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Introduction

In many countries, it has been argued that ‘victims’ or ‘survivors’ⁱ of adult sexual assault (ASA) receive a poor level of service from the criminal justice system (see Walklate and Brown, 2012, for an overview). This paper analyses New Zealand Police (NZP) strategy to improve investigation of ASA. While the success of the strategy is not total, and reform needs to continue, we argue that there are significant grounds for optimism. Problems exist at all stages of the criminal justice process, but a focus of concern has been the poor quality of the initial response from police officers (Gregory and Lees 1999), particularly the widely-noted tendency to discredit and/or disbelieve the testimony of those reporting sexual violence (Kelly 1988). Denying victim testimony has been associated with the tendency to ‘no-crime’ reports and so deny the possibility of a police investigation: a form of re-victimisation. Police ‘silencing’ of victim accounts repeats the denial of individual autonomy enacted by the primary assailant (Jordan 2004). Feminist perspectives note that silencing victims of sexual violence mirrors the broader marginalisation of women in patriarchal societies (Kelly 1988), and within social science research (Heidensohn 2012).

In contrast, the reform process outlined in this article can be characterised broadly as an attempt to restore ‘voice’ and agency to the victim. Kelly (1988: 139) argued that the power to define experiences of sexual violence has been vested in patriarchal organisations contested by feminists since ‘naming involves making visible what was invisible, defining as unacceptable what was acceptable and insisting that what has naturalized is problematic’.

Over decades, the inadequate response to sexual violence has been ascribed to patriarchal marginalisation of women and related power imbalances in wider society. More specifically, the tendency of police to be overly-sceptical of the testimony of those reporting has been explained in terms of police occupational subculture, which is characterised by cynicism and suspicion as well as machismo and sexism (Skolnick 1967, Reiner 1978, Westmarland 2002). In combination such characteristics mean that those reporting sexual violence are measured against a hierarchy of victimisation that reflects dominant ‘rape myths’ (Suarez and Gadalla 2010, 2011). Based on these stereotypes a significant proportion of victims of sexual violence are effectively denied justice.

The focus of this paper is the perceptions of police officers, staff, and external agencies on the transformation of the policing of ASA cases. The underlying research questions are a) the extent to which it is perceived that there have been improvements in terms of police responses to ASA allegations, and b) the extent to which any changes are related to organisational and procedural developments, or to cultural shifts within police. Although elements of the reform programme, as outlined below, focused on cultural dimensions, many important changes addressed process,

practices, and the management of investigations. It is argued that these changes are widely perceived (although it is difficult to measure with certainty) to have led to improvements in the policing of ASA. It is suggested that police leaders and policy makers might pay greater attention to developing reforms in the management of investigations, alongside efforts to effect fundamental (but somewhat nebulous) shifts in organisational culture.

Background to the study

The discussion is developed from research assessing the a long-term programme of reform (2007-16) introduced within NZP. The reforms sought to address problems in the police response to ASA. The reforms were implemented in response to recommendations of a Commission of Inquiry (CoI) into police misconduct. The Inquiry was instigated by the Prime Minister in 2004, in the aftermath of media reports of a series of instances of 'pack rape' involving police officers in Rotorua. The CoI (2007: 25) couched events in the following terms:

On 31 January 2004 a Rotorua woman, Ms Louise Nicholas, made allegations in The Dominion Post about the handling of historic rape complaints against police officers. The allegations suggested that police officers might have deliberately undermined investigations into complaints of sexual assault against other officers. Both current and former police officers were the subject of these allegations.

... After the publication of Ms Nicholas' allegations, a Kaitia woman, Ms Judith Garrett, came forward also alleging that her rape complaint against a police officer had not been investigated properly at the time it was made.

The CoI, called for public submissions relating to sexual assault allegations from 1979 to 2005, and subsequently investigated more than 300 claims against 212 police officers and 61 allegations against people who were associates of police. What became clear from the CoI was that the underlying problems that allowed such violence to continue had three key dimensions. First, they were caused by a problematic police subculture that was overtly macho, tended to involve heavy alcohol consumption in private police bars, and was insular. Second, there was a tendency to disbelief victim reports of ASA and so a lack of professional investigation. Third, management and oversight systems were inadequate, so the first and second set of problems continued unabated.

