The Views of Ex-Police Officers on Child Abuse Case Attrition in the United Kingdom

Journal of Interpersonal Violence

1–24

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DOI: 10.1177/0886260517744763

journals.sagepub.com/home/jiv



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Abstract

Attrition in child abuse cases is of continuing concern. International research has produced evidence to suggest that the form and quality of the evidence available in many child abuse cases is of insufficient quality to allow progression through the judicial system. Recent revelations have led to an increase in public and professional awareness of the prevalence of child sexual abuse, and how this is managed by the legal and social care systems. The aim of this research was to explore the opinions of ex-Police Officers who had direct experience relating to the management of child abuse cases about the factors affecting case progression. Seven ex-Police Officers were interviewed and the transcribed data were thematically analyzed. The five main themes derived from the data were Global Myths, Assumptions, and Misconceptions; Suitability; Resources; Professionals’ Attributes; and Working Together. These themes demonstrated that the primary issues indicated by ex-Police Officers were more about relationships between professionals, an understanding of the child’s perspective, and their subsequent involvement in the legal processes than simply being related to a lack of resources.

Keywords

forensic interviewing, child abuse, sexual abuse

Introduction

Sexual offenses and crimes against children are notoriously hard to prosecute. Related issues include delayed reporting or disclosure of allegations until adulthood [(Connolly, Chong, Coburn, & Lutgens, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib8); [Goodman et al., 2003](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib17); [London, Bruck, Wright, & Ceci, 2008),](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib21) judicial warnings given that children are unsworn and the lack of corroborative evidence [(Bala, 1999),](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib2) or advice given that the evidence given may simply be false [(Connolly, Price, & Gordon, 2010](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib9)). There have been improvements made to facilitate case progression such as “Special Measures” which include the use of video-recorded interviews, cross-examination via live link, the removal of wigs and gowns (Youth Justice and Criminal Evidence Act, 1999), courtroom modifications and support through the forensic system [(Chong & Connolly, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib7); [Nathanson & Saywitz, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib23); [Saywitz & Camparo, 2009](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib26); [Troxel, Ogle, Cordon, Lawler, & Goodman, 2009)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib27), and evidence regarding a decline in the assumption that children are inherently unreliable (Melinder, Goodman, Eilertsen, & Magnussen, 2004). It is precisely because of the low status, associated vulnerability, and allegation-specific issues associated with child abuse victims that they need the protection of the law. [Kelly, Lovett, and Regan (2005)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib19) reported that in 2002, 23% of reported child sexual assault cases taken to court in England and Wales resulted in successful criminal prosecutions (data regarding civil cases are not readily available). The [Children’s Commissioner for England (2015)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#org6) report demonstrated that this situation has changed over time with 17% of sexual offenses against children reported to police between 2012 and 2014 resulting in a conviction. However, of concern is that the same report also stated that only 12% of sexual offenses against children during that period were reported to the police.

Currently in England and Wales, Police Officers require Crown Prosecution Service (henceforth, referred to as “CPS”) endorsement for cases to progress to court. Police will bring the evidence collated to the CPS who ultimately decides whether to proceed or to take no further action based on an evidential test to determine a realistic prospect of conviction, and consideration as to whether it is in the public interest to prosecute. This threshold of evidential quality is therefore of absolute importance and yet it is not necessarily aligned to the child sexual abuse allegations being made, in which evidential quality may be inherently low (Adams et al., 2016; Earhart, La Rooy & Lamb, 2016).

The issue of case attrition, in which allegations reported to the police do not progress to conviction, is not only restricted to the United Kingdom but is also prevalent in other countries. Indeed, in New Zealand, sexual assault has been claimed to be the most underreported offense against the person [(Eastwood, Kift, & Grace, 2006).](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib13) In the United States, [Geffner, Conradi, Geis, and Aranda (2009)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib16) warned that child abuse may be underreported in domestic violence related cases due to a belief that false allegations are more likely to occur in this context. In addition, [Cross, Whitcomb, and De Vos (1995)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib10) found that U.S. prosecutors declined to proceed with 38% of child sexual abuse cases in a cohort of 552 alleged perpetrators. They compared this with the national rate for felony arrests in which only 18% of referrals for prosecution were declined. In Australia, [Parkinson, Shrimpton, Swanston, O’Toole, and Oates (2002)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib24) conducted a prospective study tracking 183 child sexual abuse cases referred to two Child Protection Units. They found a 76% attrition rate prior to prosecution, though of those cases taken to court, 71% resulted in a conviction.

