Accessible Justice? Rape Victimisation and Psychosocial Disability

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A note on terminology

- “psychosocial disability” - expresses a more than purely medical model of conditions and experiences labelled as ‘mental illness’

- Recognises social factors as ‘disabling’

- Mental ill-health / Intellectual disability
Victimization amongst adults with PSD

MIND 2007 survey of 300 people living with mental distress

- 71% victimised at least once in the past two years
- 34% victim of theft /other financial crime
- 22% physically assaulted
- 10% sexually assaulted
Pettitt et al (2013) survey of 361 victims with SMI

- 45% any crime in past year
- 18% victims of assault
- 23% theft / criminal damage
- 40% of women – rape / attempted rape
- 43% experienced more than one type of crime in the past year
- 962 participants with a psychotic disorder
- 1 in 6 suffered violent victimisation in the previous year (3.5 times higher than the general population)

USA: Teplin et al (2005)
- 936 participants with SMI
- more than ¼ victims of violent crime within the past year (more than x 4 higher than general population)
Impact of victimisation

- Pettitt et al report (2013) –
- Relationship breakdown, financial hardship, physical health, housing problems
- 98% reported emotional or MH problems as a result of victimisation
- 40% female victims (23% male victims) of sexual/domestic violence had attempted suicide
Barriers to reporting

- Fear of disbelief
- Previous dismissive treatment by police
- Fear of being sectioned
- Discouraged by third parties
- Intimidation
Unmet need for support

- Needs not assessed
- Denied access to special measures
- Criminal justice personnel lack training to deal with victims with complex needs
- Problems with identification / reluctant to disclose PSD
Police / prosecutors do not routinely monitor or keep records of people with PSD as victims of crime.

Impact of mental health on case progression has generally not been subject to systematic analysis.
London MPS: comprehensive dataset of all allegations of rape received in April and May 2012 (n=679)

- Full police records of each rape complaint in the sample coded
- Complainant mental health included as an analytical category = 23% of sample
Method

- Multivariate logistic regression analysis of dataset. Significance tests used to identify differences between cases involving complainants with / without recorded mental health conditions

- Limitations: nature and severity of the MHC not recorded; variable may be under / over inclusive
### Findings

<table>
<thead>
<tr>
<th></th>
<th>Recorded MHC</th>
<th>No recorded MHC</th>
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</thead>
<tbody>
<tr>
<td>No-crime</td>
<td>11%</td>
<td>5%</td>
</tr>
<tr>
<td>NFA</td>
<td>45%</td>
<td>38%</td>
</tr>
<tr>
<td>Referred to CPS</td>
<td>13%</td>
<td>21%</td>
</tr>
<tr>
<td>Charged</td>
<td>4%</td>
<td>10%</td>
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Findings: other ‘vulnerabilities’

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<thead>
<tr>
<th></th>
<th>Recorded MHC</th>
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<tbody>
<tr>
<td>Intellectual disability</td>
<td>13%</td>
<td>2%</td>
</tr>
<tr>
<td>Homeless/missing</td>
<td>9%</td>
<td>2%</td>
</tr>
<tr>
<td>Alcohol/drug dependency</td>
<td>14%</td>
<td>4%</td>
</tr>
<tr>
<td>False report</td>
<td>9%</td>
<td>2%</td>
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Findings: case characteristics

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<thead>
<tr>
<th></th>
<th>Recorded MHC</th>
<th>No recorded MHC</th>
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<tbody>
<tr>
<td>Physical resistance</td>
<td>28%</td>
<td>37%</td>
</tr>
<tr>
<td>Inconsistency</td>
<td>17%</td>
<td>9%</td>
</tr>
<tr>
<td>Intoxicated</td>
<td>22%</td>
<td>31%</td>
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Findings: perceived credibility

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<thead>
<tr>
<th></th>
<th>Recorded MHC</th>
<th>No recorded MHC</th>
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<tbody>
<tr>
<td>Police noted doubts about the case</td>
<td>54%</td>
<td>24%</td>
</tr>
<tr>
<td>Police noted doubts about C credibility</td>
<td>37%</td>
<td>17%</td>
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### Findings: victim cooperation

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<tr>
<th></th>
<th>Recorded MHC</th>
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</thead>
<tbody>
<tr>
<td>Police noted difficulty contacting C</td>
<td>28%</td>
<td>21%</td>
</tr>
<tr>
<td>Police noted poor C cooperation</td>
<td>39%</td>
<td>30%</td>
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</tbody>
</table>
Rape complainants with recorded MHCs significantly more likely to:

- experience additional, circumstantial vulnerabilities
- have their credibility explicitly doubted by police officers
- see their case discontinued by the police / CPS
Remaining data gaps

- PSD and attrition – a known unknown

- Absence of reliable evidence base inconsistent with obligations imposed by equality legislation and international human rights obligations
L. Ellison, K. Hohl, V. Munro, P. Wallang, ‘Challenging Criminal Justice? Psychosocial Disability and Rape Victimisation’ *Criminology and Criminal Justice* Online First 1 August 2014

