Alternatively, the confusion and ambiguity surrounding sexual negotiation and forceful seduction may mean that, in some situations, the complainant feels as if she has been victimised and is genuinely unsure as to whether she was raped. From the cases involved in this sample, there were no cases of malicious or vengeful accusation. A few tried to conceal their sexual conduct from others by making a rape allegation, or allowing one to be inferred, but the principal motive in these cases was clearly one of self-protection. There was also minor evidence suggesting that emotionally distressed or disturbed women may, at rare times, create a fictionalised account of rape to try and attract sympathy or assistance. Most of the cases studied here, however, turned out not to be completely fictitious acts but were more likely to arise from wrongful interpretations by third parties, which were mostly speedily resolved by police investigative efforts.

Summary of File Analysis

Analysis of the police officers' comments on these sexual assault investigation files strongly suggests that the meanings they read into various cues may be very different from that which victims attach to them. In many respects it is understandable that the police invoke their own classificatory system when confronted by variables outside their immediate experience. This means, however, that behaviour which seems like a logical outcome of trauma to victims and the therapists who deal with them may appear bizarre and irrational to the untrained officer.

From the file analysis, various factors were identified that often served to raise doubts regarding a complainant's credibility. The factors identified confirm the findings of international research on sexual assault investigations, and include the following:

Delayed reporting - The police often view a delay in reporting sexual assault offences as abnormal and as a factor which reduces the victim's credibility (Brownmiller, 1975; Bronitt, 1998; Freckelton, 1998; Torrey, 1991). It is likely that less physical and forensic evidence is available, and it is believed that victims will have more time to construct a fabricated account of events. Conversely, a rape victim will typically tend to hesitate before involving the police, and may feel scared, shamed, and self-blaming in the aftermath of rape. Often the victim has to reach a stage where she feels as if she has the right to report the offender, and feels relatively safe and secure in doing so, before she can approach the police. Besides, the majority of reports that are reported promptly result from a third party contacting the police, not the victim herself (Burgess and Hazelwood, 1999; Jordan, 1998).

Injuries – Serious, physical, visible injuries are often taken by the police as proof that a rape occurred and are viewed as a corroborative factor (Edwards and Heenan, 1994; Harris and Grace, 1999; Kennedy, 1992). In fact, many rape victims do not feel able to physically resist an attacker, and may go into a state of immobility (Burgess and Hazelwood, 1999; Galliano et. al., 1993; Smart, 1976). Active, physical resistance may be even more difficult for women who know the person attacking them, because they fear hurting this person or find it difficult to accept that this man, whom they thought loved them, is intent on violating them and will not stop (Wiehe and Richards, 1995). For most victims, the most serious injuries they sustain are the invisible ones, imperceptible to police scrutiny.

Demeanour – Remarks made by some police officers indicated that they had clear views as to how a victim of rape would look and act. Such beliefs, if fixed, have the potential to seriously impact on police judgments of complainants (Aiken et. al., 1999; Freckelton, 1998). Victims' reactions may not always seem consistent with how others expect they should be; some women try to deal with rape by being angry, others may withdraw and close down, some will cry and look vulnerable, others may laugh and try to shrug it off. Thus, demeanour alone can be a highly misleading factor in determining a complainant's credibility. It tells us more about the preconceptions of the officers concerned than it does about the complainant's veracity.

Previous consensual sex with the alleged offender – This factor dates from the days when men claimed virtual ownership of women through sexual conquest (Brownmiller, 1975; Gordon and Riger, 1991). From a police perspective, the fact of a previous sexual relationship can raise suspicions that the complainant is acting out of scorn or revenge. For the victim, however, the person whom she may be most at risk of being sexually assaulted by could be her partner or ex-partner, or someone whom she had sex with once who considers that consent one day means 'yes' for all-time. Given many men's expectations that a woman who has had sex with them once will have sex with them repeatedly, it seems highly likely that women face considerable risks of being forced to have sex if, on subsequent occasions, they appear less willing.

Perceived immorality of the complainant – Perceptions of dubious morality can diminish a victim's credibility in the eyes of the police and affect their assessments of the likely responsiveness of a jury to her complaint (Lees, 1997; Scutt, 1997; Shapcott, 1988). What is generally not questioned are the ways in which the same cues the police see as indicating the complainant is a slut may be the very factors that make her vulnerable to rape. For example, the fact that a young woman had consensual sex with a guy she met at a party may mean that his mate assumes she will also 'come across' for him. It is even possible that, rather than lose face, the first guy may have said he and she had sex when they did not. Either way, the expectation is created that she is 'easy' and may contribute to a social context in which any protestation from her will be ignored and negated.