[Parkinson et al. (2002)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib24) traced the process of case attrition by examining in detail a subcohort (46%) from their original child sexual abuse cases. These included cases in which there was a high likelihood of corroborative evidence. They found that attrition was mainly associated with child or family factors, or procedural factors. Examples of the family and child factors were stress and poor functioning of the child and family; parent protecting the child, the perpetrator, or the family of perpetrator; child age; child unwillingness to proceed; and so forth. The procedural factors were that the child gave an unclear account, insufficient evidence, perpetrator unknown or moved, child’s evidence contaminated by the interview process, and other procedural errors. Despite awareness of these issues, [Fitzgerald’s (2006)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib14) more recent research in Australia, based on allegations reported to the police but not necessarily having corroborative evidence, has shown an attrition rate of 85% in child sexual assault cases prior to prosecution with only 8% of all cases resulting in a conviction.

Reasons for case attrition may have a broad basis. [Eastwood et al. (2006)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib13) found that stereotypes persist in the criminal justice arena. They reported that in 1998, the New South Wales Director of Public Prosecutions issued a memorandum stating “a ‘significant number’ of sexual assault cases should be discontinued” (p. 88) due to factors such as late complaint, arguable motives for false complaint, and inconsistency in accounts. Subsequently, [Leander (2010)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib20) called for legal professions to receive more training about how, why, and when children report abuse. Indeed, research found that Police Officers lacked awareness and understanding of child behaviors and used unreliable indicators, (specifically, whether the Officers believed the child’s language to be age appropriate, the contents to be plausible, and that there was consistency between recollection of a traumatic event and a child’s behavior) when evaluating the credibility of children’s statements of abuse (Hughes-Scholes, Powell, & Sharman, 2014; [Powell, Murfett, & Thomson, 2010)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib25).

There are clearly many problems associated with the processes involved following an allegation of child sexual abuse. Research concerned with case attrition is particularly problematic as there is seldom verification data to show that the abuse occurred. In studies with verification information of child sexual abuse (e.g., [Azad & Leander, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib1); Leander, Christianson, & Granhag, 2008), it is stated that the testimonies provided by abused children are often incomplete and fragmentary, and therefore inadequate in passing the evidential quality threshold. These studies suggested that shame and taboo influenced the low reporting of certain allegation-specific information regarding sexual abuse. In relation to different forms of abuse, [Azad and Leander (2015)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib1) reported that children who had been sexually abused reported more nonsubstantive information than allegation-specific information, and sexually abused children provided less allegation-specific information than physically abused children. With such difficulties, it is not surprising that attrition occurs, but what is not clear are the specific reasons for attrition, the levels of attrition, at what stage, by whom, and on what grounds the decision is taken.

Davis, Hoyano, Keenan, Maitland and Morgan (1999) examined the police and CPS roles (in England and Wales) in taking the “decision to prosecute” in relation to child sexual and physical abuse. At the time of this study, the police could make an initial decision about whether a suspect should be charged but could call on the CPS for advice. They found that in 40% of the cases, it was the police who decided to discontinue the case without taking the case forward to the CPS; in 60% of cases, the police were concerned that there was insufficient evidence, and most of these cases were taken forward to seek CPS advice prior to decision-making with almost universal agreement (97%). Similarly, [Gallagher (1999)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib15) conducted a review of attrition in 1,000 child abuse and neglect cases and found that in 76% of cases, the police took no further action; only 7% of these decisions were based on CPS advice. The most common reasons for no further action was insufficiency of evidence, lack of corroboration, and concerns regarding the credibility of the child. When interviewed, the police expressed concerns over a minority of these no further action cases, particularly those where the child wished to proceed but CPS lawyers considered the evidential quality insufficient.

More recently, [Bunting (2008)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib4) examined attrition in the criminal justice system in Northern Ireland. Bunting found that in 58% of cases of children’s sexual offense allegations, no formal sanction took place, and the Public Prosecution Service (Northern Ireland equivalent of the CPS) took the decision not to proceed in 23% of detected cases. In 2014, Bunting reported that attrition in child sexual abuse cases involving children cannot be reliably monitored in the rest of the United Kingdom due to lack of attrition-related detail in recorded crime categories.

It is clear that case attrition is common, and that both the police and CPS are involved in this. What is less clear are the interconnections between the police and CPS in making or informing decisions, and not only the scope or breadth of factors including, but also outside, those of evidential test and public interest that may give rise to such decisions.

This study used qualitative methodology to examine ex-Police Officers’ (those with experience and not restricted by Home Office regulations in respect to participation) understanding of the reasons for attrition in cases involving children in sexual abuse cases. The ultimate aim is to enhance understanding of the rationale and constraints associated with decision-making in legal proceedings, and to propose new procedural guidelines to improve the decision-making process and the access of children and other vulnerable people to the full legal process. The specific research question is as follows:

**Research Question 1:** How do ex-Police Officers perceive and explain attrition in cases involving child allegations of sexual abuse?

