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## En route without a steering wheel – a victim-centred mapping of power in the criminal justice system

Sofie-Amalie Torp Dideriksen,\* Dave Murray-Rust,\*\* Froukje Sleeswijk Visser,\*\*\* Pieter Jan Stappers\*\*\*\*

### Abstract

*Victims of sexual assault who turn to the criminal justice system for help often end up with negative experiences or even secondary trauma. While previous research has highlighted the challenges victims face, it tends to focus on individual interactions and rarely takes a holistic, victim-centred view of the process. Furthermore, it often highlights the actions of other stakeholders, rather than exploring the victim's ability to act. This means that systemic structures that influence the victim's experience and their ability to shape that experience can go unnoticed.*

*Using a human-centred design approach, journey mapping, we map the victim's experience, looking at the case of the Dutch criminal justice system. The journey map shows what interactions and non-interactions the victim encounters. We then analyse the map using a feminist theory of power, the Matrix of Domination, to explore how power impacts the victim's experience, both on an interpersonal and structural level.*

*In our study, we find that victims initially hold power, but that they lose it almost entirely when a case is filed. This lack of power results in the victim not having control of their journey in the criminal justice system, and results in different types of harm. We argue that if we want to improve victims' experiences, mapping power allows us to move beyond individual interactions and focus on systemic, structural changes.*

Keywords: Journey mapping, power, sexual assault, matrix of domination, feminism

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## 1. Introduction

With the rise of #MeToo, countless people have shared their personal stories of sexual assault online, highlighting the need for societal change (Kaplan, 2020). While the assaults themselves are disruptive and potentially traumatising, many victims also reported further harm when they sought help in the criminal justice system (CJS). While victims might approach the CJS hoping to find justice or support, many unfortunately experience victim blaming, traumatic procedures or indifference to their case. This raises a critical issue: how can we expect, as a society, to deal with crimes such as sexual assault if the victims who approach the CJS for help leave it worse off than when they arrived?

Previous victimology research has explored the pain points for victims of sexual assault engaging with the CJS, including traumatic experiences with physical examinations or during interrogations (Brooks-Hay et al., 2019), lack of control over their case (Frazier & Haney, 1996), and perceptions that the CJS favours the rights of the perpetrator over those of the victims (Douglas, 2012). Much of this research also brings recommendations to improve the experience for victims, such as how to better train employees or how to improve communication (Brooks-Hay et al., 2019; Frazier & Haney, 1996; Gagnon et al., 2018). However, many of these recommendations focus on how the challenges can be resolved by interventions by or for other actors in the CJS rather than interventions that empower victims. There seems to be a gap in research on how the victim's ability to act or be in control could potentially improve their experience.

In this work, we want to explore the victims' experience in the CJS and how they are able to act within it. To do so, we examine the victim's journey in the CJS, using a human-centred design (HCD) approach. An HCD approach can help centre people's experiences and needs in a process (Melles et al., 2021). From understanding the victim's perspective in the CJS, we can then look at the victim's ability to take action and have agency in the CJS. We do this focusing on "power" from a feminist perspective. A feminist theory of power allows us to see how a system is designed to systematically prioritise or oppress different actors within it (D'Ignazio & Klein, 2020). It can help reveal what power victims have in relation to other actors, and how that can impact the victim's experience.

This leads us to the following three research questions:

1. What does the journey of the victims of sexual assault look like in the CJS?
2. What power does the victim of sexual assault have in the CJS?
3. How do the victims of sexual assault experience power in the CJS?

To answer these questions, we apply it to the study of the Dutch CJS, where we conducted interviews with 19 stakeholders who either worked in or with the CJS. We included stakeholders from both the CJS, such as police, prosecutor and court, as well as supporting organisations. The study did not include victims but had the inclusion of victim organisations and victim lawyers to represent the victim experience in the interviews. These interviews gave us the data to create a journey map that helps us answer RQ1 by centring the victim's experience and maps it out over time. We then answer RQ2 and RQ3 by examining the map from a feminist theory of power using the Matrix of Domination (MoD). This MoD is a feminist theory of how power is facilitated in a system, allowing us to see both when power appears in specific moments and how it is structurally embedded into the CJS, visualised as patterns on the map.

By mapping how victims of sexual assault experience power in their journeys through the Dutch CJS, we reveal structural challenges that leave victims with very little power. We highlight the need for interventions and changes that extend beyond individual interactions, considering the

overall journey of the victim and the structural power imbalances at play. The goal is to support future interventions that can more efficiently improve the overall experience for the victims.

### 1.1. A note on words

In this paper, we will use the term “victim” to refer to people who have experienced sexual assault, rather than other terms such as “survivor”. We recognise that the terms are not neutral, and that there are different opinions on which words to use (Covert, n.d.; Harding, 2020). Our choice is based on two reasons. Firstly, the term better aligns with the terminology used in the CJS. Secondly, the term emphasises that people approach the CJS because they have experienced victimisation and are seeking help or justice. The term “victim” will be used throughout the paper.

We refer to the person who has committed the sexual assault as the “perpetrator”; however, our participants also used the term “suspect”. This is therefore reflected in the quotes.

Finally, we use the word “sexual assault” in this paper to describe the crime. We use the definition of sexual assault from the Dutch law, used up to 2024, defined as penetration and/or sexual acts that involve the use of force, threat of force or conditions that someone is unable to resist (Ministerie van Volksgezondheid, 2019). Recently, the law has undergone changes, which we will discuss in section 4.5. We do not address sexual abuse, which involves children and minors, because sexual abuse cases are handled differently.

## 2. Background

### 2.1. The experience of victims of sexual assault

Sexual assault is a terrible experience and severely disrupts a person's life (dos Reis et al., 2017). While the negative impacts of the assault – fear, guilt and shame – already have a significant personal impact, the #MeToo movement also highlighted the systemic challenges that victims face in the CJS. It has shown how the CJS sometimes perpetuates rape myths, puts victims through significant stress in the investigation or in the courtroom, and dismisses victims who do not fit certain narratives (Kaplan, 2020). These testimonies have highlighted particular additional challenges victims of sexual assault face in the CJS compared to other victims of crime.

