

# A WOMAN'S STORY

MY PERSONAL EXPERIENCE OF  
GOING THROUGH THE POLICING  
AND JUDICIAL SYSTEM AFTER  
BEING RAPED



edinburgh rape crisis centre  
supporting survivors of sexual violence

**"Be strong, believe in who you are;  
be strong, believe in what you feel."**

Melissa Etheridge<sup>1</sup>

# INTRODUCTION

The purpose of this case study is to present the reader with an insight into and understanding of a journey, outwith my control, which began on the night I was raped. Please always keep at the front of your mind that it was me, one person, going through every stage of this uninvited, distressing process.

From the beginning, I clearly understood that I was the victim and also the prime witness. To assist the police, medical and legal stages, I always wanted to engage, not only to get justice for myself, but also to bring the perpetrator to justice to stop him raping other women.

I am now taking this difficult step of sharing my experiences. It is my hope that this paper will be reviewed in the spirit in which it has been written, that is, with a willingness and openness to improve the experience for all the women and men who have the courage to go through our legal process.

Ideally, I would hope for this testimony to be a living, working document which can be directly utilised to enhance any training or educational programme which the reader feels would benefit from such input.

I aim to simply tell my story, how it impacted on me, and ultimately let the reader draw their own conclusions.

**"I always wanted to engage, not only to get justice for myself, but also to bring the perpetrator to justice to stop him raping other women."**

# MY PERSONAL EXPERIENCE OF GOING THROUGH THE POLICING AND JUDICIAL SYSTEM AFTER BEING RAPED

I was raped at the end of 2012. Before, while and immediately after he raped me I was terrified, confused, hurt and disorientated. I didn't know where I was or what to do. I needed to speak to a loved one. I just wanted a loved one. It didn't enter my head to call the police.

I was told that it took 20 minutes for contact to be made with the police. I was deeply traumatized; couldn't move; couldn't think straight; couldn't make a decision. Time froze for me. My only thought was to call a loved one. I had no idea how important not calling the police right away was to be later in the process. In the courtroom I felt I was on trial and having to justify why I did not immediately call the police. Actually, I never called the police. I called my friend. The questioning from the defence around this was tenacious, aggressive and traumatic.

Throughout the legal process, there seemed to be little, if any, understanding or acceptance that a traumatised person may not instantly call the police.

I got no answer from my brother or sister-in-law. My best friend answered her phone. My friend could not comprehend what I was telling her due to my level of distress. I told my friend, "I think I have been raped".

Similarly I faced persistent and aggressive questioning from the rapist's defence around my words, "I think". I felt the defence were trying to break me by including statements like "you are bringing this man to the High Court in \_\_\_\_\_ on a charge of rape, because you think you have been raped".

My friend tried to calm me down and asked me to identify a landmark so she

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could work out where I was. While she was on her mobile to me, she dialled 999 on her landline and spoke with a police operator. The police operator supported my friend to support me.

Two male officers arrived and called my name. My level of distress intensified as I believed the perpetrator had returned. I didn't want them anywhere near me. The officers took time to gently explain who they were. They said they were here to help me and told me I was safe now. They shone a torch on their badges to show me they really were police. Their voices remained calm and reassuring. I felt my guard coming down and was able to understand what they were saying to me.

My feelings regarding these two officers from that night till now have never changed. In the most awful circumstances, they showed respect, patience, kindness, professionalism and intense humanity. They gently explained that they would take me to a place where a forensic examination could be done. Whether trained or untrained in the area of sexual violence, they could not have reached higher professional standards.

**"In the most awful circumstances, they showed respect, patience, kindness, professionalism and intense humanity."**

I was taken by the responding officers to the waiting police car and then to the specialist unit for sexual crimes.

I felt safe and protected by them. I was aware of people standing looking at me and the officers. I just wanted to get into the car and get away from the place I was raped.

At the unit, I was taken into a basic cold room. Two detectives came into the room; a male and female officer. The detectives were calm and sensitive. They explained clearly what needed to happen. The CID officers introduced me to a female sexual offences liaison officer (SOLO) who would take my witness statement.

During the part of the police process going on from here, I remember being left alone in the room for periods of time. Some felt protracted. I felt my levels of anxiety and agitation rising and remember pacing the room. I felt vulnerable

and fearful of what was happening, of what engaging with the process would mean.

It was explained to me that police were looking for the perpetrator. I had to give a description of him and what he was wearing etc. I cannot accurately recall the timeline/order of following events.

I believe this highlights the level of stress, anxiety and fear of the unknown which overwhelmed me at that time. I feel it also highlights the importance of calm professionalism in the officers dealing with a traumatised person.

CID Officers explained that there would need to be a forensic examination when the on-call forensic examiner (FE) arrived. I was not given any idea of how long that would be.

I felt that I had to wait a long time for this.

I do not recall being asked if I would prefer a female FE. When the FEs arrived, they were two men. The nature of the testing was explained to me. I was never asked if I felt ok with a second person attending. I did not feel in the frame of mind to object.

I was asked to get on to the examination table. I was wearing a medical gown and no other clothing.

I was feeling very apprehensive and vulnerable. I felt like a piece of meat, not a live human being who has just been through extreme trauma. I did not want any man anywhere near me and certainly not touching me. Because I wanted all this to be over, I didn't feel able to voice this. I just wanted to scream at them. Clinical information was given to me but I felt no compassion, care or consideration for my feelings.

