

‘Walking on egg shells’: Policing sexual offences against men

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Abstract

The aim of this present work is to explore police officers’ experiences and views in respect of male rape. I critically examine the role of the police, and their experiences and perceptions of handling male rape cases. This study presents detailed, in-depth, and rich data from the police in England. The findings are generated from the police, male rape counsellors, male rape therapists and voluntary agency workers. The participants were interviewed and filled out qualitative questionnaires, which were kept anonymous. I ensured that those who were interviewed did not also fill out a questionnaire, as each method addresses issues in a different form. To inform the development of the semi-structured interview schedule and the qualitative questionnaires, I drew on Abdullah-Khan (2008) in order to shape the types of questions that I asked. Overall, this study gained a sample size of 70 participants. In this paper, I solely focus on state agencies’ responses and attitudes toward male rape. From the findings, five distinct themes emerged: (1) level of communications between officers and victims; (2) perpetuation of male rape myths and stereotypes by judges and juries; (3) lack of evidence in male rape cases; (4) attrition in male rape cases; and (5) issues of consent in male rape cases. There are serious concerns in terms of how the criminal justice system deals with male rape victims, resulting not only in poor treatment of the victims, but also increasing the attrition rate and decreasing the conviction rate in male rape cases. I attempt to tackle poor police practice herein.

Keywords

Male rape, male rape myths, attrition, consent, policing male rape

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Introduction

Despite the slow increase in attention being paid to male sexual victimisation more broadly, there still remains a lack of focus on the ways in which the police serve male rape¹ victims in England, UK. I attempt to fill some portion of this lacuna. Why write about the policing of sexual offences against men? Not only are the police the first point of contact for male rape victims and deal with them on an intimate and regular basis, but also older research has documented that the police dismiss male rape allegations and stereotypical attitudes remain entrenched in the police, affecting the ways they respond to male rape (Gregory and Lees, 1999; Lees, 1997; McMullen, 1990; Scarce, 1997). While these important works made these serious claims against the police decades ago, there is very little empirical work that actually explores this nuanced area to examine whether such claims have any validity in current British society. Therefore, with the use of fresh empirical data, this paper will explore the police's experiences of dealing with male rape victims while examining their attitudes toward male rape. I aim to draw together existing evidence that explores male rape along with the policing of this phenomenon, whilst also providing new and original primary data. Bringing together studies from disparate disciplines such as criminology, sociology, psychology, gender studies and law, and providing novel data to add to the current literature on sexual violence is not only original, but also enlightening, permitting deeper insights into the police responses to male rape victims and illuminating the assumptions that underpin the responses.

The way in which the police respond to male rape victims can determine what sort of outcome both the police and the victims get. It is argued that the police still hold a substantial amount of power and that includes the ability to be able to exercise some level of discretion in, for instance, male rape cases. For example, the opinion of Brunger et al. (2016: 1) is that, 'While government reforms have changed policing and attempted to build structures of accountability and mechanisms for performance measurement, because of the nature of their work, supervision and control of the police still allows for substantial discretion.' What this suggests is that the police are able to exercise some form of discretion. It is important, therefore, to examine the level of discretion that the police use when handling male rape victims. This article will provide fresh data to capture the extent of discretion that is applied in male rape cases and whether this is harmful to male rape victims, particularly in the form of secondary victimisation. Brunger et al. (2016) go on to argue that vulnerable people who engage with the police are unprotected. It could be argued that rape victims of both sexes are vulnerable. Do the police increase male rape victims' vulnerability to further abuse? This article does not seek to blame the police, but to recognise inadequacies (if there are any) in them, so that they can be better equipped to manage male rape victims in the short and long term. This is important to do because recent research studies, such as Carpenter's (2009), have found inconsistencies in the ways in which constabularies serve male rape victims. He says:

At present the law enforcement agencies have a tarnished reputation for handling female rape and therefore sensitivity and professionalism in dealing with a male victim is seen as unlikely . . . and [male rape victims] can find themselves being ignored, questioned as criminals or at worst ridiculed . . . Many end up blaming themselves for what has happened. In the first instance the victims will be as desperate to keep it a secret as his attacker [Sic] (no pagination).