The negative experiences of victims of sexual assault have been known for years. Frazier & Haney (1996) found, in the United States, that victims of sexual assault felt the CJS was unfair, prioritising the rights of the perpetrator over the victim. Victims felt a lack of control over their case and that they were given too little information. Douglas (2012) reported similar findings in Australia 20 years later and also noted that case handling often depended on perceived prosecutorial success rather than victims' needs. Another study by Gagnon et al. (2018) also from the United States, emphasised how negative interactions with service providers can worsen trauma-related symptoms and deter victims from seeking additional help. They called for better communication, trauma-informed training for professionals, and options such as being interviewed by female officers. Furthermore, certain groups of victims face additional barriers. Male victims may face assumptions about their sexuality and are more likely to be

dismissed (Bullock & Beckson, 2011), while victims from marginalised groups might be more likely to distrust the CJS, highlighting the need for culturally sensitive support (Sit & Stermac, 2021). Finally, these systemic issues not only impact the victims in the CJS but can also deter victims from reporting an assault in the first place (Patterson & Tringali, 2015).

There are, of course, also positive experiences for victims in the CJS. Douglas (2012) noted that while the CJS itself was often unsatisfactory, it sometimes connected victims with empowering support organisations. Ullman (1999) found that there can be strong support available for victims to help disclose their experience, and Fehler-Cabral et al. (2011) shows how victims' experience with a sexual assault nurse examination can be a healing moment when done with care. However, in all these studies, it seems that many of the positive experiences described are strongly connected to the person the victim meets, rather than a structural, repeatable, successful interaction.

Much research has highlighted that victims have a need for control and agency in the aftermath of sexual assault (Frazier & Haney, 1996; Logan et al., 2005; Munro-Kramer et al., 2017). However, only few of them explore this need in relation to power for the victim. In their study, Frohmann (1998) shows prosecutors can utilise their knowledge and rhetorical tools to increase the likelihood that the victim will support their decision in a case, while reducing the chance of the victim complaining or feeling unsupported. The power that prosecutors have, their knowledge of the CJS, is not available to the victims, creating a power difference in the individual interaction which makes it harder for victims to advocate for their wishes. On a systemic level, Cubells & Calsamiglia (2018) conceptualise CJS as a "technology of power" and how the CJS's needs sometimes contrast with the victims' needs. Cubells and Calsamiglia (2018) point to how these opposing needs are then resolved by the CJS punishing or victimising the victim further, by prioritising the CJS needs over the victim. These studies show how power offers a lens to examine the victim's relation in both individual interactions and in their overall journey in the CJS.

## 2.2. A systemic view of the CJS

The challenges that victims of sexual assault face in the CJS are, of course, defined by the context itself. In the following, we look at the CJS from a systems perspective.

A CJS is a system of written incriminating laws in a society and the organisations tasked with facilitating the system: the police, the prosecutor, the court and the institutions for sentencing (such as prisons) (Tonry, 2011). These organisations are responsible for reporting, investigating, prosecuting, and ultimately sentencing criminal cases. Adjacent is a network of organisations that interact with or support the CJS, such as victim organisations, social workers, governmental bodies, etc. The exact setup of a CJS and its supporting organisations varies across countries. We will introduce the Dutch CJS context in Section 4.5.

One potential way to understand how the CJS works is as described by Bernard et al. (2005). Here, we see the CJS as a loosely coupled system, where the separate actors (police, prosecutor, court, and prison) are linked sequentially, with little overlap between the individual organisations, illustrated in Figure 1. In academic literature, the CJS is characterised as a system that processes cases. The criminal cases are the input into the system, and the output is either closed cases or convictions. When a case is given as input for the system to process, the actors can either move forward to the next actor in the chain or close the case at its current

location. This way of understanding the CJS as a system places the criminal case, rather than individual people, at the central focus. Other people, such as the victim or the perpetrator, are linked to the case. However, they are not the central object of processing in the system and have limited opportunities to initiate action.

It is important to note that this approach to the CJS does not consider the victim as an integral part of the system. For our work, we will expand on this understanding of the CJS, by centring the victim's experience within it.

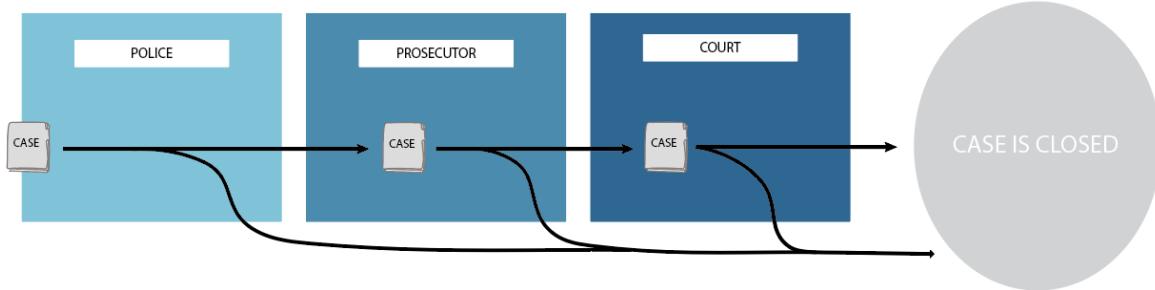


Fig. 1 - System overview of the CJS.

### 2.3. A growing focus on improving victims' experiences in the CJS

The current set-up of many CJS worldwide has been criticised for not prioritising victims. Scholars such as Gegan & Rodriguez (1992) argue that victims lack the space to participate in the justice process. In response, legal scholars and activists have explored alternative justice approaches that centre the victim's perspective. They include restorative justice and reparative justice, which both try to repair the harm to the victim, either through mediation or by emphasising the individual victim's needs (Muddell & Hawkins, 2018; Sherman et al., n.d.). Another is transitional justice used by institutions like the UN in post-conflict settings, which aims to recognise victims, reestablish institutional trust and foster reconciliation (OHCHR, n.d.). These approaches to justice can lead to higher satisfaction and feelings of fairness for the victim without having to impede the rights of the offender (Sherman et al., n.d.). However, these approaches are not perfect. McEvoy & McConnachie (2013) show the many pitfalls in transitional justice processes, such as the struggle to centre the victims in the processes in international courts or the dangers of others speaking on behalf of the victims. Furthermore, for now, these approaches are primarily used outside the CJS, focusing on cases of long-term conflict or as a supplement to the CJS (de Rechtspraak, n.d.).