The SOLO officer was in the room. It was not explained to me why she was there. From my professional knowledge, I feel she was probably in attendance due to a requirement to have a female in the room whilst the medical procedure was being carried out by two male medics. Maybe she was also to be a support for me to help me through further trauma attached to a forensic

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examination. She did not interact or recognise the moments where she could have offered some comfort, support or reassurance. My forensic examination experience could have been much less difficult. For split seconds, I felt judged and dirty by her keeping such a distance.

At one point, the second FE was standing at my feet with no apparent purpose. Because I knew from the FE that the internal vaginal and rectal examination/testing was about to start, I felt panicky that he would be standing there. I felt there was no appreciation of my feelings of vulnerability, fear and embarrassment. I managed to blurt out, 'You'll need to move him from the bottom of the bed'.

I know all this has to be done, but everything is heightened when a person goes through such trauma. I experienced no evidence of the SOLO officer or FEs having had training to understand the impacts of trauma and how to deal with people in a severe traumatic state. In order for someone to understand and empathise, there needs to be a level of expertise and training and also natural human compassion. I felt no evidence of this.

When the SOLO officer began to take my statement, she told me to slow down. She said I was going too fast for her to record it onto paper. There was only ever the two of us in the room while taking the statement.

There was no gentleness, patience or apparent understanding of how difficult this ongoing experience was for me. I knew that giving a statement and going over again every detail of what happened would be difficult, but the SOLO officer was heartless.

While giving my statement I remember saying that I wish I could have shouted for help. The SOLO officer responded abruptly with 'Well, why didn't you?' She stopped writing and looked at me whilst waiting for a response.

Her tone remained condescending. It all seemed to be a real hassle for her. To her question, I did manage to reply that he had his forearm pressing against my throat and his hand over my mouth and nose. I was terrorised into staying

**"I have no recollection of feeling any warmth, consideration or sensitivity from her while she took my statement."**

silent. I have no recollection of feeling any warmth, consideration or sensitivity from her while she took my statement.

All the time during my statement being taken, it was repeated by her that I needed to slow down.

(As you'll read later, when a senior Sexual Offences investigating officer offered to meet with me, further to me approaching an Assistant Constable at ERCC's 35th anniversary event, I asked him why my statement could not have been recorded. I asked this because the inaccuracies of my statement were a major factor during the trial. He let me know that recording a woman giving a statement was an area which was being looked into in Scotland. It is currently done for children.)

I completely lost all concept of time. This process was taking place during the night. I felt exhausted and shattered due to being subjected to a violent rape and also deprived of sleep.

The 2 CID officers were allocated to investigate my case. They kept me updated right through until the perpetrator was apprehended. They drove me home in an unmarked police car. They explained that I would need to change my clothes at home, as what I was wearing would need to be returned to them for forensic examination.

The CID officers waited in the sitting room while I changed my clothing in the bedroom. I put the clothes I had been wearing in the special forensic bags. These were taken by the officers who then left telling me

they would be in touch. I was petrified when they returned at about 10pm that same night to get my correct phone number as a digit had been recorded incorrectly.

On Monday morning, I received a phone call on my landline from a police sergeant. He explained who he was and why he was calling. His tone was empathetic and I appreciated that he was being professional but also gentle.

He was reassuring and encouraged me to phone if I needed to at any time, regardless of how unimportant I felt the information was. He said I could add to my statement, but not change it. One of the main reasons he was calling was to let me know there would probably be media coverage and he wanted

**"I appreciated that he was being professional but also gentle."**

to prepare me for this. I then had the option of keeping my TV and radio turned off. He provided me with information about Victim Support and Edinburgh Rape Crisis Centre (ERCC).

The same day (Monday) I called my GP. The receptionist asked what it was regarding. I was able to say it was an urgent, sensitive matter and I needed the GP to call me back ASAP. She accepted that with no further questions, which I was grateful for. The GP returned my call quite quickly and explained that I could have a home visit the next day but not with her, with one of her colleagues. The GP who attended the next day was gentle and supportive. I was not able to say the word (rape) to describe what had happened to me (I told her I couldn't speak about it). She neither rushed me nor asked directly what had happened. The GP emphasised that she wanted weekly contact to monitor my progress through the trauma.

Throughout my ongoing contact with my GP, I was treated with outstanding care and compassion. I wish I had experienced the same level of care during the forensic examination.

During the first week, I found it impossible to leave my home. My family and friends respected that fear by coming to see me in my home. During the first week I had a telephone call from Victim Support who offered me a home visit. During this time, I also got a call from Edinburgh Rape Crisis Centre. I had been referred to both these agencies by the police.

**"With hindsight,  
heaven forbid that if  
anything like this  
should happen again, I  
would not put myself  
through it."**

During this time, I was aware that my emotions, nerves and anxiety were permanently at an extremely heightened level. I couldn't sleep. I was scared to sleep. I kept pacing from one room to the other even when I was on the calls I'd mentioned. I had no appetite. I couldn't eat. I called the National Rape Crisis helpline every night. Inside my head was a mess. I had an understanding after being called by ERCC that there was hope and someone could help me – then I would go back to feeling exactly the same as before. I wanted my life to fast forward so I could be me again. I felt I was bothering people and I have never lived my life that way. There just seemed to be so many people/agencies

coming towards me at the same time. I couldn't process and unravel it all. My sensible head was saying that the police were doing what they had to do to bring the perpetrator to court. My irrational head was being dictated by my emotions. My two closest family members and friend were a support and strength to me and also to each other.