Method

Participants

Opportunity sampling was implemented in the North of England, which led to the recruitment of seven ex-Police Officers (six male and one female) who had worked in the United Kingdom within the past 10 years. Furthermore, recruitment was deemed unnecessary because of the high level of repetition of themes generated within each interview. Four of the Officers had retired after more than 30 years of service, two retired following injury (one after 29 years of service and one after 21 years of service), and one had left the Police after 16 years of service to follow an alternative career. All of the ex-Police Officers had child protection experience; five through working directly in Child Protection units,1 two through working with Serious and Organized Crime units, each of which encompass and engage in a multiagency approach where appropriate. The Police forces in which one or more of the ex-Police Officers had worked were West Mercia, West Midlands, Staffordshire, Greater Manchester, London Metropolitan, and Thames Valley. Five of the ex-Police Officers had been specially trained in the investigation and interviewing of vulnerable witnesses. All of the ex-Police Officers had a rank of Sergeant or above.

Ethical Considerations

Ethical approval for this study was obtained from Staffordshire University with particular consideration given to maintaining the anonymity of the ex-Police Officers and also any case details mentioned in the interviews.

Reflective Statement

All interviews were conducted by the first author to promote consistency, and followed a semi-structured format in which background information and questions related to case progression were discussed (details available on request).

Both authors work within the field of case progression in the United Kingdom and have undertaken previous research into investigative interviewing of children. Both have also acted as expert witnesses in criminal and family proceedings in the United Kingdom.

Analytic Strategy

A qualitative approach was chosen to enable in-depth exploration of views than is possible in a quantitative design. A thematic analysis was conducted because the purpose of the study was to identify ex-Police Officers’ understanding of the reasons for attrition and to synthesize these reasons into overarching themes. The thematic analysis process started with familiarization with the data, coding to capture both semantic and conceptual reading of the data, the constructing, reviewing, and labeling initially of subthemes and ultimately of overarching themes to provide a coherent account of the information elicited through the interviews. For a detailed account of the process of coding and identifying themes, see [Braun and Clarke (2006)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib3).

The interviews were transcribed and returned to interviewees to give them the opportunity to edit, and as a reliability check on the themes and subthemes elicited through analysis. One ex-Police Officer did request the removal of one case example, to protect anonymity but no other concerns were raised. After the interviews had been analyzed, it became apparent that there was a high level of similarity across the interviews regarding the subthemes and themes derived, and that saturation had therefore been achieved. At this stage, participants were given the opportunity to review the themes and provide feedback on how these did, or did not, represent their views.

Analysis

The coded data from the transcribed interviews gave rise to five overarching themes, each of which contained subthemes.

Theme 1: Global Myths, Assumptions, and Misconceptions

Credibility and evidential quality. The issue of witness credibility through evidential quality is of crucial importance in judicial processes and in ensuring that justice is served. Comments related to credibility and evidential quality formed an important and prevalent theme in the ex-Police Officer explanations for case progression and attrition in child abuse cases. Many of their comments either reflected others’ or their own opinions of issues that were derived from thoughts and experiences that were not necessarily grounded in procedural directions or empirical research.

The issue of credibility, vital in relation to potential attrition, was linked to assumptions about a child on an individual level and to generalized stereotypes on a broader level. Ex-Police Officers expressed concern that the child’s past or case-related behavior would have an impact upon attrition:

CPS would say we’re not going to run this because . . . 2 years ago she complained about a teacher and it was shown that she lied so she’s a proven liar. (DW)

Stereotypes were reported in relation to the CPS, barristers, and judges; and the ex-Police Officers were highly critical about these views:

[A judge] says to this 14-year-old girl that she’s “predatory.” No, she’s not, she’s vulnerable and this system should be protecting her. (J)

Stereotypes are not static in nature, and there was recognition by the ex-Police Officers of increasing awareness and understanding, challenging assumptions and recognition that education and training are vital in improving legal procedures to protect against future inappropriate attrition. One ex-Police Officer recalled his own recognition of past mistakes:

We had regular runaways from that children’s home . . . and we used to catch them up here and take them back kicking and screaming . . . Nobody listened to what they were saying and it turned out that years later they were all being sexually abused. (P)

The ex-Police Officers also raised concerns about the evidence elicited regarding preconceptions of child behavior such as

there’s a belief out there that if someone is sexually assaulted there must be injuries and if there are no injuries present the assault hasn’t happened . . . if a child enjoys sexual activity, albeit inappropriate and abusive, it must have been consensual. (J)

Current issues. The ex-Police Officers referred to the way in which current issues have influenced and improved general understanding and awareness which would be expected to reduce attrition in relation to CPS decision-making:

Sexual exploitation cases have made a massive difference that people have successfully taken cases through a jury trial . . . just because they didn’t disclose straight away doesn’t mean a jury won’t believe it. (DW)

Levels of knowledge and understanding. In relation to trials, the ex-Police Officers also expressed concerns regarding a lack of understanding that could further affect case progression and decision-making. Corroboration and consistency were frequently mentioned with the sense that the Police need to provide information that the Jury would recognize rather than information that is evidentially important. A lack of corroborative evidence was considered potentially supportive of the defense position:

One of the girls [had] been raped . . . went to CPS for a charge and they said “not” on the basis that his defense was “well I thought she was 16 so she was consenting.” (DW)