Another way victims are being prioritised is the growing number of rights for victims in many countries (Cassell, n.d.; Elbers et al., 2022). These rights include legal representation, compensation for damages, the right to be informed and more (Ministry of Justice and Security, 2022). However, these rights do not necessarily ensure a better experience for the victims. In the Netherlands, Elbers et al. (2022) found that victims' rights were not always followed, or only if the victim had legal representation to promote their rights. Similarly, the report by van Pomeren et al. (2017) found that in the Dutch CJS, both employees in the CJS and victims themselves did not always find victims to be adequately informed of their rights, nor did the rights always get followed. Furthermore, Augusteijn et al (2024) found in the Netherlands that compensation was more likely granted to victims who fitted the narrative of an "ideal" victim. The concept of the ideal victim here relates to how certain characteristics are expected of a victim (for sexual assault, these include being female, young, attractive and not knowing the perpetrator), and

people who do not live up to them are more likely to face disbelief or victim blaming. This means that victims who fall outside the stereotype were less likely to receive compensation. Finally, victims' rights do not always lead to a positive impact for victims. Kunst et al. (2015) have found that depending on how victims' rights are implemented, they can potentially have a negative impact on the victim, such as stress or even leading to secondary victimisation. This suggests that victims' rights alone are not sufficient to guarantee better experiences for victims.

Much research has explored how to improve victims' experiences through legal measures, such as legal representation in court (Braun, 2014), or through the use of penal protection orders, to empower victims of domestic violence (Cleven, 2024). There is, however, a new growing focus on the application of design methodology as a potential way forward to improve the experience of CJSs. Hagan (2020) describes the movement of 'legal design' and how it entails the application of design methods to address legal challenges, making the legal system more accessible to people. Examples of legal design or design approaches to the CJS include the use of service design to develop better services for people convicted of sexual crimes (McCartan et al., 2021), human-centred design approaches to improve access to courts (Hagan, 2018) and exploring the use of imagery to improve migrants' understanding of administrative texts (Fioravanti, 2024).

## 2.4. The case: Sexual assault in the Netherlands

As this study focuses on the Netherlands, it is relevant to highlight the specifics of these cases in the country before presenting the study's results.

Sexual assault in the Netherlands was, by law, up till 2024, defined as penetration and/or sexual acts that involve the use of force, threat of force or conditions that someone is unable to resist (Ministerie van Volksgezondheid, 2019). The law was adjusted under the name "Sexual Offence Act" in 2024 to now include cases where there was a lack of consent, even if there was no proof of force or threat (Ministerie van Algemene Zaken, 2024). The change in the law is likely to significantly impact which cases go to court and how the evidence is considered (Keukenkamp, 2024). The research in this paper happened before the change of this law and therefore does not reflect its impact of it.

Examining the prevalence of sexual assault in the Netherlands, numbers from the organisation "Stop Geweld Tegen Weouwen" indicate that around 22% of women and 6% of men have experienced sexual assault (which ranges from unwanted touching of/forced to touch genitalia to rape), with 11% women and 1% men having experienced rape (stop geweld tegen vrouwen, n.d.). However, many of these cases are never reported to the police. Numbers from Amnesty International in 2020 estimated that 70% of rape cases are never reported (Amnesty International, 2020).

Before the police open a case of sexual assault, they do an intake interview with the victim, followed by a waiting period. Afterwards, the victim can decide whether to pursue a case, but many choose not to. The number varies from year to year, but in 2020 only 40% of the victims who went to the police filed a report after the intake interview (Deelen, 2020). This practice is only used in sexual assault and rape cases and has been criticised for discouraging victims from reporting.

We could not locate recent numbers on the amount of sexual assault cases per year in the Netherlands, but numbers from 2013-2019 indicate that 600-650 cases each year go to court,

where about 130 cases result in a guilty verdict. The number of sexual assault cases reported to the police in the same time period varies from 1245 in 2013 to 2000 in 2019, meaning about 30-50% of reported cases went to court, with the number becoming fewer each year (Fonds Slachtofferhulp, n.d.). Numbers from 2022 had an even higher amount of rape recorded, around 3000 instances, with only a small raise in the amount of cases opened, meaning less than 28% of incidents even led to a report (Amnesty International, 2020; Tijmstra & Bomers, 2022). The number of reports in 2022 that resulted in court cases was not reported.

### 3. Our approach and particular lens

In this study, we have decided to explore the victims' experience using a particular approach and lens to answer our research questions. In this section, we will introduce those two lenses. The first one is a human-centred design approach to map the victim's journey, and the second is a feminist theory on power. The exact methodology on how we apply these lenses can be found in Section 4.

#### 3.1. Human-centred design approach

In this work, we want to centre the victim. We therefore apply an HCD approach, as this helps us centre people's experiences and needs, as a way to approach both problem and solution framing (Melles et al., 2021). One such solution is journey mapping. Journey mapping, a) describes how an experience unfolds over time, b) visualises the different paths this unfolding can take in a complex system and c) includes the interactions between multiple actors and stakeholders. In journey mapping, people's experiences are mapped over the course of the process, as in Figure 1, but multiple aspects are tracked over time as 'swimlanes', bringing out relations over time and between aspects (Howard, 2014). Journey mapping is an abstraction of an experience that provides a holistic view, by visualising the moments in which interaction between a person and a system occurs, while also highlighting the in-between moments. It enables a deeper understanding by making otherwise invisible patterns visible, while also pointing to potential areas of intervention. In the healthcare sector, journey maps have helped improve patient experiences by making patient experiences explicit and helping develop patient-centric improvements to the interactions (Joseph et al., 2020; Simonse et al., 2019). Outside the healthcare sector, Crosier & Handford (2012) have used it as an advocacy tool to give voice to people with disability. These examples illustrate the potential of journey mapping to improve the overall experience of services for people.