Contextualising the issue of sexual violence against men: The hidden taboo

According to recent figures from the Crime Survey for England and Wales in 2013, approximately 75,000 men are victims of sexual assault or attempted sexual assault a year, while 9,000 men are victims of rape or attempted rape each year (Ministry of Justice, 2014a). Similarly, 72,000 males per year are estimated to become victims of sexual offences, whether reported or not (Ministry of Justice, 2014b). Therefore, there has been an increase in research surrounding male rape in recent years: rape in prisons (Lockwood, 1980, 1983); rape in the general population (Lees, 1997); rape in the army (Belkin, 2008; Mulkey, 2004; Turchik and Edwards, 2012; Zaleski, 2015); feminist responses to male rape (Javaid, 2014a); and also the dynamics, impact and pattern of male rape (Abdullah-Khan, 2008; Javaid, 2014b, 2017; Walker et al., 2005). More recently, there has been research on how the media portray male rape (Cohen, 2014) and how male rape is dealt with in the courts (Javaid, 2014c). These research studies have challenged many male rape myths.² They have also highlighted the extent to which misunderstandings pertaining to male rape influence the attitudes of the wider community. Many research studies relating to male rape remain based on generalised victim demographics founded on statistical data collected from the sexual offenders. Although this generalised knowledge is important to understand patterns of male victim abuse in male rape cases, it does not provide specific details of men's experiences of rape; as a result, this may obscure how men experience rape. While different research studies on male rape do begin to provide a platform to understand male rape, most are based on US data that most likely will not resonate with a UK sample because, for example, English law is different from American law.

There remains a lack of work on policing sexual offences against men in the UK.

This research attempts to fill this gap in the literature on sexual violence, as it explores how the police respond to and handle male rape victims. For example, this article will critically explore whether the police meet male rape victims' needs when these victims do build up the courage to report to the police. This is important to examine because research shows that the effects of rape on adult males are often severe (Coxell et al., 1999; Davies, 2002), in that the suicide rate is increasingly great amongst male rape victims (Walker et al., 2005). Research on male rape in the UK is lacking compared with female rape, research on which is more extensive. Therefore, I aim to critically explore the subject of male rape in this work not only to understand the phenomenon, but also to increase awareness of it since it 'has remained largely hidden from public view and like female rape, continues to be shrouded in ignorance and misconception' (Rumney, 2008: 67). This is a particular problem in that, according to some research, some police officers are homophobic and exercise homophobic attitudes toward male rape victims (e.g. Abdullah-Khan, 2008; Gregory and Lees, 1999; Lees, 1997; Rumney, 2008, 2009).

Nevertheless, although these research studies raise awareness of male rape in the 21st century, what is important to question is the combination of male rape and societal attitudes toward homosexuality to date, and whether homosexual male rape victims in particular are subjected to a form of double victimisation. This is important to consider because society labels gay men as 'abnormal', 'deviant' or 'effeminate' in the context of

Western society's rules of masculinity that cannot account for same sex attraction; the concept of the masculine male is reserved for heterosexual men, leaving gay men marginalised and alienated in societies (Connell, 2005; Ferrales et al., 2016). Therefore, after gay male rape victims are raped, it is important to explore whether they in addition experience certain problems in securing appropriate treatment from the police because of their sexual orientation. Walker et al. (2005) highlight that the issue of sexuality is fundamental to male rape because homophobia negatively influences attitudes to male rape and the handling of male rape cases in the criminal justice system. More recently, Zaleski (2015: 65) supports this, arguing that, 'For many male victims of rape, the issue of sexual identity comes into play. Male victims might fear that recounting the trauma will make people believe he is homosexual . . . [sic] Others might believe they are less of a man.' Thus, critically examining the police attitudes toward, and responses to, male rape victims enables one to identify and understand the issues that male rape victims experience, regardless of their sexual orientation.

I will explore the different ways wherein police attitudes may inhibit the reporting of male rape to the police and the enforcement of the law when male rape is reported. There has been, however, a steady increase in reporting male rape over recent years; but the number of men who feel comfortable to report their rapes and sexual assaults to the police is considerably lower in comparison to women (Cohen, 2014). This low rate may reflect the negative police attitudes and responses directed at men as victims of sexual violence (Javaid, 2015a). Although support provisions are available for male rape victims in Britain, there are cultural, religious, social and emotional issues that deter men from reporting their rape to the police and from getting the support that they need, which means that they are frequently not referred to appropriate agencies to serve their needs (Badenoch, 2015). This is problematic for a number of reasons; for one, these victims may be left isolated, alone and emotionally damaged. Another implication is that society may continue to deny the existence of male rape, neglecting or overlooking it, which leaves the gender norms and values unchallenged. American researchers Stemple and Meyer (2014) recently found a salient issue that maintains misunderstandings regarding male rape: societies' dependence on conventional gender stereotypes. They argue that such traditional gender stereotypes leave societies assuming that men are the main perpetrators of male rape when they actually found that men are more likely to be sexually victimised by women than by other men. However:

The invisibility and minimization of male sexual victimization, the use of outdated definitions that fail to include female and same-sex perpetrators . . . and the lack of money available to study male sexual assault culminate in a paucity of research and public information (Hlavka, 2016: 2).