Ex-Police Officers also expressed how their own improved understanding of child behavior gave rise to preventing inappropriate attrition. For example, one ex-Police Officer commented on the impact of manipulation used by perpetrators of abuse:

Over a period of time where the perpetrator had planted the message “you know this is your fault, you’re making me do this . . .” and all that other crap. (J)

Theme 2: Suitability

The purpose of the Criminal Justice System (U.K. Government Archive) is to deliver justice for all; accordingly, the system supporting justice must be suitable and adequate. Whether this was indeed happening in practice formed a major theme of the ex-Police Officers’ perceptions in relation to attrition. The opinions expressed were not limited to procedural and evidential issues. Indeed, ex-Police Officers also showed a more “global” understanding of the context and implications for legal processes in relation to public or private priorities taking precedence rather than those of the justice system.

Needs of the witness versus justice being “seen to be done.” The ex-Police Officers spoke of the existing tensions between the needs of the witness and a need for justice to be done or seen to be done. For example, some investigation processes may be inappropriate for vulnerable children and attrition could be considered a positive outcome:

We make a judgment taking into account what the victim needs. Because it might not always be . . . that the victim wants the perpetrator to go to prison, it may just be that they want them to stop for the person understand what harm has been done. (J)

If you think of police force’s detection rate and so the incentives are to charge people, caution people, which wouldn’t always be appropriate because . . . the priority is the best interest of the child [which] might not be to criminalize someone. (DW)

Indeed, it was recognized that the forensic process may have a detrimental impact on the family, and, therefore, attrition may be in the best interest of the child:

And they’re floundering . . . particularly if it’s a family member . . . that believed and those that didn’t believe and then you’ve got these victims lost in it. (E)

In contrast, a decision taken not to proceed can have an adverse impact on the child:

A lot of them want their day in court, “let me tell this judge what happened to me,” and you don’t run it, and you say it’s not because they don’t believe you, there wasn’t enough, and it’s left to the case officer and social services to pick up the pieces. (E)

Related to this concern, ex-Police Officers considered whether the nature of the case should influence the way in which it is conducted. These views were partly based on the characteristics of a child sexual abuse case:

The way they disclose . . . and they are not consistent and that causes a problem which you don’t generally get if your house has been burgled or you’ve been beaten up in the street . . . There are more likely to be things that undermine a case in these sort of offences . . . there’s a problem of young people children who won’t talk to us for instance, who won’t give us any evidence at all . . . and they are being abused by people who they think are their boyfriends. (DW)

Such differences are also apparent when the actual allegation made is “used” by the child to give a means through which to make a different allegation. For example, one ex-Police Officer gave the example of a young girl who fabricated an allegation of gang rape to try and elicit Police help for the abuse that she had been suffering at home but had been too scared to disclose.

Adherence to professional procedures. Once the evidence has been collated, attrition is perceived to be associated not only with its quality but also with the procedural aspects of legal proceedings.2 Ex-Police Officers showed awareness of the need to adhere closely to procedures:

Things go wrong because they’ve not done the job correctly . . . even if the person is as guilty as hell. (P)

However, concerns were raised that the procedural balance was more in favor of the suspect:

I think this whole system needs challenging and educating . . . If I’m honest with you what I saw in the police, they were too quick to write it off as not having happened. (J)

The ex-Police Officers’ raised concerns that “unfriendly” procedures, mostly related to Court attendance and trial issues, could lead to attrition. They particularly focused on the detrimental impact of timing and delay and the need for pretrial visits and support for the witness and their family. Without such support and attention to the witness’s particular needs, the ex-Police Officers believed there was a risk that witnesses could withdraw from the process to meet their own needs:

I say retraction is not the same as saying it didn’t happen. (J)

Are “special measures” sufficient? Attendance at Court was repeatedly considered to be “scary” and “hugely intimidating” (J) which may result in a witness or victim withdrawing from the trial. A major concern outlined by the ex-Police Officers is the interaction between the witness or victim and the prosecuting counsel who will be unfamiliar and who may have “just got the papers yesterday afternoon or last night” (J).

The ex-Police Officers mentioned the beneficial support of Special Measures, but said that these should be initiated by the first Officer contact because they take time to organize and may not be arranged in time for the trial. They also recognized the limitations of Special Measures:

Oh we will take our wigs off we will put special measures in but we will still call you a liar and nobody believes you. (E)

Recent changes in procedures. Many of the issues raised by the ex-Police Officers suggest that the current legal processes are not entirely fit for the purpose and are in part responsible for the “legacy of undealt with crimes such as the Jimmy Savile ones” (P) that contribute to the levels of attrition.

However, the ex-Police Officers described massive improvements in policing in the areas of investigative interviewing, more efficient and logical structures and organization that enabled the linking and gathering of intelligence, greater understanding of the area of child sexual abuse as well as the development of DNA and forensic testing. They stated that the balance of decision-making on case progression had moved from the Police to the CPS and acknowledged that a case should not progress until there was sufficient information.

