

# THE SJS RESPONSE TO SEXUAL OFFENDING: LEARNING FROM VICTIM-SURVIVOR VOICES.

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Sexual offences committed by members of the armed forces: Is the service justice system fit for purpose?

Criminology & Criminal Justice

# Situating our Research

Can a justice system rooted in the wider institutional context of the military, legitimately and appropriately respond to sexual offences cases?

# Sexual Offences in the SJS

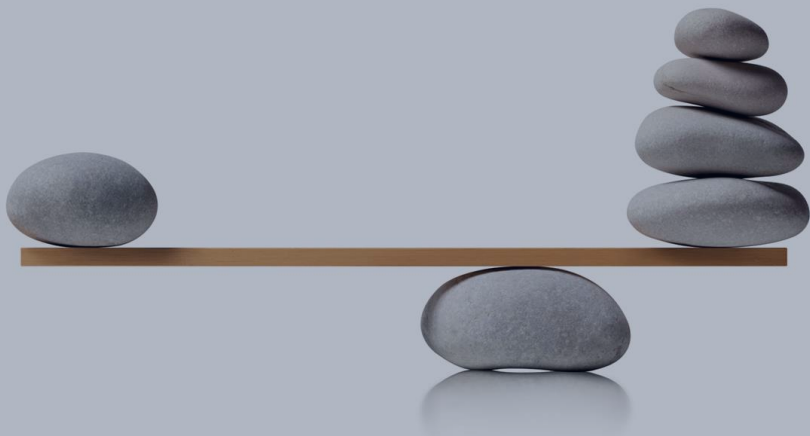


Extremely under-reported [Perhaps as low as 5% (British Army, 2015)]

Concern around expertise of service police and quality of investigations  
43% increase of sexual offences investigations 2021-2022  
138% increase of rape investigations 2020-2022

Prosecutions much higher than in civilian CJS  
2021 figures show 41% prosecution rate

Conviction rates very low - ranging from 4%-35% for rape since 2015  
Averaging 17.5% (CMJ, 2023)



Can a justice system rooted in the wider institutional context of the military, legitimately and appropriately respond to sexual offences cases?

Lyons (2018) recommended that rape, murder and manslaughter be tried in the civilian CJS

- Final rejection in December 2021

# MOD Reforms

- Tackling Sexual Offending in Defence (2022)
  - Removed SO investigations from COC
  - Defence Serious Crime Unit (DSCU) and Victim and Witness Care Unit (VWCU)
  - Female representation on all court martial boards
  - Reduce waiting times
- “Knee-jerk policy responses, that risk being counter-productive” (Anon, 2023)
- Despite the "willingness to effect change... serious problems persist". (Atherton, 2023)

# Our Research

- 8 in-depth qualitative interviews with female veterans who self-identified as having experienced at least one form of military sexual violence
- Military sexual violence defined intentionally broadly
- Semi-structured interviewing



# What can our findings tell us?

- Not seeking generalisability
- Experiences do not reflect current practice, since the 2022 Tackling Sexual Offending in Defence Strategy
  - Further research needed to understand what has changed
- Does provide rich, nuanced data about the experiences and perceptions of the SJS
  - Real experiences of current veterans
- Directs areas for reform – quick wins and structural change



# Key Findings



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# Barriers to Reporting

- Mimicked many of the same barriers observed in civilian SV research e.g. fear of not being believed, internalised victim blaming sentiments, fear that nothing would be done etc.
- Military specific barriers:
  - Fear of professional and/or social repercussions
  - Lack of trust in COC, SP, welfare officers, SJS etc.
  - Encouraged not to report/culture of silence
  - SV was normalised and so frequent, what would you even report?



*“So, if you think then of what’s going on in the military, where everything’s about keeping schtum and you know not.. not talking publicly about what’s going on in...in particular regiments. (umm) Then it..it’s not going to be..you know people aren’t going to feel able to report”*

# Perceptions of the SJS as a Barrier to Reporting

“There’d been instances during training where other girls had been raped and it had been brushed under the carpet by seniors. You know so I just knew that that’s what would happen if I reported it. I wasn’t going to put myself through that heartbreak.”

“No, because they wouldn’t have believed a damn word that I’d... I’d said. You know”

“I’m of an age where I’ve seen too many news reports about women trying to report things like rape or sexual abuse or anything else, and they get... you know plastered all over the media for doing... doing this, that and the other. Whereas the guy gets away with it.”

“They’ll probably fuck it up for the person who’s come forward, so why would you go forward to them?”