Diminished competency in victims – The police tend to view persons with intellectual disabilities or psychiatric histories as being automatically less credible, rather than considering the ways in which these factors may render the latter more vulnerable. Statements from convicted rapists have revealed some perpetrators to be adept at selecting victims whom they know will be perceived as less believable, and who are viewed as 'easy pickings' (Luckasson, 1992; McCarthy, 1996). Increasing recognition of the ways in which abuses of power are perpetrated against vulnerable sectors in our communities will hopefully contribute to an environment within which intellectually impaired rape complainants will be appraised more sensitively. Otherwise, the police may unwittingly be playing right into the offender's lap by dismissing the complainant's testimony in such cases.

Previous complaint of rape – A complainant whom police discovered, or believed, had made a previous complaint of rape which had not been proven seemed likely to be perceived as highly dubious. The inference was that a woman is unlikely to be raped more than once, and that a woman who has already had a rape complaint not proven is particularly suspicious if she subsequently alleges having experienced another incident of sexual violation. Such deductions fly in the face of an accumulating body of research evidence which documents high incidences of repeat victimisation (Doerner and Lab, 1998; Morris, 1997). For many women, an earlier sexual assault is followed by multiple episodes of sexual victimisation, either from the same or different perpetrators.

Withdrawal or retraction of the complaint – If a complainant withdraws or retracts a rape allegation, the police tend to interpret this as evidence that the allegation was fabricated (Aiken et. al., 1999). The possibility must also be acknowledged, however, that the victim was too afraid to proceed, or decided that the likely costs of pursuing the complaint might outweigh the advantages. The latter conclusion could be reached as a result of encountering hostile reactions from the perpetrator, negative responses from family or friends, disbelieving or judgmental police perceptions, or from her own fears, doubts and self-blaming processes. Case retractions or withdrawals can therefore signify many different things and it is important for the police to try to ascertain what it signifies for the victim rather than stamp their own interpretation on her actions.

Concealment - When a complainant attempts to conceal factors, such as the extent of her drinking on the night in question, most police will see a liar (Chambers and Millar, 1983). If she denies having danced with the suspect, or shared a joint with him, the police are likely to conclude that she is not trustworthy and dismiss her allegation. The woman who is doing the concealing, however, knows that her behaviour may be viewed as having compromised her credibility and is trying to find ways of bolstering it. Paradoxically, her efforts to do so may diminish her credibility more than if she had told the police the truth, no matter how possibly damning, from the outset.

What the above suggests, therefore, is that currently the police and victims of rape are often caught in a situation where they are talking past each other. The tendency of many police to view rape complainants through narrow and sometimes judgmental lenses may make officers blind to the range of possible interpretations of a complainant's behaviour. The irony is that victims' awareness of such tendencies in the may encourage them to attempt to enhance their credibility in the eyes of the police, unwittingly reducing it irrevocably.

The file analysis had been prompted by data obtained from interviews with alleged victims of rape and was further supplemented by interviews with detectives. Their views are summarised in the next section of this paper.

Interviews With Detectives

Twelve detectives were interviewed, all of whom had extensive experience with sexual assault investigations. It must be stated from the outset that the twelve detectives interviewed cannot necessarily be viewed as representative of detectives in the New Zealand Police overall. This sample was intentionally selected because of the expertise of its members in the area of rape and sexual assault investigations, and comprises staff with extensive experience within policing generally.

Of the twelve detectives interviewed, ten were male and two were female. In terms of age, one was in his fifties, eight were in their forties, two were in their thirties, and one was in his/her late twenties. One was Maori; the remainder all identified as New Zealand European. Most had served the majority of their time within the police within urban areas (N = 7); four had experience within both urban and rural areas; and one had worked only in rural and provincial areas.

All those interviewed had been involved in numerous sexual assault investigations, with several listing these as in the hundreds. Four had also been involved in Operations Park and Harvey, two of the largest police investigations in the 1990s dedicated to the apprehension of serial rape attackers Joseph Thompson and Malcolm Rewa.⁶

'Real' Rape

Major definitional issues typically emerge within the area of rape and sexual assault, and the police have been criticised at times for having a working definition of 'real' rape which they apply to cases brought before them (Chambers and Millar, 1983; Estrich, 1987; Gregory and Lees, 1999; Kelly, 2002). Such a view was reflected in the comments of some of those interviewed in this study. Detectives distinguished between stranger rapes and rapes that occurred in other contexts, as reflected in the following comment:

I mean, the rape of a child or the rape of someone who has been dragged into the bushes is probably going to get a more strenuous and a greater input, perhaps, than someone who, look she has been with a guy all night drinking.

⁶ Three major serial rape investigations were conducted in Auckland, New Zealand's largest city, in the 1990's, referred to by the police as Operation Park, Operation Harvey, and Operation Atlas. Operation Park resulted in the arrest of Joseph Thompson, who pleaded guilty in 1995 to 46 counts of sexual violation by rape and 15 counts of sexual violation by unlawful sexual connection, as well as multiple counts of burglary related offences. Operations Harvey and Atlas were merged when it became clear that these investigations involved the same offender, the person later identified as Malcolm Rewa.