At the time of writing, the authors were unable to locate journey maps used for the experiences of victims in the CJS. However, Brooks-Hay et al. (2019) have examined the Scottish CJS through an interview study, in which they explored the victims' journey from initial reporting to case resolution, identifying the factors that impacted their engagement and experience. They identified multiple challenges, from logistical issues, such as not being offered food when spending hours at the police station or running into the perpetrator outside the courthouse, to the moments that can be traumatic for the victims, such as the physical examination or the questioning in the courtroom. While Brooks-Hay et al. (2019) do not present their findings as a map, they do create an understanding of the victim's experience through interview quotes, giving voice to the victims on how specific moments impacted them. Their study shows that the challenges victims face occur at multiple stages throughout the CJS process. While some of the challenges are connected to specific moments, others are not possible to pinpoint to a certain

time or place but are more intangible experiences during multiple interactions. The work thereby highlights how there is a need to consider the entire journey of the victim across various organisations, to capture the parts of the experiences that cannot be singled out to a specific moment or organisation. This indicates that journey mapping could be an appropriate tool to capture the challenges that occur throughout the victim's experiences.

### 3.2. A feminist lens of power using the MoD

To examine the impact that power has on sexual assault victims' experience in the CJS, we apply a particular perspective of power, using feminist theory. In feminism, power is considered a structural oppression that works in multiple ways to privilege some groups over others (D'Ignazio & Klein, 2020). This structural oppression takes many forms, but one way to unravel how it appears is through the Matrix of Domination (MoD) as presented by Hill Collins (2022). In the MoD, rather than focusing on relational power between a permanent oppressor and a permanent victim, power is considered an intangible entity that constantly changes and shifts depending on the individual and the particular MoD at play in a specific moment and context. The emerging power dynamic is a result of intersecting oppressions of race, gender, class, sexuality, ability, social class and nationality and how the individual stands in relation to these. To exemplify how the MoD deals with this relational and intersecting approach to power, we can look at two victims of similar crimes who have different intersecting oppressions working against them. A young, white woman and an older, black trans woman might be met with different stereotypes or treatment in the CJS. This is not just a thought experiment – as noted in section 2.1, male victims face distinct challenges, potentially due to homophobia or sexism dismissing their experience.

In this work, we analyse our journey map using the lens of MoD to help us see how power is distributed in the CJS, focusing on the victim, allowing us to examine how power influences the experience of victims in the CJS. We can do so by looking at how power in a system is organised. In the MoD, power is facilitated through four distinct domains (Hill Collins, 2022). These domains are:

- *The structural domain*, how larger institutions are organised through written laws and policies. In our paper, this can relate to laws on sexual assault and victim rights.
- *The disciplinary domain*, how the institutions manage and administer the written policies and laws. This can refer to how, e.g. victim rights are carried out in practice in the CJS.
- *The hegemonic domain*, how oppressive ideas are circulated in ideology, culture and media to justify the oppression. This can, for example, be when victims experience victim-blaming from actors in the CJS, as a way to argue why their case won't be worth reporting.
- *The interpersonal domain*, how the individual experiences oppression and its impact on their day-to-day life. This could be in the interactions between victims and actors in the CJS, where standard questions from the police can result in victims feeling hurt or misunderstood.

These four domains can help highlight just how power is present in a system, how it is facilitated and how it impacts the victim's experience. We will apply this approach to power in our journey map in section 6.

## 4. Methodology

In this study, we examine how victims of sexual assault experience power in the CJS, using a feminist approach to journey mapping. Our analysis was grounded in interviews with 19 stakeholders from the Dutch CJS, which informed the journey mapping and the application of the MoD. In this section, we will describe our methodology.

It is important to mention that when the interviews for this study were conducted, the goal was to examine not just the victim's experience, but also how technology, such as AI, influenced it. However, the interviews produced a wide range of findings, too wide and nuanced to be coherently brought together in one paper. Therefore, this paper will only deal with the findings that relate to the RQs as mentioned in the introduction (section 1). The other findings, related to technology and AI, will be discussed in a separate publication (still to be published). However, the methodology section reflects this breadth of findings, meaning there will be references to technology and AI, even though we do not report on those and they do not relate to the RQs.

This study was approved by the human research ethics committee at TU Delft in 2023 with ID 3231. The ethical considerations for the study concerned consent and data protection. Participants signed a consent form before the study, which detailed how the data would be used for academic purposes and who would have access to the data. The interviews were recorded and sometimes included examples of existing cases involving victims. To prevent re-identification, the original interviews were deleted after recording, and details related to specific locations or cases were manually removed before the interview analysis.

### 4.1. Interviews

We first conducted interviews with actors from a wide range of organisations related to the CJS – including the police, prosecutors, courts, victim organisations, academia, and private companies (see Table 1 for an overview). The interview participants were primarily recruited through outreach to the organisations, and additional interviewees were identified through snowball sampling (Naderifar et al., 2017), which involved asking participants who else they thought might be relevant to the study. The interviews were semi-structured and based on a script (see Appendix 1), focusing on three separate themes: 1) Their views on the Dutch CJS, 2) technology, and 3) potential future of AI. Each interview lasted approximately one hour and was conducted either online or in person at the participant's workplace. The interviews were all in English, which was the second language for all the participants, due to the first author and interviewer of the study not being proficient in Dutch. During the interviews, the participants reflected on how the themes impacted their daily work. Often, the questions lead to much reflection, and while all three themes were addressed in each interview, many could have benefited from more time to allow for further explanation.