The critical discussion of evidence will be gleaned from a range of sources throughout this paper. Through such an analysis, it will be possible to identify trends and issues in police responses to adult sexual assault and male rape. This is important to do because systematic reviews of the literature suggest that male rape myths may inform the delivery of criminal justice services to victims. For example, Abdullah-Khan

(2008) argues that the police are embedded with male rape myths; in other words, they maintain inaccurate views about male rape, such as that male rape is non-existent or that heterosexual men are unable to be raped. Lees (1997) argues, however, that all men have the potential to be raped and all types of men can be raped, regardless of their sexual orientation. Because male rape myths dominate state agencies, male rape victims are left untreated, isolated and sidelined (Cohen, 2014; Donnelly and Kenyon, 1996; Hodge and Canter, 1998). Therefore, it is important to critically discuss the police because, if they hold negative views about male rape, as they may do about female rape, it can be problematic in that they may inadequately respond to and handle male rape victims. American researchers Chapleau et al. (2008: 604) 'speculate that the same attitudes that function to support rape myths about female victims may also function to support rape myths about male victims'.

Other research has found that secondary victimisation³ is prevalent, which refers to attitudes and behaviours that are insensitive, hostile, homophobic and victim-blaming by the police (Rumney, 2008, 2009). This supports earlier findings from Donnelly and Kenyon (1996), Gregory and Lees (1999), Hodge and Canter (1998) and Lees (1997). The police may cause secondary victimisation when serving male rape victims, through homophobia, disbelieving and hostile responses, because they support the male rape myth that 'male rape is solely a homosexual issue' (Walker, 2004; Sivakumaran, 2005). More recent research supports this (Jamel, 2010), arguing that gay male rape victims are perceived as less legitimate or deserving, as determined by police culture. Similarly, according to Rumney (2009), gay male rape victims are less likely to report their rape to the police than heterosexual victims of male rape because of officers' homophobic attitudes and behaviours emanating from police culture. Heterosexual, bisexual and homosexual male rape victims are discussed in respect of the specific needs of these victims. The needs of transgendered and child victims of rape are not discussed in this work due to the focus and capacity of it, but it is important that further research considers these types of victim.

There has been a lack of social research on whether the police are appropriately trained to deal with male rape victims. Carpenter (2009) believes that state agencies always use a woman-focused model of victimisation when responding to male rape victims; in other words, state agencies deal with both female and male rape in the same way. He argues that some male rape victims experience rape differently in comparison to female rape victims. For example, male rape victims may question their masculinity or sexual orientation, as male rape essentially challenges or contradicts men's power, strength, self-reliance and independence (Javaid, 2015b). There is recent work that suggests that voluntary agencies are similarly lacking in specific training to deal with male rape victims (Javaid, 2016a, 2016b). Therefore, it is important to examine in this present study whether the police perpetuate or dispel male rape myths in contemporary society, and to explore whether this influences the treatment of male rape victims. This is important to do since older research found some shortcomings in the ways in which the police pragmatically serve male rape victims. For example, after interviewing six representatives of varying ranks in the Metropolitan Police about male rape, Hickson et al. (1997: 7) found that:

[I]n practice, it is not always possible to find male chaperons or female doctors [for male rape victims]. [The police] stated that convictions are particularly difficult without forensic evidence such as semen or trauma to the anal passage. They fully recognised the difficulty in bringing charges and securing convictions . . . Training in the medical examination of sexual assault victims provided by the Metropolitan Police's Forensic Science Laboratory does not cover male victims.

Similarly, more recent research found other shortcomings in the police with regard to male rape. Abdullah-Khan (2008) found that not only did the police have a lack of training on male rape, but also police officers often believe that male victims are responsible for putting themselves in situations where rape is likely to happen. In her study, police officers were subscribing to male rape myths, such as 'male rape is solely a homosexual issue' equating male victims to homosexuals, so problematically neglecting heterosexual and bisexual male victims. In 2002, the Metropolitan Police introduced Project Sapphire, a specialist police unit specifically trained to support female and male rape and sexual assault victims. This enhancement in the police helps to provide male rape victims with dedicated and trained police officers, which positions specially trained police officers at the forefront of serving male victims of rape. They are responsible for seeing the victim through from the reporting stage to the court stage (Jamel et al., 2008). However, despite the development of specially trained officers being a positive move towards supporting male victims, especially with many of the victims being reluctant to report to the police, there are considerable concerns in the ways in which they manage male rape cases (Jamel et al., 2008). For instance, Jamel et al., (2008) found that 53% of the specially trained police officers had only served a maximum of three male rape cases, none of which had reached the trial stage, and a further 11% of them had never supported a male rape victim. In addition, male rape may only comprise one hour of training for specially trained officers, which leaves them ill-equipped to comprehend the many issues associated with male rape (Jamel et al., 2008). Further, the gender of the specially trained officer is almost never offered to male rape victims (Jamel, 2010), which is problematic if some male victims want a female officer but are only able to be dealt with by a male officer. Given that a male sexual offender may have attacked the male victims, this raises concerns about how the police are taking steps to ensure that they are not secondary-victimising the male victims.

