



6

Survivors Speak Up: Improving Police Responses to Sexual Abuse Cases in Black and Racially Minoritised Communities

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Introduction

This chapter first outlines the super-complaint filed by the Halo Project—the charitable arm of the Tees Valley Inclusion Project—regarding police handling of sexual abuse cases in which both the victim and perpetrator were from Black and racially minoritised communities. Next, it provides some background information on the Halo Project and the work it does with both sexual abuse survivors/victims and Cleveland Police. The chapter cites current figures for reported sexual abuse

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cases in England and Wales and presents some of the reasons why abuse victims often fail to report their experiences. It then details the Halo Project's key findings on police responses to victims/survivors who do report, the effects these responses have on survivors/victims of sexual abuse and the damage they cause at both personal and structural/social levels. Drawing on two case studies of familial abuse, the chapter examines each failing and weakness in police practice. It concludes by offering concrete suggestions for how to address these failings, such as offering appropriate police officer training and monitoring translators and interpreters. It also stresses the importance of establishing a national Black and racially minoritised sexual violence reference group that can influence national police guidance and training and scrutinise the responses to these cases.

Background: The Halo Project

The Halo Project, which was founded in 2011, is a national charity that supports victims/survivors of honour-based violence, forced marriages and female genital mutilation. It aims to protect victims/survivors from indefensible human rights abuses that can, in extreme cases, take the form of abduction, serial rape and murder. It also seeks to educate the community about these forms of abuse. By working closely with Cleveland Police, the Halo Project creates and maintains links with relevant agencies and organisations in order to provide emergency and non-emergency services to victims/survivors. From April 2018 to March 2021, the Halo Project dealt with 152 forced marriage cases, 53 female genital mutilation cases (49 international and four UK-based) and 450 honour-based violence/abuse cases. It should be noted that these are only the recorded cases; it is likely that many more were never reported.

In August 2020, the Halo Project filed a super-complaint to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services regarding systemic failings in police handling of sexual abuse cases in England and Wales—specifically, in cases where the victim and perpetrator were both from Black and racially minoritised communities. However, although the College of Policing (CoP) and the Independent

Office for Police Conduct assessed the super-complaint as eligible for investigation, they have not yet provided any timelines indicating when the investigation will be completed. The Halo super-complaint details nine key failures in police responses to reports of sexual abuse within Black and racially minoritised communities. The charity claims that individually and cumulatively, these failures demonstrate the ineffectiveness of police investigations of sexual abuse cases in these communities and materially dent community confidence in the police's commitment to properly investigating these serious allegations. The super-complaint highlights barriers created by the police that hamper sexual abuse investigations in these communities. These include, but are not limited to, the following:

- an 'overuse of voluntary suspect interviews', where alleged perpetrators can attend police interviews at their own convenience
- the 'failure to consider honour-based abuse' when complainants face family reprisals in response to the abuse.
- a 'disproportionate focus on community impact'.

In particular, the Halo Project identified police failure to consider honour-based violence a key impediment to justice for Black and racially minoritised victims.

Sexual Abuse Prevalence and Reporting

The Crime Survey for England and Wales (CSEW) for the year ending March 2020 estimates that 773,000 adults aged 16 to 74 years were victims of sexual assault (including attempted assault). There were almost four times as many female victims (618,000) as male victims (155,000) (ONS, 2021a, 2021b). Although the volume of sexual offences recorded by the police has almost tripled in recent years, the latest figures for the year ending March 2020 show a decrease of 0.7% to 162,936 offences compared with the previous year's figures. While changes in police recording practices and victims' willingness to report are likely to result in annual variations in the number of offences recorded by the

police, that figure nevertheless remains well below the number of victims estimated by the Office for National Statistics (ONS) survey (2021a, 2021b). Latest estimates from the CSEW show that fewer than one in six (16%) female victims and fewer than one in five (19%) male victims aged 16 to 59 years who had been sexually assaulted by rape or penetration since the age of 16 years had reported their abuse to the police (ONS, 2021a, 2021b).

The reasons why people fail to report sexual abuse are varied and complex. According to Lorenz, Dewald and Venema (2021), most sexual assault victims make the conscious decision to *not* report to the police. Concerns about police response appear to feature prominently in victims' decision-making processes and include lack of trust in criminal justice agencies, concern about not being taken seriously and fear of being revictimised by the police's handling of the case (Stern 2010). As Gill and Harrison (2017) state, while these barriers transcend individual characteristics, they are nonetheless compounded by the multiple aspects that form an individual's identity, such as gender, age and ethnicity.

Police Responses to Black and Racially Minoritised Sexual Abuse Victims

In the UK, the relationship between the police and Black and racially minoritised communities has a chequered history, and institutional racism is often cited as a fundamental reason for this. Research consistently shows that those from 'Asia, Africa and the Islands of the sea' are less satisfied with their experiences of the police than their White counterparts (Bowling et al. 2008: 611). Some of the many reasons for this dissatisfaction can be attributed to the way the police handled the racially motivated murder of Black teenager Stephen Lawrence in 1993 and the ongoing overuse of stop-and-search powers against Black and racially minoritised communities. Distrust of the police is exacerbated by the disproportionate number of Black deaths in police custody: Black people account for just 3% of the population, yet they comprise 8% of deaths in custody. In addition, Black people are 18 times more likely

to be stopped under Section 60, according to an analysis of the official figures by the Liberal Democrats (Dodd, 2020; Harrison and Gill, 2017a, b).

This pattern of distrust and ineffective policing is also apparent in the context of domestic violence. For example, Belur's research (2008) raised concerns around the policing of such incidents in Asian communities, arguing that institutionally racist practices compounded the ability of police forces to appropriately respond to Asian victims of domestic violence. Consequently, many South Asian women opt to use informal support services or report directly to domestic abuse services (Imkaan, 2008, 2020), thus bypassing the need for police contact. At present, limited research has been conducted on police responses to reports of sexual abuse when both the victim/survivor and the perpetrator are members of Black and racially minoritised communities; consequently, little is known about the social wider impacts these responses might have (Gutierrez and Chawla, 2017).