Theme 3: Professionals’ Attributes

Although the ex-Police Officers were acutely aware of working within a team and a prescribed system, they also indicated the impact of individual attributes or competencies on case management.

Professional competence. Views on competence related to any individual working on a case. The ex-Police Officers defined attributes in terms of competencies and made a distinction within this area between ability and motivation:

Some people can’t communicate with children no matter how much you try. (E)

Police officers are human and I met some fantastic police offices in my time. I also met some that I wouldn’t pay in rusty pennies or rusty washers. (J)

There was also recognition of how an individual Police Officer will perceive a case, and thus affect case progression:

People in child protection . . . need to be there for the right reasons . . . they need to be there because they’ve got that openness to look beyond the immediate problem and the understanding, the empathy, the humanity, call it what you want. (J)

Motivation. The impact of other professionals was also linked to a number of factors from the initial raising of the allegation to the court outcome. The ex-Police Officers recognized an interaction between motivation and procedural difficulties that may affect case progression, for example, one ex-Police Officer stated,

I mean they [Social Workers], the boundaries are set far too wide in terms of what is safe and when a child needs to be taken into protection. And getting any interest out of hours is extremely difficult . . . they’ve never really been the best people to deal with . . . it’s almost like the minute you ring and say we’ve got this child . . . their first response is like an insurance company “how do we not go out to this . . . how do we pass it on to somebody else or leave it 8 hours for the team to come on in the morning.” (JA)

It was noted that having a good Social Worker makes all the difference; some are “superstars” (JA) but others are insufficiently motivated.

The ex-Police Officers were highly positive about the difference that a high level of motivation would have on appropriate case progression and expressed amazement at the dedication of officers who work a lot of overtime with no extra pay or time off in lieu. They thought only a small group of Officers were appropriate for work in child protection, and that it was important to ensure only these were recruited. However, it was also recognized that this work could have an adverse impact on officers’ motivation and ability to do the job well:

I’ve seen that throughout the police there’s certainly a huge change in personality. The longer you served in the police it becomes a very, very aspiring career to start off with and they want to change the world, to within a few years just doing the job, and within ten years they absolutely hate what they do. (A)

Similarly, there was recognition that although the CPS works well overall, individual lawyers can give incorrect or unhelpful advice, creating more work for the police and a higher probability of appeal and subsequent delays. The ex-Police Officers placed considerable emphasis on the CPS lawyers’ conduct in preparing for the actual court case and stated,

if a child is vulnerable maybe, I don’t know, sometimes they don’t appreciate that by good preparation of the witness and support we can just get the next hurdle over. (E)

The quality of that preparation was thought to be essential for successful participation, but unfortunately provision was found to vary across geographical areas:

Some areas give a five-star service and others it’s just a piece of paper . . . It’s bad enough for adults . . . but if you’re 9 or 10 it’s a bum deal. (E)

Victim/witness influence on case progression. Although little responsibility for case progression was placed on the child, their influence on case progression was recognized. One ex-Police Officer explained,

adolescents are starting to struggle with a lot of different competing emotions you know they’re not as skilled at regulating themselves . . . Adding to that years of abuse . . . messages like “nobody will believe you,” “it’s your fault,” “you’re making me do it” . . . they act it out and often they act it out in ways that the rest of us are troubled by. (J)

Our most troublesome people whether it may be an adult or young person, maybe with alcohol or drug issues, are vulnerable, they cause us problems, they “f and jeff” at us, they don’t play ball with us when we want them to, they won’t answer questions . . . but at the same time they are the people who are in most need of protection. (J)

Theme 4: Working Together

The theme of working together raised a variety of issues related to autonomy and position relative to others in the decision-making process that is related to attrition.

Threshold. There is a clear understanding on behalf of the ex-Police Officers of the threshold that the CPS imposes to determine whether a case should proceed. There is also recognition that this threshold ensures that the Police gather sufficient and appropriate evidence in cases that are in the public interest. However, the ex-Police Officers made many comments regarding frustration at discrepancies between officer assessments of the quality of the case evidence and CPS decisions. These discrepancies were not always counterproductive but could have a positive impact on working as a team on a case, particularly when there was little corroborative evidence available.

One area of concern was that the threshold is artificially raised by the CPS in order for the evidence to be “trial ready” when making the decision to charge:

It’s quite rare that cases are found not guilty because the level of evidence, the charging standards are so high it’s almost impossible to get anything through. (JA)

There was a perception that threshold levels changed in the light of public awareness and concerns. In particular, the ex-Police Officers cited the influence of the recent Savile investigations in the United Kingdom. These changes were not described in terms of a lowering of the threshold but as either a change in the definition of what is in the public interest or a modification of the assessment criteria. However, ex-Police Officers were generally critical of the CPS decisions, particularly in relation to threshold, stating that the CPS are risk averse and that more cases should be put to juries. However, there was also recognition of the distinction between guilt and the court decision:

. . . he’s been found not guilty? It doesn’t mean he’s innocent. (JA)

Status. The emphasis on the police as evidence gatherers and the CPS as decision makers provides a sense of hierarchy in the case progression system. The ex-Police Officers emphasized the way in which having specialist CPS lawyers for specific types of offenses made a positive difference to reducing attrition, and that the most successful decisions were those made jointly between police managers and the CPS. There was recognition by the ex-Police Officers that the CPS lawyers were influenced by “guidance from the top,” and there was frustration that those who made the decisions were not fully aware or capable of effectively following through those decisions to a successful outcome:

You need to educate people that have power in the way they talk to young people. (E)

Comments regarding hierarchy also related to internal Police service structure and the awareness of the need for different skills at different levels. The ex-Police Officers recognized that a senior officer would have a strong influence on case progression, and although more complex cases would benefit from a range of skills, different skill sets were not always required or appropriate. It was felt that at senior levels, the role was more in relation to decision-making rather than evidence gathering and that

you become a jack of all trades but a master of none so you have a broad brush understanding on these things but not necessarily you don’t go and do it yourself. (P)

Barriers. Physical barriers also had an impact on attrition, such as the proximity or location of a CPS lawyer, especially “out of hours” when the available CPS lawyer may well lack any local knowledge. Generally, phone communication between the CPS and the police was thought to be less effective than face-to-face contact. Other barriers were less concrete but nevertheless influential. The ex-Police Officers recognized how the differences in performance targets between professional groups could have an impact on case progression in that

they’re getting measured on their successes at trial . . . And that’s a tension between the police claiming detection for someone’s charged, doesn’t matter if it goes wrong at court it’s still detected, and CPS get measured on the outcome at court. So, there is a conflict of interest there. (DW)

It was also clear that an individual’s focus would not be entirely on the case being investigated but would also be affected by external appraisal from colleagues, such that effort was put into

covering their behinds . . . A lot of policing investigation is done is about not getting in trouble rather than them finding the offender; have I ticked box a b c and d in order to keep myself out the poop, rather than . . . to find the offender. (JA)

The relationship between police and CPS. Awareness of relationships, particularly with the CPS, was a key concern of the ex-Police Officers. They repeatedly referred to the quality of their own relationships with individual CPS lawyers as being key to case progression:

Having a relationship with somebody from the CPS who values your opinion and you value theirs . . . I think it helpful to have professional respect. (E)

The ex-Police Officers were particularly concerned with and critical of having “out of area” CPS lawyers who they did not know, with whom they had little rapport, and with whom communication was not face-to-face. It was also clear that despite the threshold criteria, the implementation or appraisal of that threshold would depend on individual CPS lawyers such that a change in CPS lawyer could lead to a change in progression decisions. A relationship of trust and working closely together was deemed to be most effective because such practice was less likely to lead to a difference of opinion over progression. This was felt to be vital in these serious and public interest cases.

Theme 5: Resources—What, Where From, and Why

The ex-Police Officers related attrition to the influence of a multitude of external resource pressures (such as governmental legislation, public opinion, investigative procedures, structures, and organization) and individual influences (such as training, level and quality of staffing, and workload). Lack of financial support was considered to be the root of most problems with the system.

Central funding and government priorities. Funding was stated to have a specific impact on interview facilities and cross-area cooperation in provision of equipment such as surveillance vans. There was concern that child protection may not receive an adequate “share” of available funding with priority being given to other areas such as murder cases. The effect of this would lead to

careful thought given to starting an investigation because it was resource heavy. (M)

Although financial provision is allocated by central Government, the ex-Police Officers demonstrated awareness that a government did not operate in isolation but would be affected by wider influences. Governmental priorities would be affected by competition from other areas requiring funding as well as case-related issues such as the pressure on prison places. These priorities would also be affected by the public opinion on events which affect policing, and that “the flavor of the month” could change. There was a view that decisions were not necessarily witness-based but related to thresholds that have political origins:

If CPS put a case through court that is then found not guilty then it affects their success rate. So if they put 50 cases through and they lose 50% in court on not guilty it looks worse than if they put 25 cases through and all cases are found guilty and the offender gets some sort of punitive measure . . . there’s an awful lot of politics going on I think that sometimes the boundaries are moved to make success look, easier. (JA)

Another ex-Police Officer explained recent changes in levels of disclosure and case progression as being an interrelation of many factors:

The public’s perception and the police has gone over more to believe victims and children and not let things sit under the carpet . . . we are more inclined to listen, you know, training to listen, you know society wants us to listen and wants us to do that . . . when there is a complaint of abuse made to whichever agency that’s when the other agencies all join together. . . Is publicity a bad thing or a good thing? I think we all recognize that sometimes there’s a price, it does encourage other victims to come forward and say we’ve been silenced it’s happened to me and I never thought any one would believe me. (M)

The organization and structure of the Police force was also considered to have an impact on the allocation of funding, and thus on case progression. These issues were specifically related to targets and detection rates, for example, child protection work may be adversely affected by low prioritization for funding and by alternative seasonal targets. One ex-Police Officer stated,

some people did come under pressure to claim more crime, to detect it in inappropriate situations for example two 15 year old children engaging in sexual activity it’s a crime but it wouldn’t be in their interest to prosecute them for it. (DW)

Similarly, the ex-Police Officers recognized the impact of targets on other areas of the investigative process and stated that CPS charging standards were set too high because their targets are successful court cases. However, rather than merely attributing “blame” to this lack of funding, the ex-Police Officers explained that more positive directions were now being taken to improve the service.