For female rape victims, we know that female rape myths influence the type of service being delivered to them. For example, if a female rape victim had been drinking, was previously in a sexual relationship with the defendant, willingly went home with the defendant, or somehow 'led him on', then the rape is less likely to be seen as 'real rape' and the female rape victim is disbelieved, making it more likely for the defendant to be acquitted (Temkin and Krahe, 2008). It appears that female rape myths negatively influence criminal justice practitioners. Temin and Krahe (2008) found this, arguing that bias, stereotypes and gender prejudice strongly influence perceptions of female rape, which in turn negatively influence the treatment provided to female rape victims. As a result, they argue, female rape victims are reluctant to engage with the criminal justice system. It is argued, however, that male rape victims are less likely than female rape victims to report to the police due to cultural and legal messages deeply rooted

within society, which specify who are considered to be legitimate rape victims (Cohen, 2014). If male rape myths are present in the police, it is important to highlight these and attempt to eradicate such myths because they can contribute to the under-reporting of male rape (Coxell et al., 1999; Gregory and Lees, 1999). It is, therefore, unclear from this and other existing work whether low reporting is reflected in state agencies' attitudes toward male rape or whether this is due to other factors, such as the responses to male rape by wider society; in other words, victims' fears about friends and family finding out.

The Study

This research was concerned to explore how notions of male rape affect and shape police officers' understandings of male rape and views of men as victims of rape. By taking this approach, I was able to examine male rape discourse through the respondents' perspectives, while also examining the ways in which the police respond to and deal with male rape cases.

The study employed qualitative interviewing with a sample of 25 police officers, male rape counsellors, therapists and voluntary agency caseworkers in England. The study also gathered 45 qualitative questionnaires with individuals of the same occupation. I ensured that those who were interviewed did not also fill out a questionnaire to prevent skewed data results. Therefore, 70 participants participated in this study. As for how many police forces and voluntary agencies declined to take part in this study, eight police forces and six voluntary agencies refused. Ultimately, five police forces and four voluntary service providers, which do not make up the entirety of the British police force and third sector, participated in the research. For example, 'Victim Support', 'SurvivorsUK', 'ManKind' and some rape crisis centres, which male rape victims go to for help and assistance, participated in the research. For the interviews, with each interview lasting approximately 1 hour, 15 police officers and 10 practitioners from voluntary agencies took part. For the questionnaires, 38 police officers and 7 practitioners from voluntary agencies filled out, completed and returned them. In the interviews, certain questions about male rape myths were asked, and topics of discussion included issues pertaining to the participants' perceptions of male rape and responses to male rape victims. The interview questions/topics allowed me to consider the ways in which male rape is conceptualised and understood in state and voluntary agencies, but, for the purposes of this article, I focus solely on how male rape is conceptualised and understood in state agencies. I accessed these agencies essentially through email and through gatekeepers after ethical approval was gained from a university research ethics committee.

The research participants are diverse as regards amount of experience handling male rape cases, educational level, ethnic background and training in rape cases. The type of participants include the following: specialist police officers (4); police detectives (4); police constables (34); police sergeants (9); police response officers (2); male rape counsellors (7); male rape therapists (3); and voluntary agency caseworkers (7). The gender of the participants comprises 33 males and 37 females. The sample is predominately white, and the participants are mostly under 40 years of age and from highly

educated (in that they had a bachelor's degree) and middle-class backgrounds. The respondents provide services for many male rape victims, although they often serve more female rape victims due to the higher number of female rape victims who come forward. On average, the respondents have had around seven years of experience of working with male rape victims and male victims of sexual assault. Most of their clients are middle-class men. Some of my participants had no specialist training on male rape and sexual assault against men, but most had generic training on female rape and sexual assault against women, such as how to interview female rape victims. The findings from the interviews and questionnaires cannot be generalised to the wider population, so the sample may not necessarily represent the population of state and voluntary agencies that deal with male rape and sexual assault against men.