Key Findings Regarding Police Response Failures

In preparing its super-complaint, the Halo Project found that police responses to reports of sexual abuse within Black and racially minoritised communities fall far short of acceptable standards. It contends that such inadequate responses have a detrimental impact on these communities by deterring Black and racially minoritised sexual abuse victims/survivors from reporting to the police, a situation that compounds the already low levels of reporting among these victims. These inadequate responses create a sense of injustice and a lack of safety among community members; furthermore, Black and racially minoritised perpetrators feel able to continue carrying out their abuse without fear of prosecution.

In the process of producing the super-complaint, the Halo Project had the opportunity to work with victims/survivors of historical familial sexual abuse. These individuals shared their stories of abuse in many meetings, interviews and informal conversations, and the experiences they recounted clearly demonstrate the extent to which they were failed

by the criminal justice system, particularly the police. The Halo Project's research identified these key failures in police responses to reports of sexual abuse within Black and racially minoritised communities, and these failures are summarised below.

Using voluntary suspect interviews

The CoP's Authorised Professional Practice (APP) guidance includes information about how police officers should deal with child sexual abuse (CSA) investigations. It states that 'the timing, coordination and extent of any arrests, potential victim or witness approaches, research enquiries (including with multi-agency partners) and evidential searches could, if not properly considered, have a detrimental effect on evidence gathering and, subsequently, on any prosecution (e.g. by alerting suspects)' (CoP, 2018). Despite this guidance, the use of voluntary suspect interviews has risen significantly in recent years and is proven to have a negative impact on victims. In particular, voluntary interviews take away the police's power to use bail and impose conditions, leaving victims/survivors who have reported their abuse vulnerable to potential violence and intimidation from their perpetrators and others. Furthermore, voluntary suspect interviews may detrimentally harm the investigation by inadvertently giving suspects the time they need to collude with others and destroy key evidence, such as that stored on phones or laptops.

Not Considering Honour-Based Abuse a Safeguarding Concern After Reporting

The CoP (2017) defines honour-based abuse as follows:

an incident or crime involving violence, threats of violence, intimidation, coercion or abuse (including psychological, physical, sexual, financial or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/ or community for alleged or perceived breaches of the family and/or community's code of behaviour.

Many sexual abuse victims/survivors from Black and racially minoritised communities may be vulnerable to honour-based abuse from their family and wider community after they report sexual abuse, as their reporting may be seen as bringing dishonour and shame to their family and/or community—especially when the perpetrators belong to that same family and/or community. The Halo Project’s research identified a theme whereby the police a) failed to identify particular behaviours as honour-based abuse and thus failed to understand the level of risk present and b) failed to act and adequately safeguard victims following reports of abuse.

Not Keeping Victims/survivors Informed After Reporting

According to the Victims’ Code, victims of crime are entitled to be kept updated about their case and the police investigation. In particular, they have statutory rights to the following:

- a written acknowledgement of the crime reported (a letter, email, text or handwritten document) that includes the basic details of the offence
- a clear explanation of what to expect from the criminal justice system
- information about how often they will receive updates on the status of the case following discussions with the police
- an explanation, within five working days of reporting, of a police decision not to investigate a crime.

Gill, Cox and Weir’s (2018) research suggests that the police were not meeting their statutory obligation, as per the Victims’ Code (2015/2020), to keep victims/survivors informed during the investigation process. Many of the victims/survivors in this study reported constantly having to chase the police for updates, which caused significant distress and a sense that their case was not being taken seriously. They also experienced a lack of empathy from the police that compounded their distress. Similarly, victims/survivors were not given adequate information during the prosecution process. In particular, the

police and Crown Prosecution Service (CPS) did not discuss special measures with victims/survivors, make them aware of their entitlements or provide relevant trial updates, such as letting them know why/when a trial was adjourned.

Disproportionately Focusing on Community Impact

In her report into the investigation of child sexual exploitation (CSE) in Rotherham, former Victims' Commissioner Louise Casey addresses in depth what she calls 'the race factor'. The report interviews conducted by key partners, including voluntary sector workers and police officers, make clear how significantly race has shaped the police and council's responses to reports of CSE. According to one voluntary sector worker:

The issue [of CSE perpetrators] was predominately Asian men and they were scared that this would cause a problem. We would tell them that in the forums and they were uncomfortable. Stats on ethnicity were taken out of presentations. There was resistance to focusing on who the perpetrators were. (Casey 2015: 32)

A former key partner echoed this belief:

The number one priority was to preserve and enhance the [Pakistani heritage] community—which wasn't an unworthy goal, but it wasn't right at the time. It was difficult to stand up in a meeting and say that the perpetrators were from the Pakistani heritage community and were using the taxi system—even though everyone knew it. (Casey 2015: 35)

Senior and lower-ranking police officers and frontline voluntary sector workers seemed to share this view:

They wanted to use any other word than 'Asian males'. They were terrified about [the effect on] community cohesion. I got this sense from overhearing conversations between [senior members] and [senior officers] ... they were terrified of the BNP [British National Party]. (Casey 2015: 35)

Casey aptly sums up the impact of this attitude on both the Pakistani community and the victims/survivors:

Rotherham's suppression of these uncomfortable issues and its fear of being branded racist has done a disservice to the Pakistani heritage community as well as the wider community. It has prevented discussion and effective action to tackle the problem. This has allowed perpetrators to remain at large, has let victims down, and perversely, has allowed the far right to try and exploit the situation. These may have been unintended consequences, but the impact remains the same and reaches into the present day. (Casey 2015: 36)

The super-complaint indicates that this kind of disproportionate focus on community impact overlooks the specific experiences of victims/survivors in favour of homogenising diverse communities and can thus seriously compromise sexual abuse investigations.