In addition to the cases of Nicholas and Garrett, the CoI heard testimony from a further 10 people whose reported cases of sexual assault were related in some way to police officers, and considered a further 43 cases relating to sexual offending by police since 1979. In March 2007 the CoI report made 60 recommendations for reform, for which police were responsible for 47. The reforms were

wide ranging, including recruitment, training, and discipline, as well as issues of governance, including processes for handling complaints against police. The final recommendation set a 10-year time-frame for the reforms to be implemented, a period during which the Office of the Auditor General (OAG) would report to Parliament on progress. Four such interim reports were made. In anticipation of a final audit by the OAG, New Zealand Police commissioned the authors of this paper to review progress. The central remit was to consider, in broad terms, the extent to which NZP had met the 'spirit and intent' of the Col report and recommendations. The research focused on two inter-related factors: perceptions of change in the occupational culture of NZP (including matters of gender, command and control, ethics and integrity, ethnicity and the status of Māori), and reforms made to the investigation of ASA. It is the latter that is the focus of this paper. The methodology underpinning the study is outlined later, following a review of the literature.

Literature Review: Disbelief, Discredit and Dismissal in the Reporting of Sexual Violence

The failure of police to provide an appropriate response to victims of sexual assault has been widely identified in research findings from many countries over many decades (Gregory and Lees 1999, Tasca et al 2013). The literature identifies two related problems of general relevance to policing: officer discretion and occupational subculture. This links to the research aims in that efforts to positively influence the exercise of discretion (through training and enhanced supervision of investigations, for example) might help tackle subcultural problems identified in the literature. Essentially, much of the research shows that occupational subculture draws upon, and in return reinforces, established 'rape myths', gendered norms, and a hierarchy of victimisation such that officers exercise their discretion in ways that serve to disbelieve, discredit and dismiss reports of sexual assault. These three responses are subtly different from one another and relate to distinct ways in which reports of ASA are undermined. First, is the reaction of disbelief such that the officer receiving a report accepts that a sexual encounter occurred but does not define what is reported as a 'real' rape. The term 'regretful sex' is applied in cases where officers interpret that a consensual sexual relationship is subsequently reported as an assault (Jordan 2004, 2012). Second, the report might be discredited if the victim does not match 'ideal victim' stereotypes applied to sexual assault. For example, McGregor (2012) noted that in US case law, victims who did not exhibit physical injury were held not to have 'resisted' the attack and, in the absence of resistance, the law held that no rape could have occurred. That the offender might have coerced the victim in non-physical ways (through threats, for example) is not recognised. Thirdly, outright dismissal occurs if the officer concluded that nothing at all happened, or that the complainant is making a deliberately false allegation. As the literature attests, the notion of false allegations is applied almost exclusively to

ASA cases (and not other crime types), even though there is little empirical evidence this is a significant problem (Rumney 2006; McMillan 2016). Taken together these (and other) stereotypes about sexual assault complainants constitute 'rape myths', a pervasive and persuasive set of preconceptions about rape identified by Brownmiller (1975) and Burt (1980), and defined by Suarez and Gadalla (2010, 2011) as 'false cultural beliefs that mainly serve the purpose of shifting the blame from perpetrators to victims'. This literature provides the context for understanding how police occupational subculture has constructed sexual assault in ways that marginalise victims and contribute to the denial of justice. Rape myths mean officers do not conduct effective initial investigations, which leads to low prosecution rates; two stages of the CJS that Hester and Lilley (2016) found to be central to high attrition in sexual violence cases (see also Kelly et al, 2005). It is efforts to tackle this problem that form the focus for the discussion of findings further below.

In these ways, officers exercise discretion such that it is less likely the person reporting a sexual assault will have their experience recorded or investigated in those terms. As Jordan (2004, 2012) has shown, a useful way of conceptualizing these aspects of prevailing police practice is to understand them as a continuation of wider processes of silencing the voices of women. In the moment of disbelieving, discrediting or dismissing the report of a sexual assault survivor police exercise considerable negative professional power, a decision that is likely to have a significant impact on the complainant as well as meaning that a perpetrator is not apprehended. However, in doing this, police effectively reproduce the silencing evident in other contexts over the long history of patriarchy. Jordan (2004) noted that 'shut up' were the opening words of Malcolm Rewa, a serial rapist whose survivors she interviewed, so when police deny reports of sexual assault the silencing of the rapist himself is repeated. Jordan argued (2004) that 'silencing' operates on multiple levels. First, victims can 'self-silence' prior to reporting and may revert to silence if police disbelieve, discredit or dismiss them. More widely, in the cases of Nicholas and Garrett it became apparent that many in the local community were silent even though they knew of police sexual violence. Extending this approach, we argue that the reforms outlined below seek to restore voice to the victims of sexual assault. The research considered the extent to which this 'restoration' is perceived to have occurred, and whether improvements are associated with changing organisational practices or shifts in police occupational culture.