Table 1 - Overview of participants

Participant number	Participants' Relation to the CJS
P1	Working with safety and AI in the private sector
P2	Professor at law school
P3	Working with safety and AI in the private sector
P4	Senior investigator at the Dutch police
P5	Case screener at the Dutch police
P6	AI developer at the Dutch police
P7	Lawyer at the public prosecutor
P8	Investigator at the Dutch police
P9	Policy advisor at the Dutch Probation Service
P10	Senior judge at the criminal court
P11	Employee at a victim organisation
P12	Employee at Restorative Justice NL
P13	Employee at the Dutch Forensic Institute
P14	Juridical adviser on AI in the Dutch court
P15	Employee at a mediation organisation
P16	Victim lawyer
P17	Employee at a victim organisation
P18	Employee at a victim organisation
P19	Investigator at the police, focus on digital assault

For the study, we chose to approach stakeholders in the CJS rather than victims of sexual assault for two reasons. Firstly, participating in a study can be a stress factor for victims of sexual assault, and there is therefore a risk of creating more harm. Given the exploratory nature of the study, we were unable to create a setup that adequately protected victims during the process, especially since an alternative option was available, which leads to the second reason. Stakeholders in the CJS had often observed the journeys of multiple victims. They therefore had a more general view of the challenges. However, this choice means we are not letting the victims themselves be heard. While this decision was fitting for this study, it is only a first step, and future work should focus on trying to uplift the voices of the victims themselves.

#### 4.2. Interview analysis approach

To analyse the interviews, we applied a reflexive thematic analysis approach (Braun & Clarke, 2019). Reflexive thematic analysis is an approach where, rather than a more positivistic analysis that begins with theme development, themes are constructed bottom-up from the data by the researchers. The themes are conceptually patterns of shared meaning, stories about the data that emerged both from the data and from the theoretical backgrounds of the researcher. This process requires the researcher to continually question their assumptions and reflect on the theoretical and enquiry into how they construct the analysis. As part of making our analysis approach more transparent, we have added a positionality statement in Appendix 2.

In practice, we conducted this analysis in the following way. The interviews were recorded as audio either on the computer when the interviews were online, using Microsoft Teams to conduct the meeting and record it (Microsoft Teams, n.d.), or it was recorded on a phone using the Otter.ai app when the meeting was in person (Otter.Ai, n.d.). The audio recordings were then transcribed using Microsoft Word, after which the first author manually went through and checked the manuscript for accuracy (Microsoft Word, n.d.). To conduct the reflexive thematic analysis, statement cards known from design research were used (Sanders & Stappers, 2012). These were created by the first author going through the transcripts and selecting quotes related to either victims and their experience, technology in the CJS that was relevant to victims, or general comments about the CJS and its stakeholders that could potentially impact victims. Each quote was converted into a “statement card,” featuring the quote, a paraphrase (an explicit, worded interpretation by the researcher), a reference number, a colour code indicating the participant and a transcript timestamp (see Figure 2). This resulted in 591 statement cards. The cards were then printed to conduct the reflexive thematic analysis. The analysis was conducted in a room with magnetic walls, which meant the statement cards could be clustered on the wall with magnets to construct themes and relationships. The physicality allowed for easy rearrangement of the clusters when new quotes emerged. It also helped see the connection from data to interpretation to clusters, because everything was visible at the same time. The analysis went through different stages. Firstly, themes were constructed from the statement cards, resulting in 118 themes. These were then grouped into 28 higher-level themes, which were then mapped to show the relationship between the 28 themes. An overview of all the themes can be found in Appendix 3.

<b>Victims needs to be reminded that they can focus on their needs and healing</b>
And I always try to put into the focus, like not OK, that's all very nice, but what would it do for you if you would try to do if you, if you choose to do? What would you benefit from it? I always try to explain whatever you whatever you do to make you more healthy, to make your situation better.
No 67, P16, 44:29

Fig. 2 - An example of a statement card from the analyses.

As the analysis was primarily done by one person, to counter potential bias and support the researcher, the fellow co-authors would come visit the room throughout the analysis, and occasionally, also visitors or passersby. They would act as sparring partners to the first author, and helped develop the overall storyline of the data, identify questions and suggest new connections. This supported additional reflexivity for the first author, as they had to communicate the findings and find ways to articulate the themes.

As previously mentioned, as the analysis was worked bottom-up, it produced a wide range of findings. Not all these findings were directly related to the research questions we pose here. In the rest of the paper, we will only focus on the relevant clusters and findings to our research questions.

#### 4.3. Creating the journey map

The next step was to construct the journey map, centred on the experience of victims of sexual assault. Therefore, the horizontal axis represents the victim's journey, and only includes the interactions that the victim has (and excludes those they do not engage with). We then mapped the journey, based on the data from the interviews, as well as existing documentation on the CJS process, to verify our findings and add potential nuances. The primary documentation we used was the police's website (politie.nl, n.d.) and the victim organisation Slachtofferhulp (SOH) website (Slachtofferhulp Nederland, 2022). Most of the data behind the map came from the interviews – such as how communication was facilitated at the police and prosecutor, when and how certain actions would be initiated and how there might be deviations from the official description such as the option to discuss compensation in the courtroom. An example of something that did not come up in the interviews, but is a key part of the journey map, is the intake interviews. The intake interview occurs at the very beginning of the journey, and it is a step in the official documentation process. We therefore included it in the map. As a final verification, we showed the map to a victim organisation.

#### 4.4. Analysing the journey map from a lens of power

Once the journey map was created, we applied the MoD to analyse how power manifested itself along the victim's journey. We first examined how each of the four MoD domains (structural, disciplinary, interpersonal, and hegemonic) appeared in our interview themes. We describe how all four domains appeared in our findings and mapped two of the domains, the disciplinary and the interpersonal, directly onto the journey map in the form of “swimlanes” below the horizontal line, indicating where the data for these domains appeared along the journey. The result is presented in section 6.

### 5. Results

The following section presents the results of the interview study and the journey map. It begins by introducing the journey map and its structure, followed by a detailed walk-through. We then explore the map, focusing on power, using the MoD.

#### 5.1. Introduction to the map

The journey map (Figure 4) provides an overview of the victim's journey. A high-resolution PDF is available in the Appendix 4. The journey map is read from left to right, following the victim and their interactions with other actors. All the actors are colour-coded; see Figure 3.