Failures at Trial

Those interviewed for the super-complaint believed that the heritage of their perpetrators played a significant role in how police handled their case. They felt that the police seemed disproportionately focused on how their investigation of a complaint involving members from a particular ethnic community may have affected community cohesion rather than on addressing the victim/survivor's wellbeing and safety. Furthermore, all the victims/survivors interviewed believed that their own racial background, coupled with the police's lack of cultural awareness and 'political correctness', negatively influenced the treatment they received.

However, the Victims' Code states that victims of crime are entitled to enhanced support throughout the criminal justice process if they are:

- victims of the most serious crime (this includes a sexual offence)
- persistently targeted victims
- vulnerable or intimidated victims (Ministry of Justice 2015).

It also states that victims of crime who are vulnerable or intimidated witnesses are entitled to have special measures made available to them so that they can give their best evidence in court. These measures include:

- screens/curtains in the courtroom (and, in some cases, the public gallery) so the witness does not have to see the defendant
- a live video link that allows a witness to give evidence away from the courtroom (i.e. from a separate room within the court or via a dedicated live link site outside the court building)
- the ability to give evidence in private (the public gallery can be cleared in cases involving a sexual offence or human trafficking, or where the court is satisfied that someone other than the accused may seek to intimidate the witness)
- removal of wigs and gowns by judges, defence and prosecution advocates
- the ability to give video-recorded statements—these allow a witness to use a pre-recorded video statement as their main prosecution evidence (Ministry of Justice 2015).

Case Study 1: ‘Shoiab’, British Pakistani Male [Police Area A]

Between the ages of five and nine years old, Shoiab was sexually abused by his three maternal cousins. The abuse first began after Shoiab moved to Pakistan with his mother and siblings for around 18 months between 1969 and 1970. The cousin who perpetrated the abuse during this period was around 13 years old. When Shoiab returned to England, he began to be sexually abused by two of his other cousins, who were the older brothers of the initial perpetrator in Pakistan. This abuse occurred regularly and continued for many years in a variety of different locations, including a slaughter house, a flat above the shop where Shoiab and his cousins worked, and in Shoiab’s own home; it often occurred while Shoiab’s mother and sisters were in the next room, although they had no idea the abuse was taking place. Shoiab stated that the abuse was often premeditated: his cousins would take him out and buy him gifts

before abusing him. Shoiab revealed that the first time his own father brought him a gift—a watch—years after the abuse had ended, Shoiab's initial reaction was crippling fear that this meant his father would violate him. The abuse stopped when the eldest and most prolific abuser married Shoiab's older sister and told Shoiab that he had 'no further use for him anymore'.

Shoiab struggled in silence for years before making his first disclosure to his partner in 2003. He then made further disclosures to his sons and a family friend in 2007/8. In early 2010, Shoiab disclosed to a doctor at a medical centre. Weekly consultations with the doctor resulted in Shoiab revealing the details of his abuse in much more depth than in his previous disclosures. Once the doctor realised that the perpetrators were UK residents and were still in contact with children from Shoiab's family, she began urging Shoiab to inform the police.

Shoiab then made the decision to contact an officer who was also a friend—PC Welsh—to informally discuss what had happened to him. Shoiab was subsequently put in touch by PC Welsh with DC Marilyn, who encouraged him to make a formal statement attesting to the abuse so that the case could be brought forward. On multiple occasions, the police told Shoiab that his case would be a landmark one, as it is very uncommon for a male to report sexual abuse to the police and even more uncommon for an Asian male to do so. Shoiab wanted personal justice, but he also wanted to help the wider community, and he hoped that his decision to formally disclose would encourage other victims/survivors to follow suit. Shoiab stated in various meetings with the Halo Project that his own experiences of abuse were not isolated incidents but that no one in his community spoke up about sexual abuse, and he hoped his case could help lift this veil of secrecy. In July of that year, Shoiab spent more than five harrowing and traumatic hours giving his formal statement, articulating his abuse in as much excruciating detail as he was able to.

Key Failure 1: Using Voluntary Suspect Interviews

After Shoiab gave his statement, police assured him that the suspects would be questioned promptly. The next day, child protection took

away the children who lived with the suspects. However, it then took more than three months for the police to bring those suspects in for questioning; when this finally did occur, it was via an appointment the suspects made themselves. During that three-month period, the suspects were able to collaborate, rehearse their stories and contact lawyers, and an uncle of the youngest suspect was able to travel to Pakistan and return to England with falsified documents stating that he had been younger than 13 at the time of the alleged abuse.

Clearly, the APP guidance about how to handle CSA cases was not followed in this instance. In addition, because the suspects were interviewed voluntarily, the police's power to impose bail conditions was lost. As a result, Shoiab's abusers were able to approach him in the lead-up to the trial. As this case illustrates, the use of voluntary interviews not only potentially reduces the strength of the investigation and chances of a successful prosecution but also puts the victim/survivor at risk and so undermines or negates the intent of the Victims' Code.

Key Failure 2: Ineffective Use Police Resources and Under-Resourcing

DC Marilyn, who took Shoiab's formal statement alongside DC Heath, was removed from the case without any explanation to work 'elsewhere' when the investigation began. DC Heath was thus the only detective assigned to the case. Shoiab explained that his meetings with her were frequently cut short due to her personal commitments. He described one incident in which DC Heath said the police could not contact the farmer, Mr Brooks, who owned the slaughterhouse where Shoiab had been abused because they did not have an available police car to travel to Mr Brooks's farm in Area D. According to Shoiab, during an internal review meeting after the trial, Second in Command of Police Area A along with PC Adams and PC McCormack confirmed that the investigation was under-resourced by as many as three to four detectives, again demonstrating that Shoiab's case was clearly not handled in line with the official guidance.

Key Failure 3: Not Keeping Victims/survivors Informed After Reporting

Shoiab made clear that the police officers he encountered during the investigation and after the trial did not conduct themselves with professionalism or empathy. For example, he described one incident in which he pressed an officer to answer questions about the investigation—question Shoiab had asked repeatedly to no avail—only to be told that he needed ‘mental help’. In addition, during the internal review meeting, Shoiab was told that the police had made some mistakes but that Shoiab now needed to ‘get on with his life’.