At some point during the week, I remembered some additional information which could be added to my statement. I remembered what the police sergeant had said about this, so I called him. He came to my house with another male colleague and recorded the additional information which I signed as accurate. Because of my past experience of statement-giving, I was fearful about doing it again. This experience was totally different and this was due to his manner. He was kind and took everything at my pace. He was realistic with me and explained gently yet professionally that the case may or may not go to court. This decision would be down to the Crown Office. I remember saying to him that 'all I want is justice'.

My friend contacted my work manager as I did not feel able to. With my permission, my friend explained that I'd been raped. I have an excellent working relationship with my manager so knew she would understand the trauma I was going through. I trusted her with the information.

It's important to note that the timescale from the night of being raped to the case getting to court was one year. During this time there were ongoing phone calls from and appointments with Police, Victim

Support, Victim Services, people appointed by the perpetrator's defence team to take a statement from me, VIA (Victim Information & Advice), sexual health clinic and occupational health. To access support around this, there were calls to and from ERCC and also the Rape Crisis National Helpline at night.

A letter arrived from the sexual health clinic (GUM Clinic) offering me an appointment. I attended the appointment with a friend for support as I did not feel ready to travel alone yet.

I reported to reception and was greeted kindly and professionally. When I was called in, I was seated by a nurse. A doctor was also present. Both introduced themselves. The doctor started to ask questions. She made minimum eye

**"He was kind and took everything at my pace."**

contact during this time. The doctor's focus was almost totally on the information on her screen. On the basis of that information, she asked the questions. It was clear to me that the information passed by the FE to the sexual health clinic was incorrect. I felt uncomfortable and not at all reassured by her offhand manner. The doctor seemed perplexed when I corrected the information she had. I began to feel agitated that the doctor seemed to question my recollection of what happened.

I was able to say that I wanted the information changed because it was inaccurate. I also had an awareness that I was being asked questions and could not understand their relevance, e.g. 'Does he know where you live?', 'Do you feel scared?', 'Is he a drug user?'

I still have no idea why I was asked questions like that. I felt vulnerable and fearful without such questioning compounding this and making me wonder if I was at even more risk. I had stated clearly that the perpetrator was not known to me so why would I be able to answer such questions?

During my first appointment it was explained what tests would be carried out over the coming months. With hindsight, that was too much information at once. For that day I would have internal swabs and blood samples taken. I understood the requirement for this.

I was asked to remove my lower garments. While I was doing this, the doctor continued to ask me questions from behind the screen. I was asked to lie on my back and put my feet in the stirrups. I was told that the internal swabs would be taken first. While I lay with my feet in stirrups, the decision was taken by the nurse to take blood samples first. I was not asked to change my position so I was lying like that while blood was taken from my arm. Also, the doctor was still asking me questions from behind the screen. There was too much going on at the one time.

I felt shocked, vulnerable and exposed. It was far more traumatic than it needed to be. It was a disempowering experience. It can never be a dignified experience but it can be done with empathy, respect and consideration for the

**"She made minimum eye contact during this time. The doctor's focus was almost totally on the information on her screen."**

woman or man. That whole experience was disorganised and upsetting. It could have been different even if they had done one thing at a time and explained each part of the process as it was about to happen

My experience with the doctor during my second appointment was in complete contrast to the first. She made good eye contact, had an empathetic manner and focussed on me, not on her computer as the previous doctor had done. I explained that due to my experience the first time, I was feeling very apprehensive. At my request my friend came with me to the appointment and broached the subject with the doctor. The same nurse was in attendance and, this time, seemed to be open, listening and receptive. The doctor calmly listened to my friend, giving her time to speak.

I felt by the end of the second appointment, despite the support of my friend, there was still a level of anxiety attached to these GUM clinic appointments.

To do my best to regain my confidence, I decided to attend my third appointment alone. From start to finish the experience was in stark contrast to my first appointment. The third doctor treated me with a gentleness and sensitivity which enabled me to trust her and share freely how I was feeling. There was no awkwardness or feeling of her being uncomfortable with what had happened to me. For the first time in this GUM clinic experience, I felt that a professional was seeing ME as simply a human being and not a rape victim.

I was required to go back to the GUM clinic for a fourth appointment. I was surprised when my name was called out by a male nurse. It was clear that this nurse would be seeing me for this consultation. I was not asked if I felt ok about having a male nurse, especially when he was lone working. Equally I was not asked if I would have preferred a female nurse. The lone-working male nurse was professional and I had no issue with him personally, especially as there were no intimate or invasive procedures. That isn't the point.

I remember feeling that for some women, the presence of a lone male nurse in the room could be frightening/intimidating. It would be better practice if the woman could be offered a choice, e.g. a male nurse or a longer wait for a female nurse. If the calibre of every professional I had come into contact with during my appointments at the clinic had been equal to the doctor described in my third appointment, I would have felt as though I'd been treated with the respect and dignity I deserve as a human being. I didn't feel that. I felt mostly dehumanised and wondered if I'd find the strength to carry on if this was how it was going to be.