Occupational cultures are partly created and sustained by organisational characteristics. The Col (2007) reported that the problems with Rotorua police were compounded by the lack of central oversight of local policing. The conditions of silence surrounding sexual assault have also been identified in broader discussions around unethical workplace cultures, away from specifically sexual misconduct allegations. Schein's (2010) classic distinction of organisational culture into *artefacts*

(symbols, language, processes), *espoused values* (strategies, codes of conduct) and *underlying assumptions* (tacit knowledge, implicit beliefs) neatly encapsulates the complexity of tackling entrenched cultural beliefs and attitudes, such as those identified above. Such dimensions of cultural change in NZ Police are reviewed in the findings section below.

As De Graaf (2015) argues, however, organisational process cause further obstacles to the successful resolution of problems. For example, internal mechanisms may not be available to pursue complaints (Brown et al, 2016). When concerns are raised they may be misreported internally (Miceli, Near, and Dworkin, 2008) and are rarely reported externally (De Graaf, 2010) which means that complaints might not be properly dealt with. A Transparency International (2011) report and found that cultures of silence within the UK Corrections Service were reinforced by organisational systems that did not incorporate external viewpoints. The NZP CoI offers a particularly interesting way of looking at these larger process and system shifts, without which any attempt at culture reform is hamstrung by a lack of will and authentic leadership, the importance of which is elaborated later in the paper.

As noted, the paucity of the police response to sexual violence is often attributed to occupational culture and transformation in this space – for example, through improved training and the recruitment of more women officers – has often been central to developing more effective responses. There continues to be an important debate as to whether cultural or structural dimensions ought to be prioritised in order to improve service delivery: this tension is reflected in the second research question addressed in this paper. Brogden (1988) identified two broad strategies applied to police reform: those focused on structural reform, and those based on cultural change. Chan's (1996; 1997) analysis emphasised the importance of recognising Bourdieu's (1990) notion of 'habitus and field' such that the informal values – the culture – shared by police officers need to be understood in the context of organizational environments.

Methodology

The paper is based primarily on semi-structured interviews with NZP personnel in a wide-range of positions, supplemented with interviews with staff from external agencies. More than 240 police officers, civilian staff, victim advocates, Crown Prosecutors, defence lawyers, doctors and staff from victim specialist support agencies were engaged in semi-structured interviews (n=178) or informal focus groups (n=65) between June and September 2016. NZ has a single national police service; the research was conducted in nine of the 12 police districts, covering a range of metropolitan and rural areas. As of June 2016, NZP employed 9004 officers and 3031 staff, women comprised 31.2 per cent of the total. NZ Europeans were 70.3 per cent of police (relative to presence in the overall

population of 69.6 per cent), Maori accounted for 11.3 per cent (relative to 14.9 per cent in the overall population), Asians 3.0 per cent (11.8 per cent in the overall population). The biggest ethnic disproportionality applied to Europeans, who comprised 14.7 per cent of police employees, but constituted only 6.0 per cent of the overall population. We did not collect demographic information from our respondents, for practical reasons, and to ensure and signal that they enjoyed anonymity and so could speak freely. The selection of participants combined purposive and opportunist sampling. Some participants were selected based on their specific roles (e.g. district crime managers, specialist investigators, Criminal Investigation Branch managers, or medical staff). Others were recruited on an opportunist basis as the researchers visited police stations and recruited participants in an impromptu way. This opportunist approach was designed to capture understanding in relation to the investigation of ASA from a cross-section of the service, but it does mean that a precise demographic or organisational profile of participants is not possible. Purposive recruitment was used for interviews with external agencies and informants, some (n=7) of which were conducted via phone. These phone interviews were recorded verbatim and lasted for between 45 and 80 minutes. In addition, extensive documentary analysis was undertaken, including policy and management information, background papers, procedural models, and performance data. Through gathering data from a wide-range of internal staff and external stakeholders it was anticipated not only that we would gather a robust range of perspectives but also increased confidence that emerging themes are valid.