Staffing and workload. The ex-Police Officers’ perceptions of staff as a resource took different forms depending on the profession of the person described. In relation to CPS, all of the comments made were in relation to the overwhelmingly high workload that CPS professionals encountered. This was most aptly described as

work 24 hours a day, not need to sleep or eat, you would never get through it. (JA)

This volume of work was recognized by the ex-Police Officers as having a detrimental impact not only on case progression

because of the volume and because resources are stretched in every direction if it is slightly weak rather going yeah let’s try . . . it’s just easier to say no further action. (E)

but also on the quality of lawyer’s preparation for Court, because some lawyers

read the case 3 minutes before the court because they’re massively overworked and understaffed. (JA)

In contrast, the perceptions of ex-Police Officers about their own profession were entirely related to the personal characteristics of individuals and a difficulty in recruiting appropriate staff. The ex-Police Officers acknowledged that Police staff needed to have an interest in the area, that officers needed to have an attitude of open-mindedness, but that it was difficult to recruit or attract “hard-nosed” detectives so there was still not an ideal mix of officers although the development of a child exploitation unit and being seen as a “force” rather than a “local” department helped to address this issue.

Staff training. In addition to recruiting officers of an appropriate caliber, the ex-Police Officers acknowledged the value of training in improving practice and professional standards. However, although the ex-Police Officers noted huge improvements in the quality of training, effort put in, and different approaches to be taken if witnesses do not report crimes such as female genital mutilation, there was considerable concern that the training available did not address key issues such as education about the vulnerability of children with challenging behaviors, or basic child protection.

Discussion

The full interviews given by the ex-Police Officers are an indication of the strength of feeling about the issue of attrition in child protection cases. The frustration expressed resonated with recent developments in many U.K. police forces concerning the need to give victim allegations more importance in an investigation. However, on a highly positive note, the ex-Police Officers perceived that changes, including a growing understanding, of the complexity of child witnesses’ abilities to give evidence and the contexts in which it is appropriate and possible to do so have facilitated case progression.

The ex-Police Officers’ views provide an insight into some reasons why cases have inappropriately led to attrition. The five overarching themes derived from the interviews not only provide a starting point for a review of the effectiveness of current working practices but have also introduced a wider understanding of what justice means for those involved—that attrition may not necessarily be a “failing” as such but may, on occasions, be the result of a proactive decision made “in the child’s best interests.”

The ex-Police Officers showed awareness of factors that were apparent in the previous academic literature. For example, there was shared recognition that the nature of child sexual abuse allegations is considered a different form, and more “difficult to proceed” than other types of allegations [(Parkinson et al., 2002)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib24). The reasons given in the research literature for that difficulty was primarily focused on procedural errors—this was not so clearly reflected in the ex-Police Officers’ perceptions. Indeed, procedural errors, although mentioned, were considered to form only one area among many. The ex-Police Officers showed a much broader understanding of the complexity and diversity of interrelated reasons for attrition such as delay, a lack of understanding, an unsuitable or inadequate system, insufficient special measures, and a lack of support rather than focusing on procedural errors alone. Thus, the ex-Police Officers made a distinction between child abuse allegations with other forms of criminal proceedings and stated that attrition in child abuse cases was related to all areas from the investigative approach, engagement of all parties involved, the assessment of evidence, and the legal process—a more holistic and encompassing view of case progression than the specific areas for concern outlined in the extant research.

The ex-Police Officers gave diverse and broad explanations of attrition in child abuse cases. One interesting feature of those explanations was recognition not only of “deficiencies” or issues with the complainant and/or evidential quality [(Azad & Leander, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib1); [Gallagher, 1999](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib15); [Leander et al., 2008](file:///J:\WatchFolder\PROCESS\JIV744763.docx#unListed); Parkinson et al.,2002), but that issues also arose from external sources such as societal perceptions and demands, professionals’ individual characteristics, abilities, and constraints. These perceptions moved the “responsibility” away from the witness and raised questions regarding the nature of justice, and how the current system is able to serve or provide justice for all. This reflects the ex-Police Officers’ description of the unresolved tension between the fundamental nature of “justice” and what this means on an individual and a national level. What might be in the best interest of the child may be in direct contrast with what would be considered the best interest of justice.