Others seemed surprised at any mention of rapes between partners or spouses, feeling these had no real part to play in discussions of rape. One detective acknowledged, however, that the distinction he drew was possibly problematic:

I suspect that there's probably a lot of that sort of non consensual sex happening in relationships.... I mean, it's going to sound awful but I call that a non consensual sexual encounter as opposed to rape. You know what I mean and I know it's probably semantics, isn't it, and it's only playing with words. I mean, rape to me is what the Rewa victims went through and what Thompson's victims go through. Whereas some woman who's living in a relationship, if she's living with a guy who's violent towards her, I mean, she has options.

This detective's comments were echoed by others interviewed. The concept of 'real rape' continues to live on in the minds of many police, and hooks up with their perceptions of who the real 'bad guys' are. The kinds of men who may commit date or partner rapes do not usually conform to the image of the stereotypical rapist, and may even bear a close resemblance to the men they know, even to themselves. It is difficult in such circumstances to identify the perpetrators of these offences as the villains whom they joined the police to pursue and whose conviction and imprisonment they seek. 'Real rapes' are perpetrated by 'real rapists', not by their buddy or the guy next door. One detective chose to distance himself from stranger rapists by referring to them as 'animals', a distinction which some police obviously find comforting. However, such a view minimises the pain and trauma suffered by those women raped by men they know – in other words, the majority of rape victims.

False Complaints

All the detectives interviewed were asked to estimate the proportion of rape complaints which they believed to be false. Not all would commit themselves to a definite figure, and the responses of the six who did indicated an extremely broad range. These ranged between one detective who said 10% and another who estimated that 80% of all rapes reported were false 'in one way or another'. Others estimated 15-20%; 20% or more; between a quarter and a third; and over a half.

A senior detective, responsible for supervising large numbers of staff in an inner city station, spoke candidly about the extent to which he believed inflated perceptions still existed of the proportion of false rape complaints occurring:

There still is – unfortunately – a prevailing belief that too large a number of complainants that come into the police are false and I disagree with that totally. I believe – there are false complaints, have been, will be in the future, totally false. There's no doubt about it, there are some – but not to the extent that it is commonly believed there are. I think, what I think happens is that a person works on a false complaint and because it's such an important investigation, it has such an impact on people, when they discover it actually is false ... that they get tunnel vision for later on and all they have to have is a little inconsistency for them to think, oh, this is another bloody false complaint.

Gregory and Lees (1999) observed in the United Kingdom context the apparent paradox of police investigators seeming to be lacking in investigative curiosity about the factors underlying false complaints. One New Zealand detective exemplified this attitude when I asked him, in relation to women who had admitted making false complaints:

J: What sorts of reasons do they give?

D: Well, none. Well, we don't ask, we don't ask why. It's not the done thing is it? You can't just say to them, well, why, you know... I mean, do you?.

Another attributed the principal motivation to be the woman's need to be noticed, stating the main reason for false complaints as being:

Attention seeking. Something 's gone wrong with their life, their boyfriend's been ignoring them or they can't get a bloody boyfriend or there's a whole raft of reasons. I don't know what they all are but there seems to me to be – that attention seeking thing seems to be the key.

Several detectives believed that women seldom made false claims involving someone whom they knew. In their experience, it was rare for a woman to name an alleged offender in a case which turned out to be false. This somewhat belies the myth of women being inclined to do in any and every male for rape. One detective, who has a reputation for being a hard-nosed, old-school police investigator, seemed almost embarrassed when he made the following comment:

In my experience – this is a terrible generalisation; I'm happy to say it in here because it's not going into the media – but if a woman comes in and complains that a guy has raped her, generally speaking he's raped her. I mean, if she knows the guy and they've had sex and she walks in and says I've been raped by him, it's very rare that she hasn't been raped. People just don't make that up about people. Well, they do sometimes but it's not common. (PC 9)

Several suggested that, if a woman did name a man whom she falsely accused of raping her, it was usually for a reason. In other words, it was because he had used her or wronged her in some way:

The comments of some detectives indicated an appreciation of the social and psychological factors often involved in false accusations, and these detectives often advocated compassion in the police response to such women. Several detectives queried the utility of the police taking women who made false complaints through the court system. PC 8, for instance, maintained:

We very rarely take false complaints of rape to court. What does it achieve? It's time consuming for us to pursue a prosecution where there is no crime; this victim may be a victim for her own reasons. She might have put herself in a position, she regrets it very much, what's the point of kicking it out? She has had a hell of a telling off from us, she has probably had a grilling, she has been abused by us, politely, but still abused by us, had a telling off. So what's the point in going to court? A detective can vent his rage through his mouth, we don't need another court case.