Key Failure 4: Not Considering Honour-Based Abuse a Safeguarding Concern After Reporting

The notions of culture, *izzat* (honour) and shame represent some of the most substantial reasons why Asian victims/survivors are less likely to report sexual abuse than their White counterparts. Many members of the Asian community feel that reporting sexual abuse will bring shame to themselves and their families and that the abuse is better kept a dirty secret. This reluctance is often compounded by family and wider community pressure not to report. Fear of the consequences of going against this pressure, which can range from ostracism to honour-based abuse and forced marriage, also plays a part in the decision not to report.

In their study *Policing the Culture of Silence*, Harrison and Gill (2017a, b) found that aspects of community policing still suffer from institutional racism. They quote an officer describing the distinction he made between the seriousness of reporting consequences in Asian and White British communities:

People tend to fall out over matters within the white British community, or what you might call it, but don't tend to take any retribution, in my experience. Whereas I tend to find there is a very real-life threat of retribution within the South Asian community. (Harrison and Gill, 2017a, b: 8)

Shoiab experienced—and continues to experience—abuse, intimidation and harassment from the Asian community as a result of disclosing to the police. During the investigation, he was directly approached on numerous occasions by community elders who stated he must drop the charges and ‘forgive’ the accused. Some even asked him, ‘But did you enjoy [the abuse] at the time?’ He recalled a relative of the accused travelling from South of England to pressure Shoiab into retracting his allegations. Shoiab was even approached by the perpetrators themselves, who attempted to force him to drop the case. He explained that he was ‘subject to emotional blackmail and threats’ and, when these did not work, was ‘offered a blank cheque’ to drop the charges. Shoiab reported each of these incidences to the police, and yet they did nothing tangible to prevent further abuse or mitigate the abuse already committed. He stated that DC Heath ‘resolutely refused to take any action when informed’ and failed to keep the promises she made to ensure the safety of Shoiab and his family. Shoiab ultimately felt that he had no option but to move away from the area where he and his abusers lived.

Fundamentally, the police failed to understand the link between this abuse and community honour. They did not identify Shoiab’s treatment at the hands of his community as honour-based abuse, consider the risk of honour-based abuse in the first place nor act upon Shoiab’s reports of further abuse/intimidation. From the outset, the police should have given serious consideration to any culturally specific safeguarding concerns in this case, particularly given that Shoiab was a Pakistani male who had reported three other members of the Asian community to the police for sexually abusing him over many years and that he was subject to threats and harassment from the wider community after reporting. The police also failed to consider the potential of community collusion. One member [‘Riaz’] of an independent advisory group in Police Area A was a relative of both Shoiab and the perpetrators. Shoiab explained that during the investigation process, Riaz contacted Shoiab’s friends to make threats against him and spread false information about him. Shoiab reported this to DC Heath, who said there was nothing she could do. Shoiab also believed that Riaz held information that only the police should have known and shared it with a witness for the prosecution.

Failure 5: Disproportionately Focusing on Community Impact

The ‘Rotherham effect’ was starkly apparent in Shoiab’s situation (Halo 2020: 20). He believed that the Pakistani heritage of his perpetrators strongly influenced how the police dealt with the case. The officers involved seemed concerned about how their investigation of a complaint involving Pakistani suspects would affect community cohesion and, more importantly, how it would influence their institutional relationship with the Pakistani community. From Shoiab’s perspective, the police prioritised these concerns over his safety. For example, after spending five harrowing hours giving his statement, the first thing DCs Marilyn and Heath asked Shoiab was if he could ‘foresee any hindrance from the community in picking up the accused?’ and whether he thought the community might react violently to police involvement. Shoiab was understandably upset by these questions at this stage, given that, according to Shoiab, ‘DC Heath had [already] made it clear that the accused had not been picked up due to concerns over community impact’. Shoiab also felt that the police had failed to act on the harassment and intimidation he received from the Pakistani community after reporting because they did not want to harm their relationship with that community, a particularly large and entrenched one in that area of the UK.

Failures at Trial

At their subsequent trial, none of the three perpetrators was found guilty of sexual abuse. Shoiab must live with the fact that they can now continue their lives freely despite the destruction they have caused in his. This outcome is partly the result of the significant failures that occurred during the trial. While these failings are not solely attributable to the insufficient police response, they are nonetheless part of a pattern of failures associated with trials involving Black and racially minoritised sexual abuse victims/survivors. In this case, Shoiab and his family harboured particular concerns over the quality and neutrality of the interpreter

present at the trial. The interpreter made comments to a security guard that the 'case is all about money', and when this was reported to the clerk, no action was taken. Furthermore, the interpreter was observed answering questions himself, reading aloud answers from a diary in court instead of purely interpreting the words spoken by the defendants and having lengthy discussions with the defendants during trial proceedings rather than purely interpreting their words.

Shoiab and his family also felt that the judge allowed inappropriate comments to be made during the trial proceedings. For example, he recalled the defence barrister asking him if he made his abuse allegations because he was angry that the Asian community did not accept the fact that he had a 'White woman [partner] and kids. Shoiab found this exceedingly offensive and racist, yet the judge said nothing. In addition, during her summing up of the case, the judge informed the jury that the defendants had no previous convictions; for Shoiab, she delivered this information in a manner that inferred he did have previous convictions or that the defendants' lack of previous convictions was relevant. Shoiab and his family believed that the judge seemed to have more empathy for the defendants than for them. Shoiab also felt let down by the prosecution barrister, who was given the case no more than two weeks before trial because the original barrister was unable to attend. As a result, he did not seem 'up to speed and missed opportunities to probe witnesses further'. For example, Mr Brooks, the slaughterhouse owner, appeared as a defence witness. Under questioning, Mr Brooks seemed more concerned with demonstrating that he had adhered to all of the relevant farming laws, and the prosecution barrister failed to steer him towards more germane ground.