Topics for interview were developed following consultation with police and some of those who had been integral to the Col. A series of thematic questions was developed in relation to the conduct of ASA investigations, the nature and impact of victimisation, and police relations with third party organisations and related matters. There was not a single set of questions since the roles and backgrounds of those included varied widely. Phone interviews with lawyers were focused on the value of Evidential Video Interviewing with survivors of ASA, reasons for difficulty securing convictions, and the impact of court process on complainants.

As the methods literature notes, conducting research with police requires specific skills and experience, particularly in relation to sensitive topics (Williams and Stanko 2016). Inevitably it might be that participants presented accounts of police practice that they felt were 'acceptable' or reflected the 'company line' (Reiner and Newburn 2007, Rowe 2016). This risk was minimised by including a large number of participants from different points of the vertical hierarchy (from new recruits to the Commissioner) and across the horizontal structure: from highly metropolitan urban Auckland to isolated one-person rural stations. The interviews were not recorded, largely for practical reasons and for fear that this might make participants less forthcoming. Instead substantial

fieldnotes were taken and subject to thematic analysis, discussion and review between the researchers. This was first done independently, and then in a collaborative iteration such that we mutually agreed the most significant themes and interpretation of the data: the fieldnotes amounted to nearly 300 A5 pages.

Findings

Changes to NZP investigation of ASA were perceived to be wide-ranging and deeply embedded, and were regarded positively by police officers, staff and external agencies. Developing conceptualisation of the 'silencing' of women, we argue that these reforms give victims back their voice through partially restoring the agency lost through victimisation. The findings presented below are organised in terms of three dimensions of reform: the initial reporting of sexual assault, the management and oversight of investigations, and relations with partner agencies. It is argued that through these three dimensions, NZP are widely perceived to have improved their response to sexual assaults by raising professional standards. In terms of the 'behaviour' or 'attitude' dichotomy (Brogden 1988), it is found that making changes to the former can play an important role in terms of transforming culture – although it is recognised that the two are interrelated (Chan 1996, 1997).

The initial reporting of sexual assault

The initial reporting and recording of sexual assaults has been a major cause of concern, as noted in the literature review. This study found that support services, victim advocates, legal professionals and medical staff conveyed the view that police are more receptive and victim-focused than prior to the reforms. Previous 'victim doubting' or 'blaming' has been replaced by a more empathetic approach that takes victims seriously. Many attributed this to improvement in the extent and quality of training to initial police recruits, which now includes input from victims, advocates and experts from outside police. There were continuing concerns, such as from a support service professional who noted that a 17-year-old victim had reported to a detective who called her a 'liar'. Significantly, the interviewee noted this example as highly exceptional and that she was in discussion with a more senior officer in the District to identify how to prevent it recurring. Police data shows a 42.9 percent increase in the number of ASA recorded between 2006 and 2014, suggesting that either victims are more confident in reporting and/or that police staff are more likely to record incidents than once they were. Further to Lea et al's (2003) analysis of attrition in relation to sexual violence, this would suggest that one of the four main 'moments' for reports to be written off has been partially removed. In relation to research question 2, our findings suggest that this is due to a combination of cultural and organisational changes such that staff are less likely to disbelieve, discredit or dismiss reports.

Support and counselling services tended to state that they would no longer dissuade victims from reporting because they would not receive an appropriate response from police. Again, though, examples were given of officers who appeared inexperienced and had not dealt with ASA cases before. In one case, a support service staff member identified a ‘hard-edged, cynical, patronising “old school” cop’ they knew, but noted that he was an exception to the general rule and that service users tended to report that they were positively surprised by the police response. Officers noted that some colleagues lacked the interpersonal skills required to deal sensitively with victims. This poses a challenge to NZP given that ‘empathy’ is a core business value, but might be a skill that some are less able to deliver than others. The more common perspective is epitomised in comments from a support service staff member:

[there is] much greater understanding among police that complainants can be re-traumatised, and may not anticipate that the process can be complex and challenging. They take more care with victims.