Several detectives also noted that often it appeared that those making false allegations suffered from some intellectual or mental disability, and queried the wisdom of putting such persons through the court system.

Strong concerns were also expressed by some detectives about the impact of showing complainants that they had doubts about the veracity of their statement and extreme caution and sensitivity was advocated in such matters. PC 6, for instance, said he was often appalled with how rape victims were treated in court and believed the police needed to guard against doing the same:

You know, they deserve the best we can give them. Let's not shit on them straight away, even if you know they're lying, get their story and then do your job properly, do your investigation thoroughly and then you can go back to them and be straight up and down with them and say, look, you know, this doesn't tie up with that and this is not right and there's these inconsistencies here, we need to know the real truth. But if you don't do your investigation properly then you can't do that. And there's nothing to be gained just sitting down with the victim and saying you're bloody lying.

If inconsistencies had to be confronted, the suggestion was made by one detective that the confronting should be conducted by a different detective, a little like the 'good cop, bad cop' scenario. This way, hopefully, the women's confidence in the entire police force would not be undermined.

You have two people, 'cause you still have to think, you can't cut off her knees and chop her head off, this is a victim we might need on our side in years to come so you don't bloody kill them.. (PC 8)

The overall impression gained from the detectives interviewed was of significant variation in their views concerning what responses were appropriate. While some felt justified in 'throwing the book' at certain women who made false allegations, others questioned what gains would be made by such actions and expressed concern about possible consequences further down the track. These could involve, for example, someone labelled as a 'false complainer' later actually being raped but being disbelieved because of her previous false allegation, through to other victims being deterred generally from reporting sexual assaults.

The possibility also exists, and was acknowledged by some, of the police being wrong in their assessment that a woman was lying. In many cases of date and acquaintance rape, especially, there are two parties presenting different versions of events and little other evidence. Numerous examples of this kind of scenario were evident in the files, showing the difficulties faced by complainants in convincing the police of their victimisation. Men accused of rape rarely agree with the accusation; thus, in the face of her assertion and his denial, whose account prevails? In practice, the woman making the allegation is challenged the most rigorously concerning her account of the events.

One detective also cited a case in the Malcolm Rewa investigation, where a woman, Michelle, reported and actually named Rewa for a rape in 1987. She was known as a gang associate and when Rewa produced an alibi, the local police, despite knowing he had a previous conviction for attempted rape, wrote off her complaint. Nine years and 24 women later, Malcolm Rewa was arrested. Michelle rang the police team working on Operation Harvey:

I told the policeman my name and said, 'This man raped me in 1987 and got away with it.' The detective said, 'Yes, Michelle, we know.' They had my file there, and finally someone believed me. They really believed me. (Fleming, 1998, 23.)

Michelle's case demonstrates well how police assessments of a victim's character and credibility can, at times, impede their ability to see her as a legitimate victim. Fortunately, at least amongst some of the more experienced detectives interviewed, this perception appears to be changing. Some acknowledged, for instance, that they had come to realise the ways in which certain women may be more vulnerable to rape or may engage in riskier behaviours than others, and how this should in no way detract from their entitlement to police service and protection.

Testing the veracity of a complaint is often a delicate and complex task and the possibility exists of cues being misinterpreted or having overly much significance attached to them. One detective (PC 11) commented that expectations held by the police regarding complainants' testimony were sometimes unrealistic and observed:

We go into policeman mode when dealing with the victim. We want the facts now, here, in logical order, we want to know what happened after that, this one first, and we want to get the whole thing now. And with a lot of victims we can get that, but of course, with rape victims you don't get it as easily because of the stress.

Often the central issue at stake is the complainant's credibility. To what extent does she present as an authentic and credible victim? In practice, this often translates to mean: to what extent does this complainant present as an authentic and credible **person**? What is her social status? Has she been in trouble with the police before? Does she have drug and alcohol problems? Underlying these kinds of questions may be an assumption that only certain, socially 'approved' kinds of women can be genuine victims of rape. The rest are at best, dubious; at worst, sluts and liars.