I transcribed and reviewed the qualitative findings. Transcribing the interviews at my home allowed me to fully immerse myself in the data. I drew on thematic analysis to analyse the data. Thematic analysis requires the researcher to recognise themes or patterns appearing out of qualitative data. There was a concern to recognise differences and commonalities in the views and experiences of the participants. I followed thematic analysis with thematic coding where codes/labels were placed onto segments of the data that looked important. Each transcript was read and re-read by me while noting down some initial codes and labels on the transcripts before transcripts were imported into the data analysis software NVivo 10 for final coding. A stage of coding involved the analysis of sentences and words for common themes, concepts and patterns across the dataset. Analysing the data focused around organising the dissimilar concepts, conceptions and themes that developed from the data, not just on putting masses of data into order. In the next section, I present the findings, in which five distinct themes emerge:

1. level of communications between officers and victims;
2. perpetuation of male rape myths and stereotypes by judges and juries;
3. lack of evidence in male rape cases;
4. attrition in male rape cases; and
5. issues of consent in male rape cases.

Findings

Level of communications between officers and victims

Police officers very often have a lack of time to invest in male rape victims, which means that the level of communications between the officers and victims is short, inconsistent and infrequent. Male rape victims, then, do not receive regular contact from police officers, in terms of updating them about their case and informing them about any progress that has been made. For example, when I asked the officers, 'Do the police maintain contact with the male rape victims up until the trial and are they given updates regarding their cases?', the following quotes, as examples, suggest that the police may not update male rape victims regarding their case:

Unfortunately, that role is changing and the new STO role will miss the personal touch and regular updates (police constable 32, female).

We have little contact with [male rape victims] (police constable 23, male).

[D]ue to work load, etc., that contact might not be regular (police constable 4, female).

There's victims' code of practice in the police that say that the police should contact victims so many times in a week or so many times in a month, update them of the progress of the investigation . . . but actually, the reality is quite different because we just haven't got the time to invest in victims . . . [The police] can't pretend to be experts to deal with the victim when we clearly are not experts, but I do think that the budget cuts have really put strain [on police forces] (police detective 1, female).

However, some officers suggest that they do regularly update male rape victims about the progress of their case, which contradicts the above officers' views suggesting that they do not keep in regular contact with the victims. For instance:

As with any victim of crime in a court case, yes (police constable 30, female).

We have a team of people that keep regular contact with the victims of sexual offences and advise them of the process and even stay with the victims at court throughout trials (police constable 28, male).

Clearly, there is inconsistency and disagreement across police officers about the level of communications between the police and male rape victims. This suggests, then, that the police may provide an inconsistent response to male rape victims regarding the extent to which they update them about their case. While a small portion of my findings disagreed with other previous work regarding officers updating victims about their case, most of my findings support the previous work. For instance, most of my findings are in agreement with Jamel *et al.* (2008), who found that male rape victims wanted regular communications from the police regarding the development of their case but felt that this was not always provided. The main reason why regular contact was not as forthcoming, the authors noted, was the demands and pressures put on police officers' time. However, the police have a legal duty to update male rape victims of the progress and development of their case. It could be argued that providing consistent and ongoing communication with male rape victims is variable according to which officer is dealing with the case and their subjective view of a victim's needs. The lack of time to dedicate oneself to providing ongoing communication with male rape victims contributes to whether the police can keep in regular contact with male rape victims. Because of potential time restraints and officers' subjective and inconsistent views of male rape victims' needs, and because of issues around deployment and overwork, male rape victims may encounter a negative, inconsistent and variable experience. In support of this, the HMCPSI and HMIC (2007) report outlined that specialist police officers would be inundated with calls, especially if they were highly efficient, which would eventually lead to burn-out and over-deployment, meaning that they cannot often update victims.

Perpetuation of male rape myths and stereotypes by judges and juries

From the findings, there is a suggestion that judges and juries may perpetuate male rape myths and stereotypes associated with male rape, making it difficult to get convictions in male rape cases. Consider the following passages as examples:

You're asking the jury to make their mind up – yes or no – and juries have still got their myths and stereotypes. Still old fashioned views. You'd be surprised. We've had some cracking cases coming through the courts. Because the victim was drunk, you'll have people in the jury think, 'God, that's disgraceful.' They make the victim look bad, and it reflects badly on the victim . . . trying to get past the jury is really, really difficult in rape cases across the board. Not just in male rape, but across all rape cases (specialist police officer 1, male).

[J]udges come from a particular bubble in time that doesn't have any understanding of certain aspects of social life, so that will be a barrier for male rape victims (police detective 1, female).

At the end of the day we've got to give it to a jury. One day you might get a good bunch or a bad bunch. If they're not aware of male rape, if the media haven't put their bits out there on male rape, as the jury and judges believe the media, then who's to say how easy it is to get a conviction for male rape (police sergeant 3, female).