Officers and external agencies noted that empathetic responses included not pressurising victims to make a formal statement. Specialist support staff noted that officers tended to understand that prevarication was a common response to trauma, and not a sign of lack of veracity, as patriarchal legal systems have assumed (Jordan 2004: 30-32). Officers and support service staff noted that a strong relationship between agencies might prove more effective in the medium term since (as one support service staff member put it) ‘mediation helps to keep survivors on board and gets better engagement in the end’. A relatively new sexual assault investigator observed that:

often the victim is not sold on making a complaint – they have their own reasons – so getting them on board is a challenge, they don’t return calls sometimes. Specialist support are pretty good at working with them though, and very helpful in mediating

A major component of ‘rape myths’ has been that individuals are likely to make ‘false reports’ of sexual assault. The fallacy of these myths is covered at some length in police training but nonetheless, there is considerable ambiguity surrounding false claims. Officers and support service staff reported that there were times when victim reports were not believed by police. One participant from a victim support service noted that:

Mothers all over the country [are] saying that their daughter’s reports of rape have been described by police as “regretful sex syndrome”, as though there is a syndrome.

One support service staff member noted that in a training session officers had been asked to estimate what proportion of reports were false, and most estimated the figure to be upwards of 50%. She noted that officers who had joined NZP from UK police were ‘streets ahead’ in their

perception of witness veracity. However, a specialist investigator reported he had 'never had any trouble believing a victim'. A different specialist detective observed:

False complaints? I can't recall a case ... generally something has happened, although it may not be as it first appears of course. It's very easy to find inconsistencies in a victim's story [but] they don't prove it's incorrect.

However, another detective reported that in up to 'two thirds of cases there might be an issue of "regretful sex", which you have to investigate to a high degree even though there is no crime because the bosses want everything ticked off, they're covering ass. It happens a lot'. In the same discussion another officer reflected:

[you are] 'in a mindset where you don't know whether to believe someone or not – is she telling the truth or not? I don't know if I have that preconception with other crime complaints'

While this is of concern, a separate question arises as to the consequences such views might have in terms of police practice. This point draws upon Waddington's (1999) paper on police subculture in which he noted that racist attitudes in the canteen did not extend into the behaviour of officers as they interacted with the public. In our study, officers stated that they would still implement a high level of investigation into complaints even in if they had doubts about information reported. For some officers this was expressed in relatively negative terms that to do otherwise would leave them vulnerable in terms of management oversight outlined later. More positively, however, officers sometimes reported (and specialist support service staff sometimes confirmed this) that they would provide a strong investigative response since the victim either might be 'genuine' or, if not, the complainant might have other extraneous problems (such as mental health or substance dependency) to be addressed. Police officers, medical and specialist support staff referred to the challenges of dealing with 'frequent flyers' (recurring complainants) who tend to make complaints that are difficult to verify but who nonetheless were treated professionally in circumstances where they were vulnerable and at risk. One district crime manager expressed the approach, and that it has resource implications:

... a couple of years ago a policy came out that any complaint, even if it wasn't going to go through the criminal justice system, must still be thoroughly investigated. Previous to that, if it wasn't going anywhere it was put to bed early, but we can't just 'tick the box' anymore. That new approach increases demand on staff.

One outcome of increased demand, including 'historical' ASA cases – widely perceived to require more time to investigate properly – can be that cases remain unassigned to an investigating officer. A CIB manager reported having 29 files awaiting assignment and noted that, while this was likely a

greater number than in previous eras, it was preferable to have cases formally recorded as unassigned, and so subject to 'bring-up' (review) and ongoing risk assessment. Prior to improved case management practices, it would have been common for most cases to be formally assigned but not actually under investigation by officers with too many open files to effectively maintain.

At the vital initial reporting stage there is considerable grounds for optimism in the sense that the 'voice' of the complainant would be recognised, and less likely to be silenced than in earlier eras. Examples were certainly offered of officers behaving in ways that did not equate to a victim-centric approach, and some reported that there continued to be a serious problem of 'false allegations'. Notably, the 'retrograde' officers mentioned tended to be described as outliers, as exceptions to the reformulated normative standards, whereas they would once have embodied the norm. The second group, who continued to discredit, disbelieve or deny victim voices, still claimed to provide the required level of service – even if only for the fear of 'in the job trouble' that Young (1991) found drove much police behaviour. In those circumstances, the voice of the victim might not have been believed, but it was still heeded: an imperfect outcome, but an improvement on what went before.