During this time I was in fairly close contact with Victim Support. I am assuming that the police had referred me directly to them because Victim Support contacted me, not the other way around. They provided support and current information around the legal process which I found really helpful. Rather than go into the details of the support they provided, I feel it's more important to focus on the manner of the way I was supported by Victim Support. I was made to feel that my needs and concerns were central to their support. Everything was arranged at my convenience with professionalism and sensitivity. For example, did I want calls to my mobile or landline?; when was a convenient day/time of day to be called/make appointment? These were basic considerations, but vital to my physical and mental wellbeing at such a difficult time. I feel this highlights clearly that with simple changes and adjustments within services throughout this process, my experience could have been far less difficult. I feel that the care and support I received from Victim Support was a perfect example of a person-centred service in action.

Around the same time, I received a call from Edinburgh Rape Crisis Centre. The police had made a referral. Although I felt anxious when the phone rang (I assumed it would be the police asking me something) a softly-spoken woman checked she was speaking to the right person, identified who she was and confirmed I was ok to talk.

She explained ERCC's service but put no pressure on me to talk. She reflected back that she could hear the anxiety in my voice. I told her that I was pacing as I had done in the police station. Her voice was calm and gentle and I found myself being able to share with her the timeline of what had happened so far. The word 'rape' was never

spoken by myself or her (apart from when she identified where she was calling from). She made an appointment for a face-to-face crisis appointment with another worker, and offered to send out information after confirming it was ok to do so. It took months of support at ERCC for me to be able to say and hear the word 'rape' again.

I felt very nervous about coming to the Centre. I was constantly aware that more and more strangers were being told that I had been raped. Even though

**"I felt that a professional was seeing me as simply a human being and not a rape victim."**

I knew I was coming for support, it was still more people knowing. I wanted to try to get to the Centre by myself. I wanted to try to get my life back. I was anxious staying in but anxious going out too. My friend said that she would come with me if I was really struggling. When outside, I felt that somehow everybody knew I'd been raped. I had an awareness that this was not rational but it's what I felt. (During support, I was to discover that feeling this way is very common with survivors of sexual violence. Some feel it's tattooed on their forehead, they're wearing a label or a badge and others feel people can tell just by looking at them.) I felt that my forehead had been stamped for everyone to see.

Although I didn't know it at this point, ERCC, and different workers within the organisation, was to provide the thread of support which began then and continues even now as I get the support I need to write this case study.

Support at ERCC has taken different forms, from ongoing face-to-face emotional support; complementary therapies; somatic experiencing; art therapy group preparing for the exhibition at ERCC's 35th anniversary event at the Scottish Parliament; and opportunities for me to provide evidence in support of ERCC's funding applications. Also, ERCC has provided advocacy support including accompanying me to I.D. video link at the police station; support around anxiety generated when receiving calls from police to organise I.D. video link and also from VIA to organise a meeting with perpetrator's defence representative and around contact visits with victim services to arrange a court visit. Also, I was helped to find the courage to once again have the freedom to travel to the area where I was raped. As this has been mentioned at this time, I feel it's an appropriate point to elaborate.

**"Her voice was calm and gentle. The word 'rape' was never spoken by myself or her."**

Since the rape, the thought of being in that area caused insurmountable stress and worry. I felt like it was surrounded by a wall which I could not get past. Much of my professional and personal life was dictated by finding alternative routes to avoid that area. I tried to take very small steps to gradually reclaim a part of the city which is still my home.

My ERCC worker and I spent time discussing, planning and, one day, going to

the place using public transport and also walking.

Again, it was slowly, slowly and I knew at any time we could stop. I was always in control. I had experienced night terrors about the place and I was scared that returning there would trigger flashbacks where I could be out of control both in professional and social situations. It had crossed my mind that I might have to relocate if I was unable to be close to such a central part of the city.

We initially walked around the perimeter of the area. We had agreed that I could take my worker's arm if I felt I needed to. I did take her arm and had the physical as well as the emotional support I needed. We went inside and gradually walked around the area, stopping now and then when I felt I had to.

**"I took her arm and had the physical as well as the emotional support I needed."**

Because it had been so dark on the night I was raped, my anxiety levels increased because I could not locate the exact area and was feeling muddled and panicky. We spent time reflecting on this and acknowledged the huge achievement which had been made for me to get to that place and the importance, or not, of finding the exact location. I felt I had done what I had come to do and that was enough for now. I felt exhausted and, as planned, for a grounding exercise, we went to have coffee to give me the opportunity to reflect on what I'd set out to do.

I received a telephone message at home about an I.D. video link being organised. Although I was assured in the message that the perpetrator would not be present, I was advised as to who would be.

My worker and I agreed to meet outside the police station. I felt highly stressed. I hadn't slept or eaten. I saw the perpetrator's face in my nightmares but I was scared that I would not be able to identify his picture as the only time I had actually seen him was when he was raping me. After waiting in the public entrance area, we were led down to a room to wait. The room lacked any warmth or comfort. Soothing wall colours, a couple of plants, or the offer of a cup of tea or water would have helped; even if an officer had popped in to ask if I was ok. It was known what I was there to do – look at the face of the man who raped me, so it must have been known that I was anxious. I didn't expect Claridge's, but basic and cold did nothing to alleviate my anxiety. We had what

felt like a long wait.

I was taken, alone, into the room and introduced to three people. My support worker had to wait in the waiting room.

I could not process the information because of my anxiety so I was none the wiser as to who these people were. I certainly couldn't remember when I was told during the initial phone call. What I did think about later was that there were now another three total strangers who know what has happened to me. I also wondered how many more were behind the scenes knowing my information.