Of note, the ex-Police Officers showed considerable awareness of the prevalence and problems associated with stereotyping within the justice system. This stereotyping was not only limited to the concern that children may make inconsistent, late, or false allegations [(Eastwood et al., 2006)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib13) but also to professional judgments on children’s abilities and behaviors. [Leander (2010)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib20) called for more professional training to be provided to support knowledge and understanding—this was also advocated by the ex-Police Officers who extended this need to a more global level. They emphasized the effect and affect an individual can have on case progression, and suggested that child abuse–related cases should be managed by specialist teams with demonstrable abilities specific to appropriate and positive interactions with children and their families. This issue was placed into a wider context and reflected on how the criminal justice system affected a child’s ability to engage appropriately. The ex-Police Officers raised the question whether the investigative and legal system was itself a bar or limitation on children’s participation. They raised concerns not only about professionals’ abilities but also, more globally, the need for greater understanding and awareness of child-related issues and behaviors, especially in respect to juries in their decision-making roles. The ex-Police Officers questioned whether the prevailing unhelpful stereotypes may be the result of imposition of a system that was not fit for purpose, thus undermining the promotion of justice being done.

The ex-Police Officers recognized the potential benefit to encouraging children to engage appropriately in legal proceedings, particularly in respect to Special Measures (Youth Justice and Criminal Evidence Act, 1999) which encompasses courtroom modifications and general procedural support [(Chong & Connolly, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib7); [Nathanson & Saywitz, 2015](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib23); Saywitz & Camparo, 2009; [Troxel et al., 2009).](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib27) However, the ex-Police Officers were concerned that although these measures were supportive in theory, the practical application could potentially negate or diminish the benefit of these positive changes.

Although the ex-Police Officers were aware of the need for additional support in the form of funding and training for all professionals involved [(Hughes-Scholes et al., 2014](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib18); [Leander, 2010](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib20); [Powell et al., 2010](file:///J:\\WatchFolder\\PROCESS\\JIV744763.docx" \l "bib25" \o "bib25)), they also recognized more idiosyncratic motives and constraints that affect the assessment and progression of child abuse cases. This issue was particularly noticeable in CPS decision-making, where there was recognition of excessive workloads and a moving threshold, and a suggestion that a risk adverse approach was present due to maintaining an individual’s professional eminence and credibility. Previous research [(Bunting, 2008](file:///J:\WatchFolder\PROCESS\JIV744763.docx#bib4); [Davis & Hoyano, 1999)](file:///J:\WatchFolder\PROCESS\JIV744763.docx#unListed) stressed the importance of evidential quality in CPS decisions or advice regarding case progression. Although this was a factor reported by the ex-Police Officers, the main area of concern raised was in relation to the external impacts on CPS decisions and regarded the pressures of public perception and political influence as having an effect on the evidential threshold rather than the quality of that evidence per se. The ex-Police Officers were not, however, heavily critical of the CPS but recognized the potential positive productive impact of initial discrepancies in initial assessments of cases, and how working together was often supportive in forming case decisions in which all professional parties agreed.

The issue of limited resources permeated the ex-Police Officers’ reasons for attrition. Resources were perceived to negatively affect all aspects of the legal process. However, the ex-Police Officers emphasized that financial resources were only part of potential resources, and that individual abilities, awareness, and actions could be potentially more influential in relation to attrition or progression than funding. This has considerable implications for the argument regarding where to place limited resources regarding supporting children and families in abuse-related cases. The ex-Police Officers’ perceptions are that provision of more resources may be beneficial and supportive depending on individual’s responses to make effective use of such provision. They suggested that unless changes were globally (including related professionals, legal systems, and the general public) regarding understanding of children’s needs and behaviors, the provision of more financial resources may not necessarily have a positive impact.

Limitations

This study recognizes the limitation that the perceptions obtained were from ex-Police Officers who were no longer serving Officers. Nevertheless, the ex-Police Officers brought many years of relevant experience and demonstrated a nuanced understanding of the range and complexity of the reasons for attrition. Although the ex-Police Officers’ views were based on rich experience, their views are not necessarily as current as would be the case with serving Police Officers. To improve the generalizability of the findings, it is planned to conduct a further study with serving Police Officers, and triangulate through the inclusion of other related professionals such as Social Workers, Lawyers, and Judges.

Conclusion

The views of ex-Police Officers gathered in this study generated the surprising finding that, although resources are important, other factors are believed to have an important influence on case progression and attrition. In particular, preconceived and shared understandings, misunderstandings, and the interrelationships between professionals involved in child abuse cases appeared to have particular significance. It is, therefore, imperative to examine the issue of progression and attrition from all involved professionals to achieve appropriate case progression in the future.

Authors’ Note

Research materials are available on request by contacting the lead author.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

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Notes

1. Training for Child Protection policing is overseen by the College of Policing. For more information on this specialized training, see https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/police-response/staffing/
2. Although each Police force conducts its own training program, the College of Policing oversees and regulates all training in England and Wales. For more information, see http://www.college.police.uk/Pages/Home.aspx

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