Police officers inevitably engage in assessments of complainants and how they present, especially in comparison to the characteristics of the alleged offender. The use of stereotypes to inform the exercise of police discretion generally has been well-documented and is in many ways understandable (Reiner, 1994; White and Perrone, 1997). Where it becomes problematic, however, is when adherence to judgmental stereotypes may blind some officers to the 'truth' of a case. One senior detective emphasised the ways in which his understanding had changed over the years, so that he was now less likely to be influenced by some of the traditional police indicators of credibility and authenticity. Instead, he prefers to look for evidence and corroboration of the victim's story, rather than attach too much significance to factors such as demeanour. As he expressed it:

So the key issue for me is corroboration, to a lesser, a much lesser extent, is credibility. Because professional women get attacked, prostitutes get attacked, people who have been abused previously get attacked, people with criminal convictions get sexually attacked, so it would be very unfair to say that you have to be white, you have to be between 20 and 40, you've gotta have no criminal convictions and that sort of stereotyping. You can't do it. (PC 12)

Some of those interviewed spoke about certain kinds of behaviours which were perceived as risky and 'inviting trouble'. Alcohol-related issues were often cited. International research evidence indicates that many sexual assaults occur in contexts where both the complainant and the alleged perpetrator have been drinking (Crowell and Burgess, 1996; Kelly, 2002; Russell, 1984; Warshaw, 1988; Wiehe and Richards, 1995), and in situations of high alcohol consumption, it is initially hard to obtain good interview data from the parties involved. While some detectives acknowledged that it was not appropriate for men to have sex with women who were too drunk to consent, and that this amounted to rape, nevertheless a woman's drunkenness could count against perceptions of her as a credible victim.

So what can be done to minimise the chances of genuine victims being disbelieved? This is discussed in the final section of this paper.

Recommendations and Conclusion

In seeking to improve police responses, one arena to focus on regards seeking greater standardization and consistency in police procedures. In New Zealand, despite the paper-existence of a formal policy, widespread variation in practice remains. In part this can be attributed to few district sexual assault co-ordinators having been appointed because of particular expertise in, and commitment to, this area, combined with the lack of a national co-ordinator to oversee policy implementation.

One procedural issue which has prompted considerable discussion involves the timing of statement-taking (Epstein and Langenbahn, 1994). Traditionally, police practice worked on the assumption that the statement should be obtained immediately upon reporting, and gradually this changed in New Zealand to a procedure whereby the medical examination was prioritised, for evidential reasons, and the statement was obtained directly following this examination. Feedback from complainants, however, indicated that taking their statement following the medical examination invariably meant that it was obtained at a time when they often felt exhausted, traumatised, possibly affected by alcohol or drugs, and generally not particularly coherent. Since the statement forms such a critical part of any ensuing court trial, some police have begun to question the 'hand-me-down' wisdom of their predecessors. This was evident in the interviews when some detectives discussed the traditional approach while others spoke of the advantages of delayed statement-taking. One detective had even prepared a briefing paper for his station on the merits of delayed statement-taking, maintaining that police insistence on taking a statement when the woman was exhausted was abusive and counter-productive:

At the end of the day, all those things are what the army do when they torture people, don't they? Sleep deprivation and blimmen all that sort of thing, and we do that to our rape victims!

Another detective provided a clear, recent example of where he believed the police seriously erred in not providing a complainant with the option of delayed statement-taking. In this particular case, a young woman alleged having been raped late one night by two men, and the police insisted on obtaining a statement from her as soon as possible. She was traumatized and exhausted, and the interviewing officer tried to fill in the gaps himself, resulting in the statement containing language and descriptions that later triggered suspicious reactions when it was scanned by the criminal profiling unit. This prompted police to confront the complainant and accuse her of lying. Investigation of the case could easily have been terminated at this point. Fortunately, in this particular example, good supervisory practice meant that the circumstances surrounding the taking of the complainant's statement were queried and she was re-questioned. Two offenders were eventually convicted and imprisoned for this offence.

Training-related issues also need to be prioritised if police practice is to improve. One senior and highly experienced detective lamented the paucity of good training given to detectives concerning the effects of rape trauma on victims and the various ways this may affect how they present. He felt it was particularly important for supervisors, at a minimum, to have this information so that they could monitor the processing of rape files by more junior detectives.

If we don't have understanding of the victims of crime or of human behaviour as crimes occur, then you don't have the ability to test whether the investigative practices are right or wrong. A cop comes along, does the investigation, queries it and says it's likely this woman has laid a false complaint. Now, you might get a supervisor that is none the wiser and says ok this is a

false complaint, or you might get a supervisor who says, hang on a minute, listen to this victim, how was she treated? Her behaviour is brought about by the trauma and stress she was under at the time, not because she has laid a false complaint. She is behaving that way because she has no ability to do anything else but try to survive the crime; this is how she deals with it... We have got too many supervisors, too many, that don't have the knowledge they should have, therefore they make the wrong decision. (PC 8)

Ideally, however, only detectives with the specialist knowledge required would be involved in the initial interviewing also, since there is no guarantee that a disbelieved complainant will give the police a second chance.

A supervisory issue identified by some detectives involved the need to assist staff in managing the impact of false complaints. While some said there was no problem in doing this, others expressed concern that experience with false allegations could leave some officers feeling 'burned' and cynical. One detective said he felt it was important to encourage staff to go and see someone, such as a counsellor, and debrief, in order to place individual cases in perspective.