An explanation of the process was given. It was probably simple but seemed complicated at the time. I panicked when I saw the perpetrator's face and felt really upset and vulnerable being surrounded by strangers.

**"I didn't expect Claridge's, but basic and cold did nothing to alleviate my anxiety."**

I confirmed his identity and then just needed to get out the room.

It brought it all back. I knew at that moment that I never wanted to see his face again.

Arrangements were later made to accommodate this in court by the use of a screen.

Leaving the police station, I felt distraught and wondered how I would cope if fully engaging with the legal process was leaving me feeling like this at this relatively early stage. My support worker and I had a grounding session to reflect on the experience and enable me to travel home.

I feel this is an appropriate point to look closer at my experience with Victim Information and Advice (VIA).

Their first contact was by letter, enclosing an information booklet. This letter invited me to contact them if I needed to. The letter was followed by a phone call.

My interaction with VIA spread across the duration of the legal process. Rather than write in detail about these experiences, I would prefer to highlight points

which are deeply stuck in my memory.

It was very difficult to contact VIA (it could be a few days before returning my call. I was sometimes left waiting over a weekend for a return call).

I gradually realised that what they could help me with was very limited due to the protected nature of the case.

I also realised that perpetrator would be fully informed of everything to do with my statement etc., but I seemed to have no equivalent rights.

**"The perpetrator would be informed of everything to do with my statement but I seemed to have no equivalent rights."**

Sometimes there was incorrect information on the VIA answering machine, e.g. a message on 30th of the month would still say that the worker was back from annual leave on 26th. The message was not updated by the worker or colleague on worker's behalf. This was important as sometimes I had to plan my working day around making a call to VIA.

I was rarely asked if it was ok for me to talk.

There did not seem to be an understanding that my anxiety levels shot up every time I received a call from any official person to do with the case.

I was told by VIA that certain things were not necessary, e.g. asking to meet with Advocate Depute as an opportunity to meet the person who would be representing me (I was to learn later that he actually represented the State, not me).

I felt it was all a box-ticking exercise.

I'd like to write a bit here around a letter I received from a representative of the

defence asking for a precognition meeting. I had no idea what this was about, so contacted VIA who advised me it would be in my very best interests to meet with the representative. I repeatedly tried to make contact with the representative on the mobile number provided, my anxiety growing each time. I eventually called VIA again and they tried but could not get an answer either. During a support session at ERCC, my worker called the representative's landline number and managed to speak to the head of the firm. On my behalf, she explained how trying to engage with this request was causing an inordinate level of stress: why was a mobile number provided on their letter that no-one could make contact with? He seemed to understand this. He was apologetic and said he'd speak to his colleague named in the letter. It was put to him by my support worker that I was willing to engage on condition he could provide a female worker. He assured her that he would try to accommodate this.

**"I seemed to be expected to do an awful lot to organise this meeting on behalf of the defence, which compounded my stress."**

This all seems such a grey area. Who is supposed to organise this? I was given no direction. There's clearly a need for guidance and support for me, as the main witness from the Fiscal, VIA and the Police. I seemed to be expected to do an awful lot to organise this meeting on behalf of the defence, which obviously compounded my stress. I didn't want to get into trouble for not engaging in this process. That's how I felt at the time, as I had been told by VIA that it was in my best interests to attend the meeting. With hindsight, I wonder if it was.

I called VIA back to explain that I had made contact and to seek advice regarding where this meeting would take place. I stressed that it could not possibly be in my home as this was my sanctuary, which was beginning to feel free from contamination. I also wasn't able to travel to Glasgow, which was the location of the firm. The VIA worker offered to try to organise a room in the Sherriff Court building, which she did.

When I called VIA to confirm arrangements, another VIA worker stated that such a meeting with the perpetrator's defence could not be agreed within the Sherriff Court buildings. I felt at a loss because I have no knowledge of how all

this is organised and had two different VIA workers telling me two different things.

The precognition meeting went ahead in the Sheriff Court building. The female defence representative was patient, respectful and gentle, and made it clear I could go at my own pace and take a break if needed. I felt relieved that I had got through it and was looking forward to having a peaceful weekend at home. However, I got a phone call from her at approximately 7pm on Sunday evening to ask what kind of fastening I had on my trousers the night I was raped...

Arrangements were made, prior to the court case, to give me an opportunity to visit the court.

This had to be negotiated but I felt it was done with consideration.

Despite this, I knew that I would feel anxious not least because I'd never been in a court room before.

Because of this, I arranged to be accompanied by my ERCC support worker.

When we arrived I was expecting to be greeted by the worker I had spoken to on the phone. I had felt reassured since her manner had been compassionate and professional. I felt her tone of voice had expressed genuine concern and support.

We were greeted by two women from Victim Services not previously known to me. It was not explained why there were two of them. I still don't know.

We were taken into the court room. The set up was explained to me including the positioning of the judge, jury, myself and appointed support person, lawyers and other court officials. After the detailed explanation I was then informed that the case might actually take place in the Sherriff Court. This information was given after I had been reassured that I could arrive using a separate entrance and would therefore not cross paths with the perpetrator or his supporters. That prospect was horrifying and I don't know if I could have gone on with the case in such circumstances. I was informed that there was no alternative entrance in the Sherriff Court and, yes, it probably would be likely

**"I got a phone call from her at 7pm on Sunday, to ask what kind of fastening I had on my trousers the night I was raped."**

that I'd encounter the perpetrator or his supporters because the entrance was such a public area.