# Proximity of Military Environment

“He carried on working with everybody as the troop sergeant, as if nothing had happened and... I wasn’t allowed to talk to any of them. But yet he was allowed to interact with potentially all my witnesses.”

“Nobody would talk to me. Nobody would look at me.”

“Like if you raise your head up [SIGH] up over the parapet and... and point the finger at people in the regiment, all you're going to get is the full flack of... of the whole regiment.”

# Service Police Investigations

- That interview petrified me! (umm) And so I don't remember much about it after that. But it was... it was all about I'm ruining his career, I can't identify it, I didn't see his penis. (umm) So either you know I'm lying... (umm) and I... I remember... I got sent back to work and there's all this (umm) nobody would talk to me. Nobody would look at me. [SIGH]
- The interview was horrific. And there's no other term to use, it was honestly horrific.
- Little did I know I was going into an interview room for four hours with an escort I'd never met, with somebody, to write down every detail and not even offer me any water.
- " I can just remember feeling that... being bollocked, I was being bollocked and I... they kept saying prove it, you can't prove it. And it was going to ruin his career.
- It definitely wasn't investigated to the potential that I believe it could have been

# Experiences at Court Martial

- “I turned up to court-martial where this particular sergeant was (umm) saying things like she’s a slag, she’s lying. And he was allowed to say that in the court room.”
- “So, when I was in this court martial, they basically made it out that I'd slept with all these guys, I'd had really bad reports so therefore it couldn't have been true.”
- “I was left with nothing, like nobody was there to say well actually she’s a... a person! You know she’s a human being that’s stood here that’s gone through this. Like I had none of that.”
- “I think I was eighteen or eighteen and a half at the time, the fact that I wasn’t informed about the process, I had no confidence. So as soon as I turned up in the court martial, I had this god-awful feeling by the fact he was allowed to get civilian representation, the fact he was allowed to call me a slag and say I'm lying and all this lot, and then the fact that I didn't hear anything for a couple of months and then I got told there wasn't enough evidence, it was going to get dropped.”

# Re-Traumatizing Impact of the SJS

- “I did the appeal and they came back to me with this horrific letter that says... that explains that’s there’s no... there was basically no proof that I didn’t consent. Which is absolutely galling and it was at that point I (umm) decided to try and leave the service”
- “It’s funny because that’s really what the PTSD has been about rather than the actual sexual offence! It’s been more from the treatment” [By service police and SPA]
- “Part of me that wishes I had never spoken at all. Because the way XXX have treated me, in a way has been worse than what actually happened.”



*Every single participant that we spoke to, cited sexual victimisation [and the way it was responded to] as the reason for why they left the military.*



# Policies are Perceived as Rhetoric Only

- “It seemed to be more of a pen pushing exercise to cover their arses.”
- “So twenty years ago they didn’t believe anything that you were saying. But four years ago not only was there a policy there that they could follow, they just weren’t interested in doing it.”
- “The policy is brilliantly written.... But (umm) I think the words are a lot different to the actions.”
- “I don’t hold any breath with the MOD doing anything like that, considering you know that happened to me... 2018 another friend of mine reached out...”
- “So the first few weeks when you put in your complaint is really professional, they're following policy to a tee, we... we've seen your complaint, we've got ten to fifteen days to acknowledge it or give you the next steps. They don’t have to go... they don’t have to stick to them fifteen days by the way. Because what are you going to do if they don’t get back in touch with you? Do you think after fifteen days, are you going to ring up a major and say excuse me, I’m a full screw, you’ve not stuck to policy. What do you think is then going to happen?”

# Jurisdictional Issues

- Civilian police often sent victim-survivors back to SP stating jurisdictional issues
- Lack of awareness about civilian reporting option
- “I suspect that it will be underused because there is this whole thing of you know you don’t... you don’t talk outside of the unit about what’s happening in... in a regiment. You know you don’t... you don’t go and [LAUGH] you know sort of... flash your dirty laundry outside!”
- “Does the civilian system actually understand the military experience anyway?”
- “And the sooner they move the control of the... the judiciary system outside of the military, the sooner it will have some credibility because it has none at the moment”

# Learning from Good Practice

*“They’ve taken it very seriously and they are doing an investigation. So they’ve gone beyond my expectations and... I’m... I’ve read the sort of statistics, I know that sort of... from 2017 I think it was 3% of cases were only successfully prosecuted, something like that. So I know that... I know what the odds are and I’m prepared for that. And... but for me, the fact that I’ve been listened to and taken seriously and... and to be honest I don’t think there is anything that... you know there isn’t a punishment that... that is going to erase what has happened.”*



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Thank you for listening!

And thank you to every participant  
that shared their story with us.