The issue was raised by some that not all detectives were suitable to interview rape complainants. This could be hard to identify, one said, given that no detective is likely to admit to having difficulties in this area. The possibility of specialist units was dismissed by all those interviewed, however. Even though some felt such units would be desirable, the practicalities and resourcing issues involved meant these were not considered viable. Given recognition of the merits of specialist child sex abuse units, and international experience with greater police specialisation, this position needs serious re-examination (Brown and Heidensohn, 2000; Kelly, 2002; Gregory and Lees, 1999).

The dynamics of the police-victim relationship occur within the context of the police organisation overall. Police responses to rape complainants are therefore influenced by such factors as policy and strategy planning, deployment issues, and police resource decisions. In turn, the police organisation itself is located within the broader context of the criminal justice system, and impacted upon by developments within its sphere. Against this backdrop the police will continue to reflect dominant cultural narratives and stereotypes unless these are consciously identified, challenged, and changed. While such a process may sound reasonable and straightforward, in practice it may be near to impossible because what holds such beliefs in place is neither reasonable nor straightforward. Centuries of negative attitudes towards women, combined with justice systems designed primarily around men's interests, have resulted in the crime of rape being one of the most concealed, minimised, and misunderstood offences that we have on the statute books (Taslitz, 1999). Whilst laws and policies may verbally acknowledge the seriousness of rape, police practices and procedures continue to perpetuate distinctions between 'rape' and 'real rape', and to reflect adherence to negative and biased views of women (Kelly, 2002; Lees and Gregory, 1999).

At the heart of the issue is the police-complainant relationship. Influencing and surrounding this dynamic are the key factors which affect each party. For the police, these include evidential concerns, practical realities, and legal considerations, all of which produce a suspicious, evidence and offender-oriented mindset. The 'cues' they notice, and the meanings they ascribe to such cues, are essentially developed within a crime-fighting and offender-focussed framework. Such suspicious, aggressive styles of interviewing are not easily transferable to police interactions with victims of sexual violence. For the rape victim, the likely factors affecting presentation may relate to trauma impact, fear of the repercussions of reporting, confusion regarding desired outcomes (since, in many cases, the offender is someone well-known to her), as well as shame and self-blame. She may be tentative while the police

demand clarity; she may show inconsistent and flawed recall when they expect accuracy and consistency; she may appear emotional in the face of the ir detached rationality; and she may seem ambivalent when they expect co-operation and commitment.

Surrounding the police-complainant relationship is the police organisation, and the dominant beliefs of the occupational culture. The beliefs of the police occupational culture have been shaped by its origins as a male-dominated organisation enforcing laws designed to protect male property owners, with women being construed as part of men's property (Brownmiller, 1975). Police investigations require certain procedures to be adhered to and, while these will be routine to the police, they may feel arbitrary and intrusive for complainants. Greater communication, information provision and flexibility would all be advantageous from the complainant's perspective.

The police organisation, then, itself is located within the wider societal framework. A legacy of patriarchal thinking and defining of 'reality' is hard to shift, and men's beliefs about both the nature of rape and the nature of women have historically privileged men as sexual offenders (Cossins, 1998). As many rape complainants, and some detectives, commented, it often seems as if sexual offenders have had their rights within the justice system recognised more fully than victims. This emphasis would change if we had a more victim-oriented justice system, where the starting point was greater appreciation and understanding of the injuries done to the victim. Such an approach would not glorify victim-status; rather, it would validate victimisation as a necessary precursor to enable the transition from victim to survivor to occur. A fundamentally positive and trusting relationship between police officers and a rape complainant is essential to provide a solid base for ensuring on-going victim co-operation with an investigation. Effective law enforcement, and crime resolution depends on the quality of such a relationship, and on the complainant feeling her experience is validated (Blair, 1985; Epstein and Langenbahn, 1994; Kelly, 2002).

To believe or not to believe: that is (often) the question. Women victims ask for their accounts of rape to be believed, and police organisations ask communities to believe that that their responses to rape complaints have improved. Both situations require investigative analysis before conclusions can be drawn. After conducting such analysis, this paper concludes that issues of belief and credibility will remain vexed and contentious while investigative officers approach rape complainants with particular cultural narratives in mind, narratives which have been shaped within a social environment characterised by stereotypical and judgmental views of women.

If the police had a fuller and better informed understanding of the trauma induced by rape, they would recognise that victims routinely engage in minimising behaviour and will often try to avoid disclosing sexual violation. If the police understood the difficulties associated with approaching them to report a sexual assault, they would appreciate why some women tell 'lies' to conceal aspects of the offence. They would appreciate how humiliating the process can feel for complainants, and how shame can be a silencing mechanism. If the police knew the extent to which victims feared being blamed for what happened, they would not be surprised when complainants did things to try and bolster their credibility in the police's eyes. Historically, rape discredited a woman and her family like no other crime; today, women must still fight to be seen as credible. Women's voices and women's words still struggle to be heard; if heard, to be believed; and if believed, to be understood.