Management and oversight of investigations

At a subsequent stage of investigations has been a concern that police 're-victimise' sexual assault complainants when taking statements. As in other jurisdictions, NZP has worked with health and other partners to create specialist suites with amenable surroundings, where medical and police procedures can be completed. Problematically, though, such provisions are not available nationwide, so not all victims can access the best facilities – at least not without travelling significant distances, a significant challenge in more rural locations. Within these bespoke premises are facilities for Evidential Video Interviewing (EVI), a technique also implemented with other vulnerable victims for whom giving evidence might be especially traumatic (Westera et al, 2015). In EVI the content, structure and conduct of the interview is distinct from the standard form for taking a statement from a crime victim. Essentially EVI is intended to place the victim at the centre of the process, allow them to narrate their own experience, and exert greater control over the pace and direction of the interview. Typically, EVIs contain fewer questions than traditional formats – indicating that they are less inquisitorial and less directive in terms of the role of the police interviewer. A power imbalance that silenced victims is reduced in this model.

Beyond initial reporting, the Col report noted a lack of management process to ensure effective oversight of ASA investigation. Subsequently, various systems have been introduced. Officers are required to prepare a Case Investigation Plan (CIP), which organises data entry into the National Intelligence Application (NIA). The CIP also records provisions to the victim, including referral to specialist support services, medical examination, and that their safety has been assessed.

Investigation of crime scenes, details of exhibits, and contact with witnesses and suspects must also be recorded in the CIP, along with information about the end of case outcomes. In each of these domains, officers are required to include information about who takes responsibility for completing the action and appropriate timelines. Supervisors are then responsible for monitoring progress of the investigation. As detailed below, the specialist ASA investigators interviewed reported that they understood and took seriously the requirements of the CIP. Those reviewing CIPs reported that there were rarely concerns that officers were not attending to key requirements but the quality and detail in reports varied.

ASA investigation files are scrutinized by district and national managers, using the Quality Assurance and Improvement Framework (QAIF). The first level of oversight – the ‘supervisor’s review’ – occurs in April, August and December. Supervisors (typically specialist ASA Detective Sergeants) review 10 percent of active files randomly selected by staff at National Headquarters. The second level is conducted in the months of February, June and October when 10 percent of active files are reviewed by District ASA Coordinators or Crime Managers (in districts without a specialist squad). Included in that process is information about the quality of the line management supervision, as well as information about the nature of offences, and trends and difficulties in the investigation process to inform planning and risk mitigation work at the national level.

The third level of oversight is the annual review, completed by the national ASA managers. This national overview of District management is supplemented by training and conference events in relation to operational, policy and resource requirements. Conferences provide opportunities for external perspective on ASA through presentations from partner agencies, such as District Health Boards (DHBs), Victim Support, and DSAC.

Officers tended to report that they were highly aware of the oversight of ASA investigations, and that this differs from the experiences with other crime investigations. Some reported that they rarely had feedback or line management discussions about the content of the files submitted into the QAIF process (suggesting that feature of the first level review is not always enacted). Even though some reported that they occasionally completed details of the CIP in overly quickly to meet deadlines, there were few complaints that the process was unnecessary or unduly bureaucratic. Frontline staff often reported that the system helped them ensure investigations were proceeding as required. A relatively new ASA investigator reported that the system meant she could feel confident that she was complying with NZP requirements in a difficult and demanding field. Another reported that he was:

... perpetually afraid of not doing everything I ought in terms of investigating; all has to be covered off so nothing comes back to bite you in 20 years. The CIP helps keep everything straight ... looking back at historic case files makes it clear how bad record-keeping used to be.

A DSS reported that 'we are doing a way better job than we used to, I am not sure we can do much more to improve, although the rest of the criminal justice system can'. A senior Police staff respondent suggested that the case planning and review process was 'the most significant change' in terms of improving ASA investigation, and that 'the possibility of systemic organisational failure is now minimised, although maybe not eliminated altogether'. Nonetheless, examples were cited of poor quality investigations. These were often couched in terms of discrepancies that can occur in terms of the quality of service provided by specialist or non-specialist officers, or between areas. One lawyer presented his view in terms stronger than most:

Some cases that come before Court are very poorly investigated by local police, there are a couple of cowboys in our town who get shown up in Court and get bad outcomes. They do an appalling job: poor investigations with no collaborative forensics. I get the sense that the work of more junior staff is properly scrutinised and reviewed, but more senior detectives can be problematic.