I panicked then. Any reassurance I felt had been provided was replaced by fear and anxiety that the case might be heard at the Sherriff Court and I might come face-to-face with the perpetrator and his family. One minute I was assured I would not see him because I could enter the High Court building privately and he'd be behind a screen in the court, and the next, it felt like that feeling of relative safety had been demolished.

I had read in information provided by Victim Support, which seemed to say that I could meet with my Advocate Depute quite early on in the legal process. I asked VIA about setting up a meeting. I was told there was no point as there was very little which could be discussed with me at that stage. I could not understand why I didn't have my

**"The person I thought was my 'lawyer' was actually representing the State. Our system is not working."**

own lawyer who would be easily accessible to me. It became clear that an AD would be allocated my case and I would have absolutely no control over who that would be. My Advocate Depute later told me that he was appointed quite late on in the process, which, apparently, is standard procedure.

I was to learn later that the person I thought was 'my lawyer', was actually representing 'the State'. Our system is not working. As the case progressed, unlike the accused, I seemed to have less and less right to information about the case and felt more and more isolated. I did finally see my AD the day before the court case.

On the day of the meeting, the Advocate Depute arrived wearing his legal robes. I advised him that I would have preferred to have met him much earlier in the process. I explained why I wanted to see him and was told this was quite unusual and not really necessary. He explained how the case would be conducted but said he couldn't discuss the content of the case further. He said he'd fight my corner and explained how his manner would be.

I felt some of the information was helpful and allowed me to feel better prepared (I know now that nothing could have prepared me for the experience in court). For me, this meeting was very necessary. Not having direct access to

my own lawyer has had, and will continue to have, an enduring impact on me. Because I am a victim and a witness at the same time seems to change things.

I was sent a date for the case to begin. A citation was brought to my home by courier which I was

required to sign. These were my instructions to attend court and set out the consequences if I didn't attend. I was told to expect this. I had to sign the documents and this was witnessed by the courier. As it turned out, the date of the court case was cancelled. I was informed with a phone call from VIA. The tone of voice was matter-of-fact, telling me the case needed to be rescheduled. There was no indication of when that would be.

There was much uncertainty around this time, waiting for a phone call to confirm a court date.

I understand that this is the way our court system works but the uncertainty impacted on my physical and psychological wellbeing. I could not sleep or get questions around the court case out of my mind.

I got a phone call on the Monday to say the case would definitely go ahead on the Tuesday. I got a phone call on the Tuesday to say, 'Sorry, it will be Thursday'. It went ahead on the Thursday. I travelled to the court with family members for support. I phoned the court and got access to the building via the side door, which would not have happened had the case been moved to the Sheriff Court. We were guided to a private room. I was introduced to the woman who would support me and sit close to me in the court room. It was the first time I'd met her and I warmed to her. I was anxious when she said it might be another person the next day. As it was, she later let me know that she would be able to return the following day. I was relieved.

I felt I had been waiting in the private room for quite a long time but it was probably no more than an hour. The court clerk came to lead me into court.

The Court support worker was talking to me but I couldn't hear what she was saying. The thought of walking into a court room full of strangers filled me with dread. I just felt like running away. I have no words to describe what it felt like entering such a cold, imposing and silent room filled with strangers all staring

**"Not having direct access to my own lawyer has had an enduring impact on me."**

at me. I am a very private person put in this very public arena through no choice of my own. No matter how hard I tried to anticipate what it would be like, I don't think anything could have prepared me for the horrendous experience in court. I was subjected to what felt like a hostile and intimidating interrogation by the perpetrator's defence. She was tenacious and unrelenting. Her tactics seemed to be to try to intimidate and break me down. She kept telling me to speak up. I am softly spoken in everyday life. Due to the off-centre positioning of the microphone, I couldn't easily speak into it and face her direction at the same time. For whatever reason, no-one noticed. If they did, they did not offer to reposition the microphone. I felt there was too much going on in my head to feel able to request that it be repositioned.

Perhaps in the future, it could be the responsibility of a particular court official to ensure that the microphone is comfortably situated for each individual witness. Maybe this is already the case, but it certainly didn't happen for me. It does not seem like a major request, but the constant turning around to face the microphone because I was being told to speak up, made a deeply difficult circumstance so much worse. I had no idea that the court process would be like this. I feel that people should be made aware of what to expect. I felt like I was on trial and having to prove my innocence. I was not aware of my AD interrupting or challenging hostile and repetitive questioning directed mercilessly at me by the Defence Counsel. My AD was interrupted on numerous occasions by the perpetrator's defence counsel. She seemed to be working much harder for her client than I felt mine was for me.

**"I don't think anything could have prepared me for the horrendous experience in court."**

The court case started on a Thursday and I was questioned over two days and then everything halted and I was left in limbo with my feelings over the weekend. I had to access support from the Rape Crisis National Helpline over that weekend. I couldn't sleep. I kept hearing his defence lawyer's bullying voice in my head. When I did manage to sleep I had a nightmare with her aggressive questioning at the heart of it. It was a derogatory and violating experience.

I have reflected a lot on my whole experience. I would be truthful and honest with anyone who asked me – I would not put myself through this experience

again and certainly not encourage anyone else to do so. I have felt that the progression through our legal system has been a further violation at every stage from day one. Every person's experience is unique, but mine, as a 'strong case', has been a never-ending nightmare.