Case Study 2: 'Zak' (British Pakistani Male), 'Saima' (British Pakistani Female) and Their Brother 'Haris' (British Pakistani Male), [Police Area B]

Siblings Zak, Saima and Haris were victims/survivors of familial CSA. 'Haris' is a pseudonym, as he did not wish to be directly named in the super-complaint but was happy for his experiences to be included in this case study. The assessment of the police response presented below is therefore based on all three victims/survivors' experiences and feelings. As children, Zak and Haris were subject to abuse perpetrated by both their maternal uncle and their mother's cousin. Saima was abused by her uncle when she was nine years old, 11 years old and 19 years old. Zak was 10 years old when the abuse began and 13 when it ended. Haris was six years old when the abuse began and 10 when it ended. Zak kept his abuse a secret until 2002, when he disclosed his experiences to friends. Like Shoiab, he then disclosed to a medical professional, telling his GP in October 2016. Then, in March 2017, Zak told his family, and in April 2017, he disclosed to the police. Saima made her first disclosure to her aunt in Pakistan when she was 11 years old, but her aunt did nothing with this information. In 2010, she disclosed the abuse to a therapist. In 2016, she disclosed the abuse to her mother and Haris. She went to the police in July 2017. Haris made his first disclosure to Saima and his mother in 2016, at the same time Saima told them about her abuse; in July 2017, he also went to the police.

Failure 1: Not Considering Honour-Based Abuse a Safeguarding Concern After Reporting

Following their disclosure of sexual abuse to the police, Zak, Saima and Haris were ostracised from their wider family and community and subjected to honour-based abuse. The police failed to clearly identify this treatment as honour-based abuse and thus failed to understand the level of risk it presented; they also neglected to act on reports of the

abuse. These failures left all three victims/survivors feeling unsafe and vulnerable.

Zak explained that one of the abusers was their mother's younger brother, which meant that:

The family were against us throughout and still are. We were very intimidated, scared and frightened on many occasions by the family and mostly by [one of the perpetrator's older brothers], who is a committee member of the mosque in South West England.

Zak stated that he and his siblings tried to make the police understand that they were experiencing honour-based abuse because by reporting their CSA, they were perceived by the community as having compromised their family's honour:

We tried on several occasions to explain and make the police understand the consequences of the [mother's] older brother's influence and intimidation tactics, but it was always disregarded and never taken seriously. He is still using these tactics and yet the police are sitting on their hands. I just hope that nothing has to happen for them to realise how it affects us daily.

Saima described one occasion when her ex-husband called to pressure her into retracting her statement, telling her that he was glad she had been raped. According to Zak:

She rang me, distressed and crying, to explain what had happened. I called him [the ex-brother-in-law] but knowing that there was an active case going on, I was very careful in what I said yet firm in telling him not to contact us.

He then described the shocking response he received from Police Area B:

I informed Police Area B of the situation and to this date nothing has been done about it. I was instead called by Police Area B and told not to speak to my ex-brother-in-law or they would arrest me. After an hour

of explaining the situation, he [officer from Police Area B] still would not listen or investigate the situation of witness intimidation.

The siblings also received death threats on Facebook from family members of the perpetrators. Yet still, 'Police never took the death threats seriously and every time we contacted them, we were not helped at all'. The siblings detailed one incident in which a police officer said 'What do you want us to do?' in response to an abuse report. Sam explained:

We told our case officer who said if we start going in for 'tit for tat' the courts will not look into the case, but more into these particular incidents and this could affect our case. We then had more threats, but it just seemed pointless telling the police.

At no point did the police classify the treatment to which Zak, Saima and Haris were subjected as honour-based abuse, which demonstrates their failure to understand the level of risk the siblings faced from their family and community. Furthermore, the police never acted upon reports of the abuse to ensure the siblings' safety. Saima continued receiving abuse from her ex-husband as a result of her disclosure to the police. She recalled him telling her, in October 2018, that if he ever saw her outside, he would kill her. Saima did not report this threat to the police because she did not believe, based on their past inaction, that they would respond to it appropriately.

Haris also faced continued threats. In April 2021, when he uploaded a photo of his child to Facebook, someone posted an image beneath it that showed a person covered in blood and a threat written in Urdu. Haris, like Saima, did not report this incident to the police because he did not trust that they would take it seriously or act upon it. By this stage, Haris felt unable to see his friends and family in South West England because he did not feel safe there: 'I regret reporting my abuse to the police, totally and utterly.' The siblings concluded, 'we are still suffering abuse from the community and we don't know who to turn to as we now realise the police will not help'.

Failure 2: Not Keeping Victims/survivors Informed After Reporting

Despite the rights to which they are entitled under the Victims' Code, Zak, Saima and Haris revealed that they were constantly having to chase the police for updates, spending hours on the phone and having to speak to numerous different officers to obtain information about the case and their reports of honour-based abuse:

We had spoken to several police officers and were given numerous crime numbers when we reported incidences of abuse and intimidation and yet to this day, the police have failed to provide us with any updates about what they are doing.

Zak reported receiving death threats on Facebook from a perpetrator's family member to the police. He was understandably very concerned about these threats and about the safety of his children. Despite Zak's very real worries about this apparent death threat, the police failed to keep him updated with their response to it and he had to keep contacting them to find out what developments, if any, had occurred. Eventually, Zak was told that the individual sending the threats was in Pakistan and thus constituted no immediate risk. Zak stated that if the police had communicated this fact to him straight away, rather than waiting for him to chase them for answers, he would not have had to endure so much anxiety.

For Saima, too, it was virtually impossible to receive updates from the police, as they never contacted her. She said this treatment of her case made the whole process even more distressing, and it was a significant reason why she would not recommend that a friend report a crime to the police. Saima wished that she had never involved the police in the first place.