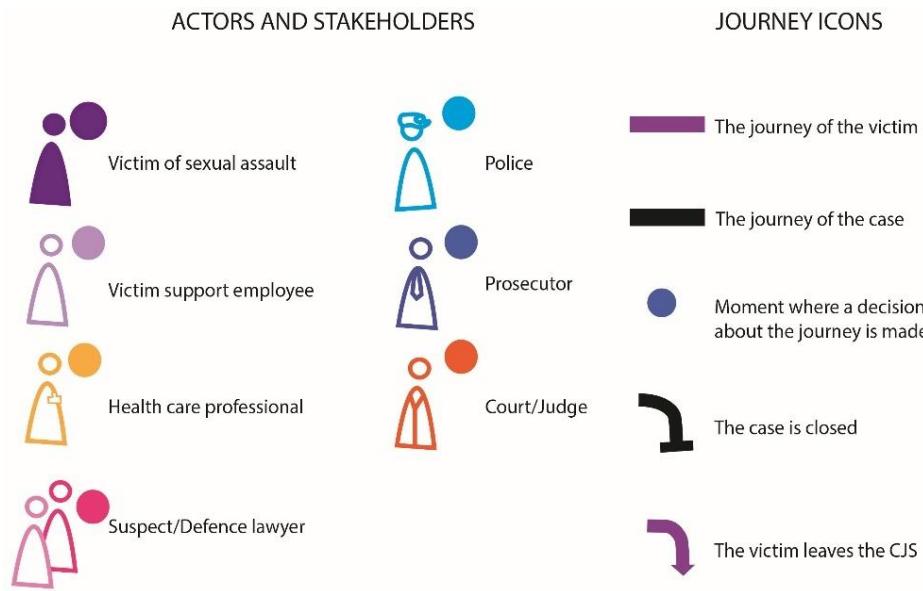


Fig. 3 - Legend for the journey map for both the different actors and stakeholders, as well as the journey icons used in the map.

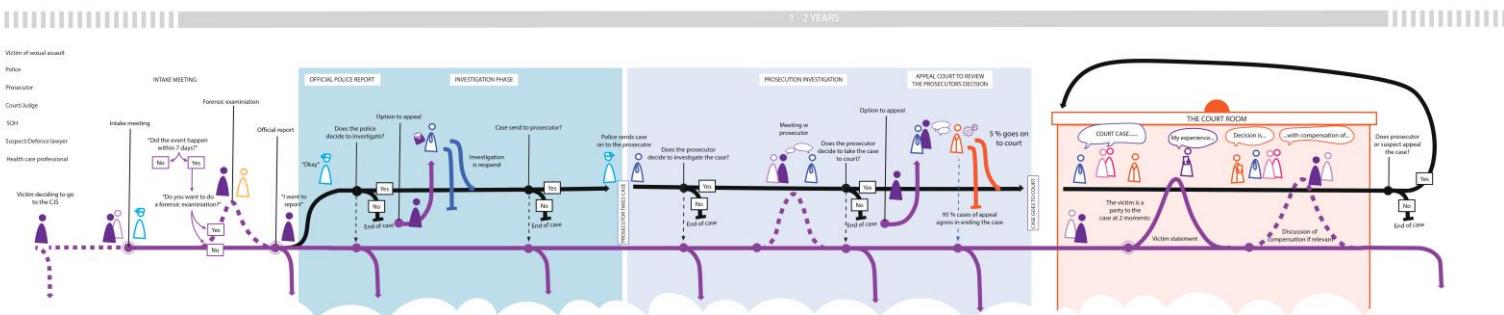


Fig. 4 - The journey map of the victim of sexual assault in the Dutch CJS

Looking at the journey, the victim moves through three sequentially linked organisations. We have chosen to call the periods where victims interact with one organisation “chapters”, resulting in three chapters: The police (blue), the prosecutor (purple) and the court (orange). Within each chapter, the victim interacts with other actors. We refer to those interactions as “moments”, and they can happen both in person and through other means. Mostly, these interactions are not connected to a specific location, except in Chapter Three, where most interactions take place in the courtroom.

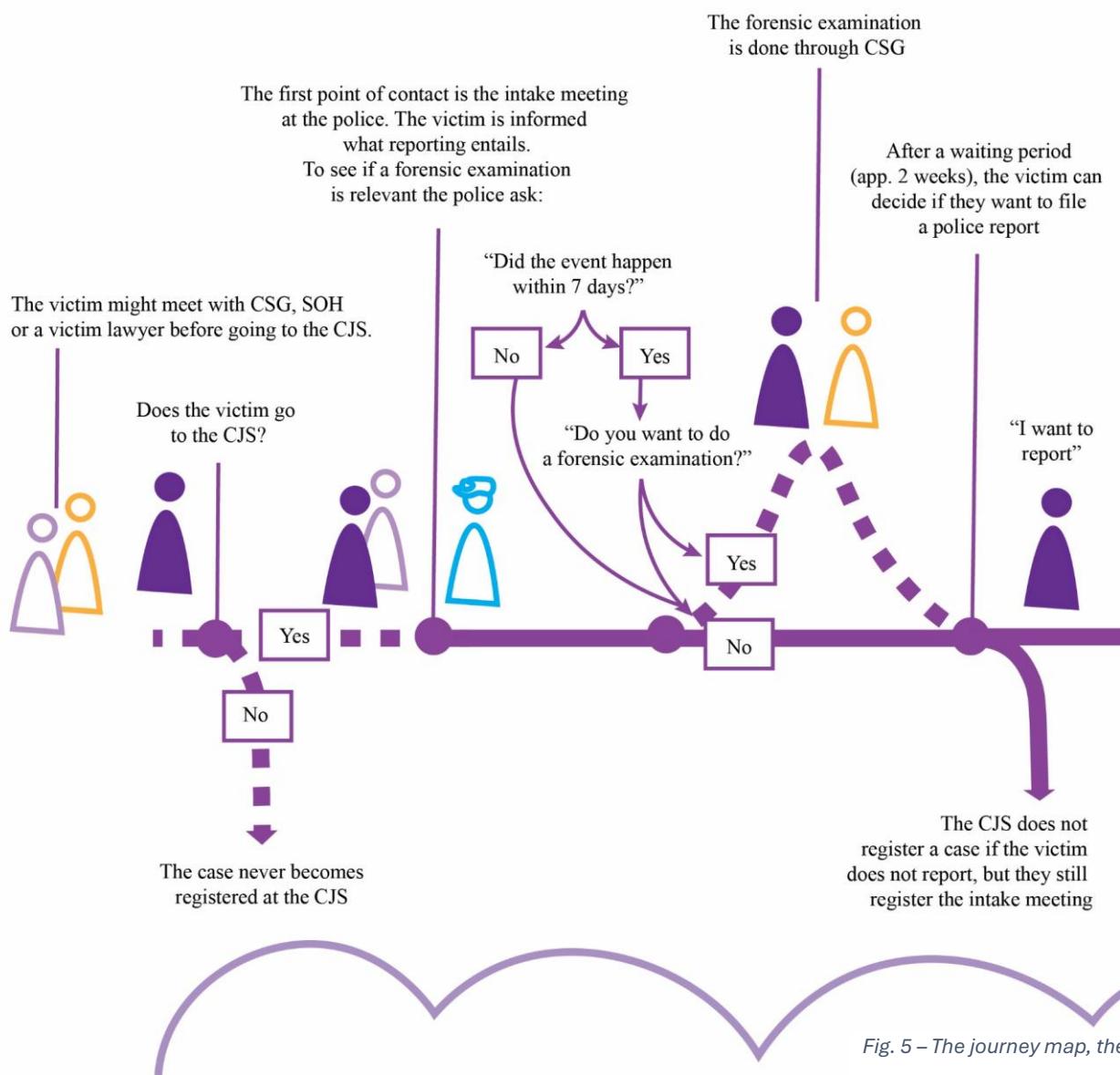
Two lines guide the map. The purple line traces the victim's journey, while the black line is the journey of their case. These are interdependent, meaning that the victim's experience is directly connected to what happens with their case. If the case is moved forward in the system, the victim will progress with it to the next steps of the journey. Similarly, if the case is closed, the victim's journey in the CJS will also come to an end. This leads us to the final point, which is that this journey does not end in the same place for all victims. There is no guarantee that a journey