VIA said they'd be in touch to let me know how the case was progressing. Despite this, VIA never called me until giving me the verdict. My friend called them on my behalf on two occasions. I feel that contact is vital. It can be to say that the case is still being heard so there's nothing to report. That's ok because it's contact and I know I haven't been forgotten. VIA clearly don't understand how vital the need for communication is. It can make that unbearable wait just that wee bit more bearable.

**"It was a derogatory and violating experience."**

I got the call on the Wednesday. The VIA worker didn't seem to know how to tell me. She asked me first of all how I was. I just needed to know the verdict. It was 'not proven'. I asked if this meant that the jury believed me but there wasn't enough credible evidence. She agreed with this.

I became obsessive about trying to find out what 'not proven' actually meant. I couldn't believe a rapist had been set free and needed to try to understand how this had happened. To understand, I needed some answers.

**"I couldn't believe a rapist had been set free, and needed to understand how this had happened."**

I called VIA and asked for a meeting to be arranged with the AD who had represented me. I had questions which I needed answers to. The VIA worker suggested this was not a usual request. She was, however, supportive and said she'd speak to him and try to organise a date. I said I wanted to know what had happened in court after I'd given my evidence, which then resulted in a 'not proven' verdict. I was raped. Why would I go through all this if I was not raped? I was told my case was strong. Why could the jury not be convinced of that? I met again with my ERCC worker and she agreed to accompany me to this meeting. On the day of the

meeting, I had expected there to be me, my AD and my support worker. There were two additional people and there was no explanation given as to why that was the case. I was not given the option of agreeing to them being there. The meeting lasted about an hour and a half and neither of the additional attendees spoke. The AD explained that he'd been allocated my case quite late. What the AD was talking about was not what I had come to this meeting to ask. This was not my agenda: it was his. His demeanour was condescending. The others remained silent. He had to be reminded that I had my questions. I asked about my statement. He agreed that it was a flawed document and did nothing to support the case.

I approached a senior Police Scotland officer at ERCC's 35th anniversary event. During his speech he said he would be staying on and extended an open invitation to anyone who wanted to speak directly to him on a one-to-one basis.

I had been holding on to all the feelings generated by the experiences I have described. I had been carrying disappointment, anger, frustration, disgust and fear. Although I was nervous and apprehensive, I was grateful for this golden opportunity to share my feelings with someone who held the authority and willingness to listen and help me. He asked me what I wanted to happen. He didn't tell me what he would do. I was grateful that he was enabling me to make my own choices because, until then, I had felt disempowered at so many stages of this process.

I explained that although I knew I could, I did not want to make a formal complaint against the police. I wanted the opportunity to help to make a change in the way that victims of crime are treated in the future. That would be looking at policies and procedures around statement-taking and specialist training around trauma victims. I needed him to understand how the inaccuracies in my statement had impacted on the case. He offered to contact his leading specialist officer, and that communication would be through my support worker at ERCC. The meeting with his specialist officer was set up within a couple of weeks and took place at ERCC where I felt in control, safe

**"What the AD was talking about was not what I had come to this meeting to ask. This was not my agenda; it was his."**

and supported by my worker.

Initial introductions were done. He introduced himself and explained what his remit was within Police Scotland. He made it clear from the outset that this meeting was about me and the concerns which I wanted to highlight. He allowed me the space to express the negative and positive experiences I'd had during the past year of going through the legal process. He empowered me to be open and honest with all feedback. This, he said, would enable him to take back information to work towards improving services for victims in the future. He stressed this could be at an individual level to enable him to look at the practice of a single officer but also on a more generic level which could feed into police training programmes in the future. He was gentle and reassuring and genuinely taken aback by some of the detail I was describing, especially around my statement and the circumstances around it being taken.

**"I felt in control, safe, and supported by my worker."**

I told him about the SOLO officer's demeanour and everything I have described earlier about the taking of my statement and also the forensic examination. He was keen to have another meeting after he'd had an opportunity to follow up on the information I had provided. I felt optimistic because he seemed to share the gravity of my concerns and was reassuring that I had done the right thing. He was appreciative that I had offered him the opportunity to look into why certain things had happened the way they did. He emphasised that I was entitled to go down the police complaints route but respected my reasons for choosing not to. I stressed again this was not about me being punitive; it was to do with improving the service for everyone, to see the human being first rather than a victim of crime first.

The follow-up meeting with the specialist officer was arranged quite swiftly whilst allowing him time to look back on my case and to review and assess what had been fed back. He let me know that there were

**"He was gentle and reassuring, and genuinely taken aback by some of the detail I was describing."**

indeed many flaws in my statement which would have impacted on its use as a piece of evidence in court. Also, training and mentoring needs were identified in the practice of the SOLO officer who took my statement.

The specialist officer thanked me for sharing this information with him and identified it as a learning curve. About one week after completion of the court case, I was shocked to receive a letter stating that I was likely to be cited for jury service. I was shocked too by the immediate emotional impact this had on me.

I cannot understand why there is not some filter in place which would avoid this happening. I was clearly in no fit state to be an effective jury member. I knew there was no way I could go back into a court room, especially when it could have been a sexual violence case. I was aware it's a legal requirement but, in the current circumstances, could not believe that I had been asked.

**"Training and mentoring needs were identified in the practice of the SOLO officer who took my statement."**

My clothes had been taken for forensic examination by the two CID officers who took me home the morning after I'd been raped. The whereabouts of my clothes were never at the forefront of my mind. I knew they would be forever associated with the rape so I would not want them back. Approximately one year after the court case, I opened a letter and was panicked to see it was from Police Scotland.