Failures at Trial

Ultimately, both perpetrators were successfully prosecuted. The siblings' uncle was sentenced to 10 years in prison and their mother's cousin

was sentenced to six years. However, during the prosecution process, the police and the CPS gave Zak, Saima and Haris little to no information. Most particularly, they were not made aware of the special measures that could be used in court, nor were they kept fully informed of developments in the court case (for example, when/why the trial was being adjourned or why the jurors were dismissed). In an already stressful and difficult situation, these failings made them feel even more unsupported and anxious about the trial. Given that all three siblings were sexual abuse victims/survivors and had experienced intimidation as a result of reporting their abuse to the police, they should have automatically received enhanced support throughout the criminal justice process as per the Victims' Code. That they did not indicates a serious shortcoming in police safeguarding procedure in this case.

It is the responsibility of the police and the CPS to consult with victims/survivors about what special measures are available and what measures they may wish to have applied. Despite this obligation, Zak, Saima and Haris were not informed of their special measures entitlements. The police had told the siblings during the investigation stage that if they became witnesses, the public gallery would be closed when they gave evidence—yet just two weeks before the court case began, the usher informed the siblings that such closure never happened and the public gallery would have to remain open. Receiving this information at this late juncture understandably caused significant distress, particularly to Saima, who came very close to not proceeding with the trial due to her anxiety about who would be in the public gallery watching her give evidence. Indeed, those present in the gallery during the trial included the very same relatives of the perpetrators and members of the community who had subjected Zak, Saima and Haris to honour-based abuse. Throughout the court case, these individuals were seated right behind the siblings.

Zak, Saima and Haris were left so uninformed about any developments or changes during the prosecution process that Sam felt he was being treated 'like someone who had no involvement in the case'. He continued:

The trial was adjourned every month and it took six months before sentencing was passed. Going back and forth with no explanation as to what was going on was mentally and physically exhausting, not to mention the difficulty in continuously trying to resource multiple trips to court.

On one occasion we went to court and the guard at the door had to tell us we were not on today and it was only after ringing the police and witness care that we were told it was cancelled.

The siblings also felt that they were not given any practical information by the police during the prosecution process. According to Zak:

I was not made aware of times or places to arrive in court and nearly got arrested for going in with the jurors.

Three days into our uncle's trial we were told that the jurors had been dismissed and that they cannot tell us anymore and we need to go home. The next day I get a call from the head of CID [Criminal Investigation Department] saying my uncle has pleaded guilty to a lesser charge. He told me my brother and sister have agreed to this lesser charge and they are now just waiting on me. He told me I had 30 minutes to make the decision. I called my brother and sister, who tell me that they agreed because the police officer had told them I had already agreed. I called the head of CID back, who explained that we might lose the case if we do not agree to the lesser charge. He could not explain any legalities, such as whether my uncle could appeal. He just wanted me to accept the lesser charge. After an hour of hell, we accepted the lesser charge as we were told by the police the CPS were going to accept it either way so we had no choice. Nothing was actually explained to us. With no legal explanation or advice how could we be forced to make a decision of such magnitude in 30 minutes?

Zak, Saima and Haris felt that the officer in this situation behaved unprofessionally by lying to all three parties about who had already agreed to a lesser charge in an attempt to pressure them into agreeing with this charge as soon as possible.

The Effects of Systemic Police Failures on Victims/Survivors of Sexual Abuse

As the striking similarities in the cases above demonstrate, systemic failures in police handling of sexual abuse cases, particularly those that involve victims/survivors from Black and racially minoritised communities, can have serious consequences for those who report their abuse. Impact statements from the victims/survivors in these case studies powerfully capture the devastating and long-term ramifications of these systemic failures—and of the police's failure to own their mistakes.

For Zak, the police response he received compounded his mental health difficulties:

Hurt, scarred, scared to move forward in my life. I think about ending my life every day and then to endure this with services who are supposed to help us. The police forces are not performing to what they should be doing.

Zak said he was made to feel like a criminal:

As a victim I have felt through the investigation and trials like I was the criminal. No information, no correct communication, no support. Please, please, please can someone answer me this, why was I treated this way?

Shoiab felt that disclosing his abuse left him in an even worse position than he was in before:

Going to the police and the following investigation and trial traumatised me so heavily that I found myself in a worse situation than ever. The failings of the police and CPS resulted in the abusers being acquitted and my feeling of total injustice was overwhelming.

Following the trial I have had many meetings with the police at medium and higher levels and the outcome is similar to the response of the Asian community. Comments like 'although we (the police) have made mistakes, you need to get on with your life'. 'Steve Gregory' [a police officer involved in Shoiab's case] made the comment that most shocked

me in front of seven or eight family members and friends that I needed 'mental help'. I have been monitored on a regular basis by two successive GPs for nine years now and this is set to continue indefinitely. I have been declared unfit for work by my GP due to depression and emotional problems. This shows no sign of changing soon.

'Giles', a close friend of Shoiab, also provided a statement explaining the impact of the police response to Shoiab's case:

Shoiab was clearly now in a worse emotional position than ever and we would regularly meet up just to chat over things. I became involved in meetings with Shoiab called by the police as due to pressure they finally admitted that they had made mistakes. I'm sure the police now find the content and narrative of these meetings particularly embarrassing. The whole upshot was that it seemed to be an exercise in making Shoiab feel better by praising him in an attempt to keep the lid on the whole thing.

Evidence of Systemic Failures in Cases Involving Victims/Survivors From Black and Racially Minoritised Communities and Their Implications

The Halo Project's research and super-complaint are not the only evidence that police failures run far deeper than the failings highlighted in the above two cases. For example, research conducted by the Muslim Women's Network UK reveals that during the prosecution process, abuse victims/survivors lacked information from the police and CPS about trial updates and special measures that could/ought to be put in place (Gohir, 2019). Gohir (2019) also identifies police failure to identify particular behaviour as honour-based abuse and to adequately safeguard victims/survivors. A super-complaint made by the Centre for Women's Justice in 2020 discusses the use of voluntary suspect interviews from the perspective of how they might affect the safety of victims/survivors who have reported their abuse: when a suspect is interviewed voluntarily, the police have no power to impose bail conditions (Ofer, 2019). As Shoiab's

case demonstrates, if the suspects had not been voluntarily interviewed, bail conditions would have been imposed and these might have deterred them from indirectly and directly contacting Shoiab to intimidate and harass him into dropping his charges.