started at the police ends in court – it is, in fact, not very likely (as discussed in section 4.5). There are multiple points at which the victim's case might be closed, and they leave the CJS.

## 5.2. The prologue

While each victim's path to the CJS is unique, they all begin with an experience of sexual assault, regardless of its legal classification. Some victims may never disclose the assault, while others may immediately report it to the police. Many first seek support from friends or family, or professional help at victim centres, such as Slachtofferhulp or Centrum Seksuel Geweld. In most cases, it is the victim's decision if they want to go to the police, except in cases of children and minors, or if the professional support organisations think that there is an immediate threat to the victim or other people.

If a victim chooses to report, the initial step is typically an intake meeting. During this meeting, police inform them of the implications of reporting and assess whether immediate actions, such as forensic examinations, are needed. Victims are then given a reflection period before deciding whether to proceed with an official report. This procedure with intake meetings is only used for victims of sexual assault and not for other types of crimes.



### 5.3. Chapter 1 – the police investigation

If the victim files an official report, the police open a case. From here on out, the victim's journey runs parallel to the case, with momentary touchpoints where the victim might participate. The victim receives updates from the police via phone or a victim portal, especially when the police need information from the victim.

It is the police who decide whether to investigate a case and if there is enough evidence to forward it to the prosecutor. If the victim disagrees with the police's decision, they can file a complaint letter to the prosecutor. The victim can seek support from their lawyer or from SOH to do so. At the time of the research, it was unclear how often this happens and how often the result favours the victim.