The wording of the letter was cold and official, asking me if I wanted to collect my belongings or did I want someone else to do this. It was clearly a standard template letter, probably received by the rapist too for the return of his clothes. I noted the option of doing nothing, in which case the clothes would be destroyed. I opted to do nothing and accessed support with the feelings and emotions behind this.

# CONCLUSION

For whoever is reading this, for whatever reason, please set aside the notion that you know how you would respond in a situation like this. You might think you know, but you don't!

I honestly thought that if something like this should happen to me, I'd fight back. I tried. I said, "no, please don't do this to me." He verbally and physically abused me. He must have known that I stood no chance against a powerful man.

**"He didn't rape 'only' my body that night."**

My body took over, slowed down and froze. My body gave up and I was aware of wondering if he'd kill me when he'd finished raping me. He didn't rape 'only' my body that night. Physical injuries heal. He raped my mind and spirit – it'll never go away.

My life now, and in the future, is different to the life I would have had if I hadn't been raped. He took that life away from me as well. The vicarious trauma has had a rippling effect on close family and friends. I have been told by some that it will be too hard to read this.

I reflect often back to that night when I saw my friends safely into taxis to get home. I was left and a taxi did not arrive for me so I started to walk. I'm left with feelings of guilt, embarrassment, self-blame and shame for what happened. I know in my head that this does not make sense and I am not to blame. He made the choice to rape me. He ignored me saying 'no'.

I wonder sometimes, what would have happened if my brother and sister-in-law had answered their phone. I know I wouldn't be writing this! They would have immediately come to get me and taken me to safety.

With hindsight, heaven forbid that if anything like this should happen again, I would not put myself through it. I would close the door on the police and legal process whilst accessing support to enable me to survive and move on with my life. Even now, in the context of what happened to me, my anxiety and stress levels remain heightened when my phone rings.

Even with support, I have felt suicidal and come close to ending my life.

# RECOMMENDATIONS

I have given this a lot of consideration. My overarching recommendations would be

In whatever contact you have with a 'victim', see that person first and foremost as a human being. Maintain professional standards but always treat her/him with the compassion, dignity and respect with which you would expect to be treated if you or a loved one was subjected to a deeply traumatic violation.

I decided against a long list of recommendations because I was concerned that individuals/agencies/organisations/influential people who were not included on my list may display a level of arrogance and believe they are delivering a great service. I feel there are many areas where institutional and individual work needs to be done. Only then will the strategic and attitudinal change begin to filter through and change the experiences of each individual finding a way to survive our legal system. I'm told by my support worker that it is common for women to describe their experiences of the legal process like being raped again. Elements of each stage feel like being violated again and again and again.

Make yourself aware of campaigns which highlight the myths surrounding rape, e.g. [www.thisisnotaninvitationtorapeme.co.uk](http://www.thisisnotaninvitationtorapeme.co.uk)

My case study is now the property of Edinburgh Rape Crisis Centre. Please use it in the most effective way you can to raise awareness, train, educate, to ensure that 'victims' have the confidence to feel they will be treated properly and will get the justice they deserve.

# ACKNOWLEDGEMENTS

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I started off by making a list. However, to protect my anonymity, I realised I had to make them anonymous too. When they read this, they will know who they are.

How much true professionalism, compassion, empathy, time, support, patience, kindness, guidance, laughter and tears, and unconditional love in order for me to survive means the world to me.

**Most importantly,  
they all believed me.**

Thank you,  
with all my loving heart.

**"Nothing is impossible; the word  
itself says 'I'm possible!'"**

Audrey Hepburn<sup>2</sup>

**"By being yourself, you put  
something wonderful into the world  
that was not there before."**

Edwin Elliot<sup>3</sup>



Established in 1978, Edinburgh Rape Crisis Centre is a specialist support, advocacy and information service for women, members of the transgender community and young people aged 12 and over in Edinburgh, East and Midlothian who are affected by sexual violence, including rape, sexual assault and childhood sexual abuse. All our services are free and confidential.

If you or someone you know has been affected by any form of sexual violence, no matter when it happened, please contact the free and confidential National Rape Crisis Helpline on **08088 01 03 02** (open daily from 6pm to midnight), or email Edinburgh Rape Crisis Centre at **support@ercc.scot**

If you would like support to report to the police or at any stage of the justice process, please contact our Advocacy Project on **07715 662 068** or **support@ercc.scot**

The **National Advocacy Project** provides support to survivors of sexual violence who have engaged, or are considering engaging, with the criminal justice system following a sexual offence. Every rape crisis centre in Scotland, along with the Domestic Abuse & Sexual Assault Team in West Lothian, has a dedicated Support & Advocacy Worker to provide support and advocacy throughout the criminal justice process. For contact details for local advocacy workers, please contact Rape Crisis Scotland on **0141 331 4180**.

For free and confidential legal information and advice for women who have been affected by violence or abuse, please contact the Scottish Women's Rights Centre on **08088 010 789** (open every Tuesday from 6pm to 9pm, and Wednesday from 1.30 to 4.30pm). For further information please go to **www.scottishwomensrightscentre.org.uk**

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Business: 0131 557 6737 // info@ercc.scot

Support service: 0131 556 9437 // support@ercc.scot

Facebook ERCC // Twitter @EdinRapeCrisis

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