References

- Adler, Zsuzsanna (1987). Rape on Trial. London: Routledge and Kegan Paul.
- Aiken, Margaret, Burgess, Ann Wolbert, and Hazelwood, Robert R. (1999). "False rape allegations." In Robert R. Hazelwood and Ann W. Burgess (eds.), Practical Aspects of Rape Investigation: A Multidisciplinary Approach 2nd edition. Boca Raton: CRC Press.
- Blair, Ian (1985). Investigating Rape: A New Approach for Police. London: Croom Helm/The Police Foundation.
- Bronitt, Simon (1998). "The rules of recent complaint: rape myths and the legal construction of the 'reasonable' rape victim." In Eastal, Patricia (ed.) Balancing the Scales: Rape, Law Reform and Australian Culture. Leichhardt, Sydney: The Federation Press.
- Brown, Jennifer and Heidensohn, Frances (2000). Gender and Policing: Comparative Perspectives. Basingstoke: Macmillan.
- Brownmiller, Susan (1975). Against Our Will: Men, Women and Rape. Harmondsworth: Penguin.
- Burgess, Ann Wolbert (1999). "Public beliefs and attitudes toward rape." In Robert R. Hazelwood and Ann W. Burgess (eds.), Practical Aspects of Rape Investigation: A Multidisciplinary Approach 2nd edition. Boca Raton: CRC Press.
- Burgess, Ann Wolbert and Hazelwood, Robert R. (1999). "The Victim's Perspective." In Robert R. Hazelwood and Ann W. Burgess (eds.), Practical Aspects of Rape Investigation: A Multidisciplinary Approach 2nd edition. Boca Raton: CRC Press.
- Chambers, Gerry and Millar, Ann (1983). Investigating Sexual Assault. Edinburgh: Scottish Office Central Research Unit.
- Cossins, Annie (1998). "Tipping the scales in her favour: The need to protect counselling records in sexual assault trials". In Eastal, Patricia (ed.), Balancing the Scales: Rape, Law Reform and Australian Culture. Leichhardt, Sydney: The Federation Press.
- Crowell, Nancy A. and Burgess, Ann W. (eds.)(1996). Understanding Violence Against Women. Washington, D.C.: National Academy Press.
- Doerner, William G. and Lab, Steven P. (1995). Victimology. Cincinnati, Ohio: Anderson Publishing.
- Eastal, Patricia (1998). "The cultural context of rape and reform." In Eastal, Patricia (ed.), Balancing the Scales: Rape, Law Reform and Australian Culture. Leichhardt, Sydney: The Federation Press.
- Edwards, Anne and Heenan, Melanie (1994). "Rape trials in Victoria: Gender, socio-cultural factors and justice." Australian and New Zealand Journal of Criminology, 27 (3): 213-236.

- Epstein, Joel and Langenbahn, Stacia (1994). The Criminal Justice and Community Response to Rape. Issues and Practices in Criminal Justice series, National Institute of Justice. Washington: US Department of Justice.
- Estrich, Susan (1987). Real Rape. Cambridge, Massachusetts: Harvard University Press.
- Firth, Alan (1975). "Interrogation." *Police Review*, 28 November: 1507.
- Fleming, Donna (1998). " 'Police wouldn't believe me' ." New Zealand Woman's Weekly, 15 June: 20-23.
- Freckelton, Ian (1998). "Sexual offence prosecutions: A barrister's perspective." In Eastal, Patricia (ed), Balancing the Scales: Rape, Law Reform and Australian Culture. Leichhardt, Sydney: The Federation Press.
- Galliano, Grace, Noble, Linda M., Travis, Linda A, and Puechl, Carol (1993). "Victim reactions during rape/sexual assault." Journal of Interpersonal Violence, 8 (1): 109-114.
- Gilmore, K. and Pittman, L. (1993). To Report or Not To Report: A Study of Victim/Survivors of Sexual Assault and Their Experience of Making an Initial Report to the Police. Melbourne: Centre Against Sexual Assault (CASA House) and Royal Women's Hospital.
- Gordon, Margaret T. and Riger, Stephanie (1991). The Female Fear: The Social Cost of Rape. Urbana: University of Illinois Press.
- Gregory, Jeanne and Lees, Sue (1999). Policing Sexual Assault. London: Routledge.
- Harris, Jessica and Grace, Sharon (1999). A Question of Evidence? Investigating and Prosecuting Rape in the 1990s. London: Home Office.
- Jordan, Jan (1998). Reporting Rape: Women's Experiences with the Police, Doctors and Support Agencies. Wellington: Institute of Criminology.
- Jordan, Jan (2001). " Worlds Apart? Women, Rape and the Police Reporting Process." British Journal of Criminology, 41 (4): 679-706.
- Kelly, Liz (1988). Surviving Sexual Violence. Cambridge: Polity Press.
- Kelly, Liz (2002). A Research Review on the Reporting, Investigation and Prosecution of Rape Cases. London: Her Majesty's Crown Prosecution Service Inspectorate.
- Kennedy, Helena (1992). Eve Was Framed: Women and British Justice. London: Vintage.
- Kerstetter, Wayne (1990). "Gateway to justice: Police and prosecutorial response to sexual assaults against women." Journal of Criminal Law and Criminology, 81 (2): 267-313.
- Kilpatrick, D. G., Saunders, B. E., Veronen, L. J., Best, C. L., & Von, J.M. (1987). "Criminal Victimization: Lifetime prevalence, reporting to police, and psychological impact." Crime And Delinquency, 33: 479-489.