Victim Support's 2011 *Left in the Dark* report focused on whether police keep victims/survivors informed about their case to an acceptable standard (Victim Support, 2011). More than 10 years ago, this report addressed why this high level of communication is imperative and noted the detrimental impact of keeping victims/survivors in the dark. Such lack of information can lead to victims becoming revictimised and fearing for their safety. Poor communication can have as significant an effect on victims/survivors' confidence in the police as their perpetrators being brought to justice. The experiences of Zak, Saima and Haris also strongly support that finding. Devastatingly, the police's lack of communication with the siblings led Saima and her brother to wish they had never reported the abuse to begin with. Failing to communicate with victims/survivors after they report these kinds of crimes may affect victims/survivors' perceptions of case management and contribute to their feeling uncertain and isolated, which can worsen the distress caused by the crime itself and harm the public interest in terms of procedural justice. Nonetheless, similar to the Halo Project's findings, *Left in the Dark* revealed that victims/survivors' needs and desires to be kept informed have long gone unmet, and this situation does not appear to be changing.

Inadequate police responses to reports of sexual abuse from Black and racially minoritised victims/survivors have far-reaching impacts: when victims/survivors lack confidence in the criminal justice system, they do not report their abuse nor receive the support and justice they deserve (EVAW 2021; Victims Commissioner 2021). Most crucially, a belief that their cases have been poorly managed can lead individuals who have reported abuse to deter other victims/survivors in those communities from disclosing, consequently allowing perpetrators to continue their abuse, confident in the knowledge that they will not be held culpable.

Remedying Systemic Failures

In addition to echoing some of the findings in the reports mentioned above, Harrison and Gill (2017a, b) attribute such failures to a lack of adequate police training. They conclude that as long as culturally specific training falls short of acceptable standards, victims/survivors are and will continue to be left vulnerable. While many of the police officers interviewed by Harrison and Gill (2017a, b) acknowledged that shame and dishonour play a large role in South Asian culture, they also revealed that there are little to no sound training processes in place that can help police officers understand South Asian culture and honour-based abuse. Harrison and Gill's (2017a, b) research concluded that out of the four UK police forces studied, only one had an acceptable level of cultural awareness training. They also found that

individual police officers are not passive agents awaiting the next policy edit on how to police diverse communities and do not act in completely risk-averse ways around Black and racially minoritised communities. Rather, they noted innovativeness and creativity at work in terms of how officers are engaging with this particular ethnic group and how the police can be a force for good in challenging victimisation and vulnerability and, in turn, driving through change. (Harrison and Gill 2017a, b: 15)

Ultimately, if such strengths are to be built upon and disseminated to all police forces, stronger training is required.

Conclusion

Deciding to come forward as a victim of sexual abuse, regardless of gender or race, is an incredibly difficult and brave step to take. However, victims/survivors from Black and racially minoritised communities who decide to report sexual abuse perpetrated by members of their own community often face different, specific and even more complex barriers than those confronting their White counterparts. All victims/survivors who put their trust in the criminal justice system deserve to be treated

with respect and to feel confident about how the police will handle their case. However, the Halo Project's super-complaint, along with other studies, suggest that the police often fail to adequately respond to reports of sexual abuse from Black and racially minoritised communities. The case studies explored in this chapter reveal deep systemic failings on the part of the police that are adversely affecting both individual Black and minoritised victims/survivors and the communities of which they are a part. The terrible experiences of victims/survivors such as Shoiab, Zak, Saima and Haris inevitably and understandably damage their faith in the criminal justice system and deter future reporting; these experiences also compound the victimisation that is already more pronounced for Black and racially minoritised individuals due to the intersecting inequalities they face.

While this chapter has highlighted the experiences of victims/survivors served by both Police Area A and Police Area B, the wider studies included here represent a national problem. They not only provide evidence that systemic failures exist across a number of police forces but also that systemic change is urgently needed if victims/survivors of sexual abuse from Black and racially minoritised communities—and, indeed, from any communities—are to receive the response they deserve from the police when they report their abuse. In order to support and encourage discourses related to sexual abuse and police reform, responses to these crimes need to include a national police training program to ensure that all officers possess detailed knowledge of the other cultures that exist in Britain today. This program should not simply take the form of diversity training—stand-alone diversity training that is divorced from community contexts is not going to fix the problem because it carries the risk of simply affirming people's existing biases. Rather, cultural awareness training that can enable police forces to develop a deeper understanding of the cultural contexts in which Black and racially minoritised community victims/survivors live is essential if the police are to properly investigate honour-based abuse, forced marriage and female genital mutilation and to understand how these link to sexual abuse.

Furthermore, change clearly needs to be implemented in a number of specific areas in order to address the failures explored in this chapter. First, police officers and the criminal justice system itself need to take

seriously their statutory obligation, as stated in the Victims' Code, to keep victims/survivors informed and updated during the investigation and prosecution process. There must also be greater accountability when lack of compliance is identified on the part of the police and other actors across the criminal justice system. When it comes to interacting with victims/survivors, police officers need to consider the language they use and ensure they are communicating appropriately and with empathy. Police officers must also seriously consider whether the use of voluntary suspect interviews is appropriate in all sexual abuse cases, particularly in terms of victim/survivor safety and the strength of the investigation. In addition, as it is imperative that interpreters are neutral and professional during both the investigation and prosecution processes, efforts should be made to ensure that interpreters have sufficient cultural understanding and knowledge in CSA cases involving Black and racially minoritised victims. When concerns are expressed about the competence of an interpreter, they must be taken seriously and acted upon if deemed necessary. Finally, a national Black and racially minoritised sexual violence reference group should be established. This group must comprise not only experts and sexual abuse survivors who have lived experience of the current system's failings but must also be able to influence national police guidance and training and to scrutinise cases. It is hoped that the Halo Project's super-complaint will bring us at least one step closer to achieving those ends and producing better outcomes for victims/survivors of sexual abuse nationally.