Police relations with support and specialist agencies

Specialist support agencies and victim advocates noted significant improvements in relations with Police, much of which related to the development of a victim-oriented service. One DSAC coordinator suggested that Police had been pivotal in the wider development of the support sector: financially, through the provision of training, and by developing local networks between staff. A key shift had been the development of shared understanding of the nature of the impact of ASA and the need to prioritise victims. For example a doctor explained that changes in financial arrangements meant that forensic examinations are funded by police through Service Level Agreements and so are no longer paid for by police on a case-by-case basis. Subsequently officers did not need to secure permission in each case and so were more likely to refer victims to provide reassurance and assist their recovery, even in circumstances where the officer did not anticipate significant evidence would be obtained. This organisational change was seen to have led behavioural change by officers.

Positive relations between Police and support agencies at the local level were supported by the Police role (with other agencies) in seeking improved funding for Sexual Abuse Assessment and Treatment Services (SAATS) and related services. Similarly, routine interactions were supported by local memoranda of understanding and policy-level and operational meetings between senior police and agency staff at regular intervals. Such arrangements were noted in several Districts. A support agency manager suggested that in her area 'NZP have moved beyond "ticking the box" to trusting work and communication'. In another large metropolitan centre, and mentioning specific senior

police officers, a DSAC coordinator stated that ‘police have led the way in transforming the whole health and support sector’.

While the national picture is largely one of improving relationships not all areas are well provided for.. Several victim advocates noted that part of the problem has been the ‘Cinderella’ nature of services, with insecure and insufficient funding preventing the development of a robust network. In some districts problems were attributed, at least in part, to the paucity of specialist support services, rather than a lack of engagement from police. Many respondents noted that 2016 proposals from the Ministry of Social Development to invest NZ\$40M in the sector might encourage wider provision. Whatever might explain the problem, however, this remains another example of the geographic lottery in terms of services to victims. A specialist ASA detective in one (relatively large) town noted that the lack of local services meant that victims faced a lengthy journey in a police car, without being able to change clothes, eat or drink, i to attend a DSAC service for a medical examination.

Artefacts and culture change

Respondents frequently argued that cultural change had been an important feature of NZP. This change has been driven by strong policy and leadership commitment. For example, since 2015, the language and terminology around values has substantially developed. NZ Police’s values have been denoted by the acronym PRIMED: **P**rofessionalism, **R**espect, **I**ntegrity, commitment to **M**āori and the **T**reaty, **E**mpathy, valuing **D**iversity.

These espoused values signal a shift to a view of policing focused on helping victims of crime, and clearly this is a mechanism to affect change in the underlying assumptions of officers. In 2015 two newly-minted values of ‘empathy’ and ‘valuing diversity’ were added, and were seen to switch from an offender focus to victim-centric response. Each value has its own ‘tagline’, which serves not only as a definition but also as a heuristic to guide behaviour. The formal statement of *Our Values*¹ translates empathy, for example, simply as ‘walk in their shoes’.

Additionally, human resource and leadership have concentrated on lifestyle and behaviour have been targeted as mechanisms for change. One key aspect has been to alter perceptions of work-life balance; there has been a deliberate move away from the traditional (typically male) drinking culture to try and develop a much more inclusive outlook. A senior sergeant recognised the change in the following terms:

¹ Accessible online from: <http://www.police.govt.nz/sites/default/files/publications/our-values.pdf>

I've been in the old police culture that led to the Col. The lack of bars and canteens is a positive thing, there's been a remarkable improvement in drinking culture. The binge drinking, work hard/play hard environment [has gone]. People are not prepared to dedicate their whole life to the job, now there's a life and family focus, leave the cell phone at work and switch off.

New artefacts and symbols are being created within NZ Police, and this was particularly evident in changing attitudes towards LGBT officers and staff. The October 2016 *Ten-One*, the national magazine for NZ Police, featured a cover story on Rhona Stace, at that point NZP's only male-to-female transsexual officer. Furthermore, the decision, publically endorsed by the Commissioner, to enter officers in uniform into the Auckland Pride Parade, was seen by many respondents to symbolise more fundamental organisational change. While these cultural shifts were not developed specifically to improve police responses to ASA they have been part of a wider process of developing a more victim-oriented, diverse and professional service, which facilitated improved responses to ASA .