- Koss, M.P., Gidycz, C.A., & Wisniewski, N. (1987). "The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students." Journal of Consulting and Clinical Psychology, 55 (2):162-170.
- LaFree, Gary (1981). "Official reactions to social problems: Police decisions in sexual assault cases." Social Problems, 28 (5): 582-594.
- Lees, Sue (1997). Ruling Passions: Sexual Violence, Reputation and The Law. Buckingham: Open University Press.
- Luckasson, R. (1992). "People with Mental Retardation as Victims of Crime." In R. W. Conley, R. Luckasson and G. N. Bouthilet (eds.), The Criminal Justice System and Mental retardation: Defendants and Victims. Baltimore: Paul Brookes.
- Mack, Kathy (1998). "'You should scrutinise her evidence with great care': Corroboration of women's testimony about sexual assault." In Eastal, Patricia (ed.), Balancing the Scales: Rape, Law Reform and Australian Culture. Leichhardt, Sydney: The Federation Press.
- McCarthy, Michelle (1996). "Sexual experiences and sexual abuse of women with learning disabilities." In Marianne Hester, Liz Kelly and Jill Radford (eds.), Women, Violence and Male Power: Feminist Activism, Research and Practice. Buckingham: Open University Press.
- Morris, Allison (1997). Women's Safety Survey 1996. Wellington, New Zealand: Victimisation Survey Committee.
- Nixon, Christine (1992). "A climate of change: Police responses to rape." In Jan Breckenridge and Moira Carmody (eds.), Crimes of Violence: Australian Responses to Rape and Child Sexual Assault. Sydney: Allen and Unwin.
- Reiner, Robert (1994). "Policing and the police". In M. Maguire, R. Morgan and R. Reiner (eds.), The Oxford Handbook of Criminology. Oxford: Clarendon Press.
- Scutt, Jocelyne (1997). The Incredible Woman: Power and Sexual Politics. Vol. 1. Melbourne: Artemis.
- Shapcott, David (1988). The Face of the Rapist: Why Men Rape – The Myths Exposed. Auckland: Penguin.
- Smart, Carol (1976). Women, Crime and Criminology: A Feminist Critique. London: Routledge and Kegan Paul.
- Sullivan, Ginette (1986). Rape Crisis Handbook: Counselling for Sexual Abuse. Wellington: Wellington Rape Crisis Centre.
- Taslitz, Andrew E. (1999). Rape and the Culture of the Courtroom. New York: New York University Press.

- Temkin, Jennifer (1997). "Plus ca change: Reporting rape in the 1990s." British Journal of Criminology, 37 (4): 507-528.
- Temkin, Jennifer (1999). "Reporting rape in London: A qualitative study." Howard Journal of Criminal Justice, 38 (1): 17-41.
- Torrey, Morrison (1991). "When will we be believed? Rape myths and the idea of a fair trial in rape prosecutions." University of California, Davis, Law Review, 24 (4): 1013-1071.
- van de Zandt, Pia (1998). "Heroines of fortitude." In Easteal, Patricia (ed.), Balancing the Scales: Rape, Law Reform and Australian Culture. Leichhardt, Sydney: The Federation Press.
- Warshaw, Robin (1988). I Never Called it Rape: The Ms. Report on Recognizing, Fighting and Surviving Date and Acquaintance Rape. New York: HarperPerennial.
- White, Rob and Perrone, Santana (1997). Crime and Social Control: An Introduction. Melbourne: Oxford University Press.
- Wiehe, Vernon R. and Richards, Ann L. (1995). Intimate Betrayal: Understanding and Responding to the Trauma of Acquaintance Rape. Thousand Oaks, California: Sage.
- Young, Warren (1983). Rape Study: A Discussion of Law and Practice. Volume I. Wellington: Institute of Criminology and Department of Justice.