Note

1. Source: *So-Called Honour-Based Abuse and Forced Marriage: Guidance on Identifying and Flagging cases*. <https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse-and-forced-marriage-guidance-identifying-and-flagging>.

References

- Belur, J. (2008). Is policing domestic violence institutionally racist? A case study of south Asian Women. *Policing and Society*, 18(4), 426–444.
- Bowling, B., Parmar, A., and Phillips, C. (2008). Policing minority ethnic communities. In T. Newburn (Ed.), *Handbook of Policing* (2nd ed., pp. 611–641). Routledge.
- Casey, L. (2015). *Reflections on child sexual exploitation*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418394/Louise_Casey_report_into_CSE_template_format__4_.pdf. Accessed 10 September 2021.
- Centre for Women's Justice. (2020). *Super-complaint by Centre for Women's Justice: Failure to address police perpetrated domestic abuse*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913084/Police_perpetrated_domestic_abuse.pdf. Accessed 15 September 2021.
- College of Policing. (2017). *Forced marriage and honour-based abuse*. <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/forced-marriage-and-honour-based-violence/?highlight=honour%20based%20abuse?s=honour+based+abuse>. Accessed 3 September 2021.
- College of Policing. (2018). *Managing complex child abuse investigations*. <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/complex-investigations/>. Accessed 2 September 2021.
- Dodd, V. (2020). Black people nine times more likely to face stop and search than white people. *The Guardian*. <https://www.theguardian.com/uk-news/2020/oct/27/black-people-nine-times-more-likely-to-face-stop-and-search-than-white-people>. Accessed 7 September 2021.
- End Violence Against Women. (2021). *Victims' Commissioner's survey finds victims' confidence in the justice system is worryingly low*. <https://www.endviolenceagainstwomen.org.uk/victims-confidence-justice-system-low/>. Accessed 15 September 2021.
- Gill, A. K., Cox, P., and Weir, R. (2018). Shaping priority services for UK victims of honour-based violence/abuse, forced marriage and female genital mutilation. *Howard Journal of Criminal Justice*, 57(4).
- Gohir, S. (2019). *Muslim Women's Experiences of the Criminal Justice System*. https://www.mwnuk.co.uk/go_files/resources/Muslim_Women_and_Criminal_Justice_FINAL.pdf. Accessed 7 September 2021.

- Gutierrez, C., and Chawla, S. (2017). *The child sexual exploitation of young South Asian Women in Birmingham and Coventry. Exploring professional insight into young women's hidden journeys, silence and support*. The Children's Society.
- Halo Project. (2020). *Invisible survivors: The long wait for justice. Police response to BAME victims of sexual abuse*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963007/Invisible_survivors__The_long_wait_for_justice.pdf. Accessed 6 September 2021.
- Harrison, K. and Gill, A.K. (2017a). Breaking down barriers: Recommendations for improving sexual abuse reporting rates in British South Asian communities. *British Journal of Criminology*, 58(2), 273–290.
- Harrison, K., and Gill, A. K. (2017b). Policing the culture of silence: strategies to increase the reporting of sexual abuse in British South Asian communities. *Policing and Society*, 29(3), 302–317.
- Imkaan. (2008). *No recourse—No duty to care? Experiences of BAMER women and children affected by domestic violence and insecure immigration status in the UK*. https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a77f9b3bf9708d007261/1642506112688/2008+_+Imkaan+_+No+Recourse+_+No+Duty+to+Care.pdf. Accessed 12 September 2021.
- Imkaan. (2020). *The impact of the dual pandemics: Violence against women & girls and COVID-19 on black and minoritised women & girls*. <https://rap.eccrisis.org.uk/get-informed/reports/reports-archive/the-impact-of-the-two-pandemics-vawg-and-covid-19-on-black-and-minoritised-women-and-girls/>. Accessed 15 September 2021.
- Lorenz, K., Dewald, S., and Venema, R. (2021). “I was worried I wouldn't be believed”: Sexual assault victims' perceptions of the police in the decision to not report. *Violence and Victims*, 36(3), 455–476.
- Ministry of Justice. (2015). *Code of practice for victims of crime*. https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/OD_000049.pdf. Accessed 9 September 2021.
- Ministry of Justice. (2020). *Code of practice for victims of crime*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936239/victims-code-2020.pdf. Accessed 9 September 2021.
- Ofer, N. (2019). Too many rape and abuse victims are being let down by the police. *The Guardian*. <https://www.theguardian.com/commentisfree/2019/mar/21/rape-abuse-victims-let-down-police-women>. Accessed 14 September 2021.

- Office for National Statistics. (2021a). *Sexual offences in England and Wales overview: year ending March 2020*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/sexualoffencesinenglandandwalesoverview/march2020>. Accessed 2 September 2021.
- Office for National Statistics. (2021b). *Nature of sexual assault by rape or penetration, England and Wales: year ending March 2020*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/natureofsexualassaultbyrapeorpenetrationenglandandwales/yearendingmarch2020>. Accessed 2 September 2021.
- Stern, V. (2010). *The Stern Review. A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales*. <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/europe/stern%20review%202010/stern%20review%20-%202010.pdf?vs=655>. Accessed 4 September 2021.
- Victims' Commissioner. (2021). *Victims' experience: Annual survey*. <https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2021/09/VC-2021-survey-of-victims.pdf>. Accessed 14 September 2021.
- Victim Support. (2011). *Left in the dark: Why victims of crime need to be kept informed*. <https://www.victimsupport.org.uk/wp-content/uploads/documents/files/Left%20in%20the%20dark%20-%20why%20victims%20of%20crime%20need%20to%20be%20kept%20informed.pdf>. Accessed 15 September 2021.