Some police officers suggest that judges and juries may rely on myths and stereotypes when a male rape complainant is giving evidence in court. For judges and juries to make sense of male rape, especially if they have no prior knowledge or understanding of it, they may turn to schemas to help them understand and examine male rape complainants' evidence and descriptions. These schemas are often based on stereotypes and biases that help them 'fill in the gaps', particularly if there is ambiguous information being presented from male rape victims in court. However, these schemas could be problematic if based on stereotypes, as they are likely to distort the phenomenon of male rape in court. Stuart et al. (2016: 2) argue that judges and juries 'have been found to turn to schemas, or stereotypes, to assist them to attend, to evaluate, and make sense of ambiguous information and apportion blame' in rape cases. When a male rape victim presents their evidence in court, their incident may not be characteristic of a 'real' male rape case in the eyes of judges and juries. The findings imply that the media may influence judges' and juries' opinions of male rape – as police sergeant 3 (female) says, 'the jury and judges believe the media' – but the media often misrepresent male rape (Javaid, 2015c), which could mean that judges and juries may be misinformed about male rape, affecting their verdict in court in male rape cases. Turchik (2012) argues that, when people are reliant upon certain sources for their knowledge (e.g. the media), and that source conveys incorrect/inaccurate information about male rape, such as 'men cannot be raped' or 'male rape is a gay problem', people are then highly influenced, shaping their reaction to male rape. As a result, it may be difficult to get a conviction in male rape cases, coupled with the fact that there may also be a lack of evidence in male rape incidents.

Lack of evidence in male rape cases

In male rape cases, it is difficult to collate evidence that can help lead to a successful prosecution and conviction. Most participants suggested that there is very often a lack of evidence in male rape cases because, for example, 'Often it is one person's word against another' (specialist police officer 1, male). In correlation, McLean (2013) argues that, 'In the absence of eye witnesses, which is usually the case, the substance of an allegation can come down to the word of the accuser against that of the accused' (2013: 44). Further, some respondents suggest that, if there is a scarcity of robust evidence in male rape cases, the alleged cases might be dubiously questioned. Some police officers implied that male rape cases are often unclear, as opposed to legitimate, as they lack evidence or cooperation from the victims. For example:

[A]re they willing to give a statement, are they willing to provide evidence on [a] later day, how cooperative would they be on the process based on the concerns they have . . . the case is based on the evidence . . . I have to say that [there] is maybe more reluctance on the [part] of male victims to come forward and see the process through, male rape cases present more challenges and [that] makes you think, 'Have they really been raped?' (police constable 3, male).

Some police officers suggest that, because of the lack of cooperation from male rape victims and lack of evidence in male rape cases, they are likely to act dubiously toward alleged male rape cases and the victims. If such dubious responses toward male rape victims occur, male rape cases may not progress within the criminal justice system and may not even reach the courts. As Venema (2016) argues, 'Because officers perceive physical evidence as crucial in determining the legitimacy of a sexual assault, many are suspicious of cases that lack physical evidence . . . if there is no physical evidence . . . then it's unlikely to be a sexual assault' (2016: 881). It appears that, as male rape cases are unlikely to generate any physical evidence, the police may conceptualise male victims' allegations as something other than rape or sexual assault. The police are likely to consider the following as evidence in male rape cases:

[Evidence] can [include] a whole host of things . . . That they've told somebody before. [T]hat there's forensic medical evidence supportive. That there are injuries that are supportive. That there's CCTV that shows the way they came together or how things happened. There's witnesses. There's a whole host of things. There's text messages . . . All those things we look at to say have they been raped, everything that we can get that will corroborate the victim's account (specialist police officer 3, female).

If any of these forms of evidence are absent from male rape cases, some police officers may classify such cases as illegitimate. Strong evidence is required, therefore, in order for the police to take the case seriously and to do a thorough police investigation. However, there are serious concerns here. Many male rape victims may not be able to tell anybody about their sexual victimisation for fear of being disbelieved, laughed at or made a mockery of (Javaid, 2014d, 2015b). Moreover, there tends not to be any forensic evidence in male rape cases because the victims typically take about

22 years to finally report their crime (Lowe and Balfour, 2015), which could mean that forensic evidence may be lost during that long period of time. There are also unlikely to be any injuries on male rape victims because the offenders can control them through drugs, alcohol or other means to incapacitate them, disabling them and making it easier for the offenders to rape them without incurring any physical injury, harm or violence on the victims (Abdullah-Khan, 2008). In addition, because acquaintance rape is more prevalent than stranger rape (Lundrigan and Mueller-Johnson, 2013), there may not be any CCTV cameras when acquaintance rape is taking place (i.e. indoors), which would mean that there is no video footage confirming a rape took place. Furthermore, as my own findings demonstrate, there is often only ‘one person’s word against another’ (specialist police officer 1, male) in male rape cases, which means that there are unlikely to be any witnesses in male rape cases. Using text messages as a form of evidence, it could be argued, is an invasive means of collecting evidence from male rape victims. Invading victims’ privacy in this way may result in a feeling of loss of power and control over their own identity, sense of self and sense of privacy on the part of a victim.