Cultural change within NZP was led by officers at all levels of the organisation. The Commissioner speaks to new recruits at the Police College about the centrality of organisational values, and the content and importance of the values was embedded in management at other levels. One district commander reported, for example, that he communicated with his officers specifically citing the values as they applied to operational activity. Another reported that he would stop staff in the corridor and ask them for details of how they applied the values in their day-to-day work. Creating the organisational cultural environment in which improved responses to sexual assault victims can be provided was a matter of leadership and managerial change, which needs to be understood at all levels (Fleming 2015).

Conclusion

Modifying occupational culture and organizational practice within NZP been central to improvements instigated by the Col. The prevalence of disbelief, discrediting and dismissal of sexual assault victims is reduced. Clearly there is more to be done, yet important lessons seem to have been learned.

There has been a broad strategy for change, combining cultural and organizational reforms, which means that responses to sexual assault are not addressed in isolation. The need to change values has been coupled with management and organization reforms, including codes of conduct and formal processes such as training and monitoring as well as more general changes to lifestyle, work-life-balance, and greater gender diversity. We suggest that there are lessons here for other law enforcement agencies to learn. Reforming operational practice has been achieved, our respondents

suggest, through shifts in organizational practice as well as by changing the values and ethics embedded in the workplace. This suggests that Loftus's (2008) argument that the sustained and trans-national features that characterize police occupational culture stem from the nature and structure of police work since we found that reforms to the latter can shift the former.

Clearly, there are limitations to this analysis and further research work is required before a more definitive judgement can be made. In the terms often used in relation to the 'what works' approach to policy development, these reforms might be placed in the 'promising' category. A follow-on study examining victim and witness experiences of police responses would be an obvious addition but was not feasible in the context of this study. Charting organisational change is challenging and this study has limitations in this regard. The focus on police and third-party perceptions of police responses to sexual assault meant that the views of victims and survivors were not sought directly (although victim advocates were interviewed). Given the parameters of the work and the focus on police organisational change, this omission might be appropriate but important questions about victim experiences with police have not been included directly here, is an important matter for subsequent enquiry. Moreover, no quantitative measure of change in terms of police perceptions of and responses to sexual assault was possible since there was no pre-intervention data available to form a benchmark. Relatedly, as was noted above, the programme of reform developed over a decade and many participants explicitly noted that they had not been part of the police service prior to the Col. For these reasons it is noted that the findings here reflect subjective perceptions of change in NZP services; it cannot be claimed that they represent a definitive picture or suggest that alternative views have no validity.

Several key challenges remain. Key to many of the improvements seems to have been the development of specialist squads of detectives, highly trained and solely dedicated to investigations of ASA. Frequently during the fieldwork, this was described as the 'Rolls Royce' model, which, if accurate, is beneficial to victims. However, the luxury vehicle does not operate across the whole country raising significant concerns about justice, equality and access to a victim-centred service. A second concern relates more widely to the justice system. It has been argued that the reforms to the policing of sexual assault has effectively restored voice to victims, who's reports are more likely be treated seriously and who can provide evidence in a manner that affords them control and restores some of their personal agency. However, this does not extend so effectively throughout the NZ criminal justice system. Respondents frequently contrasted the positive developments in policing with continued problems with the court system, such as re-victimisation through the process of cross-examination and that juries tended still to subscribe to the gendered rape myths that had been overcome, to a large extent, within police. Considering the whole system, victims may still be

disbelieved, discredited and dismissed. The patriarchal marginalization of female survivors of ASA continues, even if there have been improvements in policing terms. Nonetheless, in terms of the gateway to that system – the police – the evidence presented here suggests progress and creates a platform for further research, including that with survivors. Importantly, we argue that the improvements identified can be attributed, to a significant extent, to leadership and organisation and management changes that have had a strong influence on police officer behaviour.

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ⁱ It is recognised that the terms 'victim' and 'survivor' convey particular meanings within the field of sexual assault. The two are used variously in this paper to reflect the specific context of the discussion and the ways in which the terms were used by research participants.