Attrition in male rape cases

Male rape cases can take a lengthy time to reach the court stage, which may increase the rate of attrition,⁴ since the police suggest that male rape victims are dissatisfied with the length of time it takes. For example:

[T]here are protracted inquiries a lot of [the] time, gathering all the evidence, giving them to the lawyers for review, and there are cases with hearing in magistrate court and then the crown court and then it’s actually the trial set, and that can take actually a whole month and longer, depending on the case. And I think that sometimes [victims] can take that [as] harsh, because they almost want the closure, and we can’t provide that, because those are the times [as to] how quickly we can do it (police constable 2, female).

The difficulty of moving male rape cases rapidly through the criminal justice process is problematic. This may mean that many male rape cases are staggered or ‘stuck’ in the process of getting to the court stage. Consequently, many of the cases may not progress through the legal and criminal justice systems. The attrition issue could be intertwined with prosecutorial and police decision-making as to whether or not a case is strong enough to meet the requirements for a prosecution set by the Crown Prosecution Service. The conviction rate for rape cases is significantly declining (McMillan, 2015), especially for male rape cases (Jamel et al., 2008). At the earliest stages of a rape investigation, most male rape cases are lost because of male rape victims’ negative experiences with parts of the rape investigation (Gregory and Lees, 1999; Jamel et al., 2008). As the police are essentially “‘gatekeepers” to the later stages of the criminal justice system’ (McMillan, 2015: 623), they have a high level of power to decide whether a male rape case gets taken forward onto the later stages of the criminal justice system. My findings suggest that it is the policing stage where male rape cases are likely to be dropped. For instance:

A lot of victims deal with character assassination by the police rather than looking at the bare facts. I think it's very difficult to get a conviction for rape, then (police constable 12, female).

The excerpt suggests that male rape victims may be dissatisfied with the police investigation because of 'character assassination by the police', which could lead to the victims being 'put off' from engaging with the criminal justice and legal systems and, in turn, the attrition rate is likely to increase, leading victims to withdraw from the criminal justice system. Thus, it is difficult to get a conviction in a male rape case. The character assassination concept that emerged, whereby the victim's identity as a rape victim is tarnished, undermined and belittled, may produce a hostile environment that discourages victims from engaging with the criminal justice process, decreasing the conviction rate in turn. It could be that 'character assassination' may occur in certain male rape cases which the police feel are unlikely to get a conviction, or that the case would not stand up in court, so they may deal with such cases by discrediting the rape victim's status as a victim, strengthening the idea that the police do not take male rape victims seriously. Impeding such male rape cases from going to court – to 'no-crime' them – may be seen as in the police interest; otherwise, they may be regarded as 'not cleared up', which can reflect badly on police practice.

Issues of consent in male rape cases

There was a general agreement among some of the officers that male rape is often difficult to prove because of the issue of consent. Consent is difficult to prove, they explained, so they often classified male rape reports as ambiguous and unfounded on concrete evidence regarding whether there was any level of coercion or force. It is in acquaintance male rape cases where some officers suggest that consent is very often given. For example:

If a rape occurs in a domestic violence situation, this issue of consent continuously comes up . . . How do you prove that the victim didn't consent? . . . [I]f you were dragged down a back alley, etc., you are more likely to struggle and there is more likely to be bruising, etc. There is more likely to be evidence, CCTV evidence, whereas if it has happened in your house, there is less evidence available to prove that that wasn't a consenting act (police detective 1, female).

Some police officers, such as police detective 1, suggest that they are more likely to question male rape victims who have suffered their rape in a domestic violence context. Some officers may consider that male rape in a domestic violence context is consensual, and so it is unlikely to be classified as rape; some officers see consent as being given in this kind of setting. In contrast, some officers – again, such as police detective 1 – suggest that the issue of consent is likely to be insignificant in male rape cases where the victim was 'dragged down a back alley', because the police are more likely to obtain evidence with the use of CCTV cameras, and there is more likely to be bruising on the victim. Therefore, some officers classify stranger male rape cases as 'real', authentic and

genuine, and so they are more likely to prosecute stranger male rape cases than acquaintance male rape cases. In other words, prosecution and conviction rates are likely to be low in acquaintance rapes than in stranger rapes. This is deeply concerning. There seems to be a perpetuation of a male rape myth that ‘stranger rape is “real” rape’ by some police officers. Some officers ignore the issue of consent in acquaintance male rape cases, in which there may be an absence of physical injuries, and so some officers are likely to imply that consent was given, despite the reality that most rapes do not result in physical/genital injury (McLean, 2013). The police are likely, then, to refute and dismiss (hence no prosecution by the Crown Prosecution Service and no conviction by the jury) male rape cases that do not present any physical and/or genital injuries. Walker et al. (2005) found that most of the injury that occurs in male rape cases is emotional, mental and psychological, such as post-traumatic stress disorder, depression and/or social anxiety disorder. It is clear, therefore, that trauma can come in many different forms, of which some police officers seem to be unaware. Acquaintance rape victims’ experience is invalidated.

Discussion and concluding remarks

From the findings, it appears that some police officers do not provide male rape victims with updates regarding the progress and development of their case. This low level of communication between officers and victims is problematic because it may not meet male rape victims’ needs. The demands of the officers, such as work overload, impacts on the way in which the police are able to handle male rape cases. This finding is consistent with previous work that found that, ‘A poor level of communication regarding the progress of their case was reported by male survivors’ (Jamel et al., 2008: 498–499). Although the police are required to consistently and regularly update male rape victims of the progress of their case (HMCPSP and HMIC, 2007), it is clear that some police officers do not follow policy guidelines, resulting in the police not meeting the needs of male rape victims. I argue that male rape myths are still a pervasive issue in the police and can affect the likelihood of male rape cases being taken seriously. Male rape myths are likely to increase the attrition rate.

Similarly, I have found that judges and juries also perpetuate male rape myths and stereotypes in courts when a male rape victim is presenting their story. They are likely to draw on schema to ‘fill in the gaps’ of information relating to male rape, as they are likely to be unaware of male sexual victimisation. Male rape has many inherent complexities linked to notions of masculinity and sexuality that can underlie questions among judges and juries along the lines of ‘how can a man let himself be raped’. Therefore, the perpetuation of gender role stereotypes in the criminal justice system is deeply concerning because it can fuel harmful treatment towards male rape victims, so much so that it can induce disbelieving attitudes and responses directed toward the victims.

Just as there continues to be a lack of evidence in female rape cases (Temkin and Krahe, 2008), there also remains a lack of evidence in male rape cases, too. Male rape victims, then, are likely to encounter dubious remarks and aggressive questioning from the police. Both female and male police officers are likely to be insensitive, judgemental

and confrontational towards male rape victims if there is a lack of evidence in their cases. This supports the work of Jamel et al. (2008), finding that:

[T]his was considered inappropriate and disrespectful [by the victims] and it reinforced the preconceptions which the survivor had of a negative police response. Thus, not only is there a potential gender bias in the police response but also regarding the expectation of the rape survivor (p. 502).

Consequently, the attrition rate in male rape cases is likely to increase. Because of the increase in the rate of 'no-criming' with respect to male rape, there is still some evidence that some police officers are 'no-criming' for judgemental and unprofessional reasons. Due to the 'character assassination' of male rape victims, there are some officers who deem allegations of male rape to be invalid or not 'proper' rape incidents. Some officers may see male rape as a 'waste of time' or not police work. The current study, like others before it (e.g. Gregory and Lees, 1999), suggests that in the police force there are still officers that perpetuate negative and hostile attitudes and views regarding male rape. Therefore, the findings of this current study mirror previous findings in revealing a high rate of attrition for male rape (Abdullah-Khan, 2008; Lees, 1997).

Finally, there are issues of consent in male rape cases. For instance, some police officers suggest that stranger rape is 'real' rape, but not acquaintance male rape. This is deeply concerning because male victims of acquaintance rape may be overlooked, disregarded or excluded by the police; their sexual victimisation may be invalidated. The police may deem acquaintance male rape cases as illegitimate and the victims of this type of rape may be disbelieved, as some officers think that the victims are expected to have sex in gay relationships.

There are some implications and future directions that warrant attention. The results of this study suggest that police officers could benefit from further education on male rape. Police training is required for all types of police officers to eradicate male rape myths. In designing training programmes for the police, my findings imply that addressing general beliefs about notions of masculinity and rape are beneficial. In fact, it could be argued that many of the changes in police practice reflect changing social beliefs about men and sexual violence against men. Police training is crucial so that police officers can professionally, appropriately and sensitively deal with male rape victims, helping them to get the justice that they deserve.

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Notes

1. When I refer to 'male rape', I mean men raping other men.

2. Male rape myths are widely held, incorrect and inaccurate beliefs about male rape. They give people a false understanding of male rape by legitimising it or denying that it even occurs. They often do this by blaming the male victim for his victimisation or making excuses and minimising his attack.
3. Secondary victimisation is the re-traumatisation of a victim of rape, abuse or sexual assault. It is an indirect result of assault, which happens via the responses of institutions and individuals to the victim when dealing with the victim after the attack.
4. The process by which a number of male rape cases initially reported to the police does not proceed in the criminal justice system for several dissimilar reasons, which will be explored here.

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