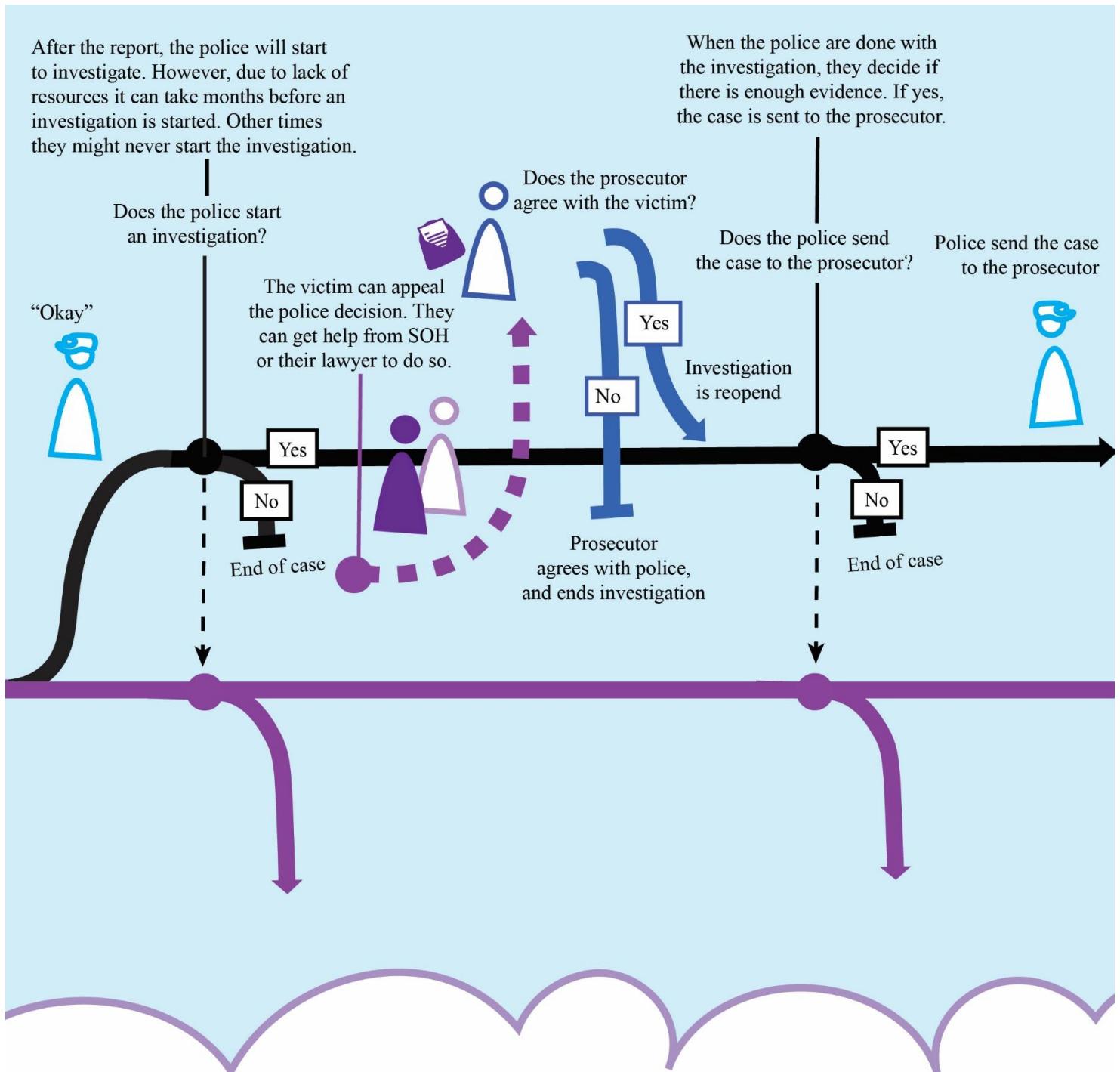


Fig. 6 – The journey map, chapter 1

#### 5.4. Chapter 2 – The Prosecutor

When the prosecutor receives the case, the prosecutor continues to investigate and determine if the case should proceed to court. The victim is not involved in this decision, and contact becomes more sparse, moving from phone calls to letters.

In cases of sexual violence, the prosecutor can offer the victim and their legal support an information meeting. In the meeting, the prosecutor can explain their plans for the case, and was by P16 (the victim lawyer) in our interview described as being helpful for the victim. It is often up to the victim and their legal support to request this meeting.

If the prosecutor decides not to proceed, the victim can appeal the decision. A judge will then review the decision. While there are no official statistics on how often the judge agrees with the victim, two of our participants gave a rough estimated that only 5% of complaints result in the case being subsequently taken to court.

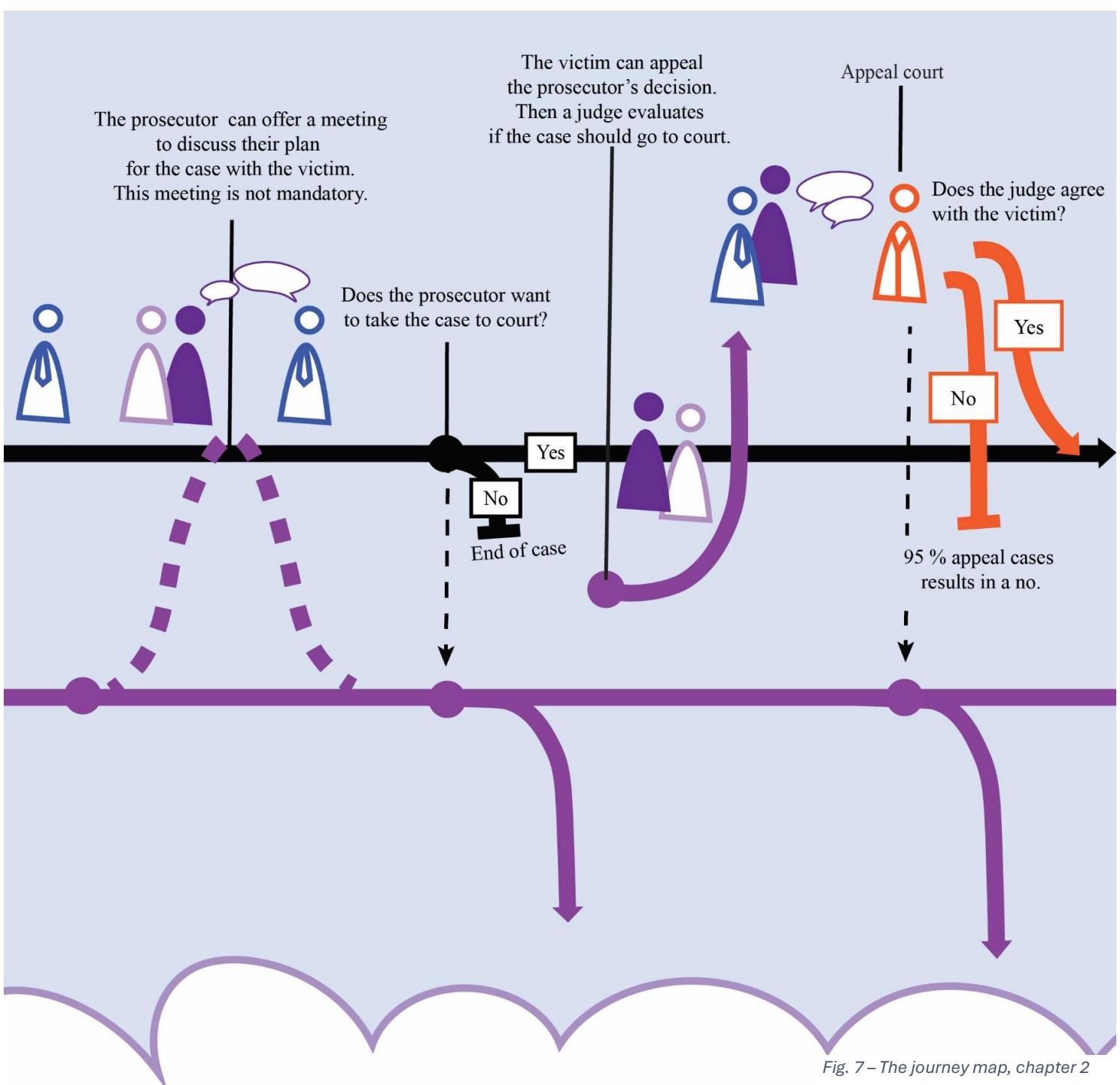


Fig. 7 – The journey map, chapter 2

### 5.5. Chapter 3 – The Courtroom

Unlike the previous chapters, this part of the journey is connected to a specific context: the courtroom. Most of the activities occur here, which might be why it is the only chapter where our participants mentioned physical items.

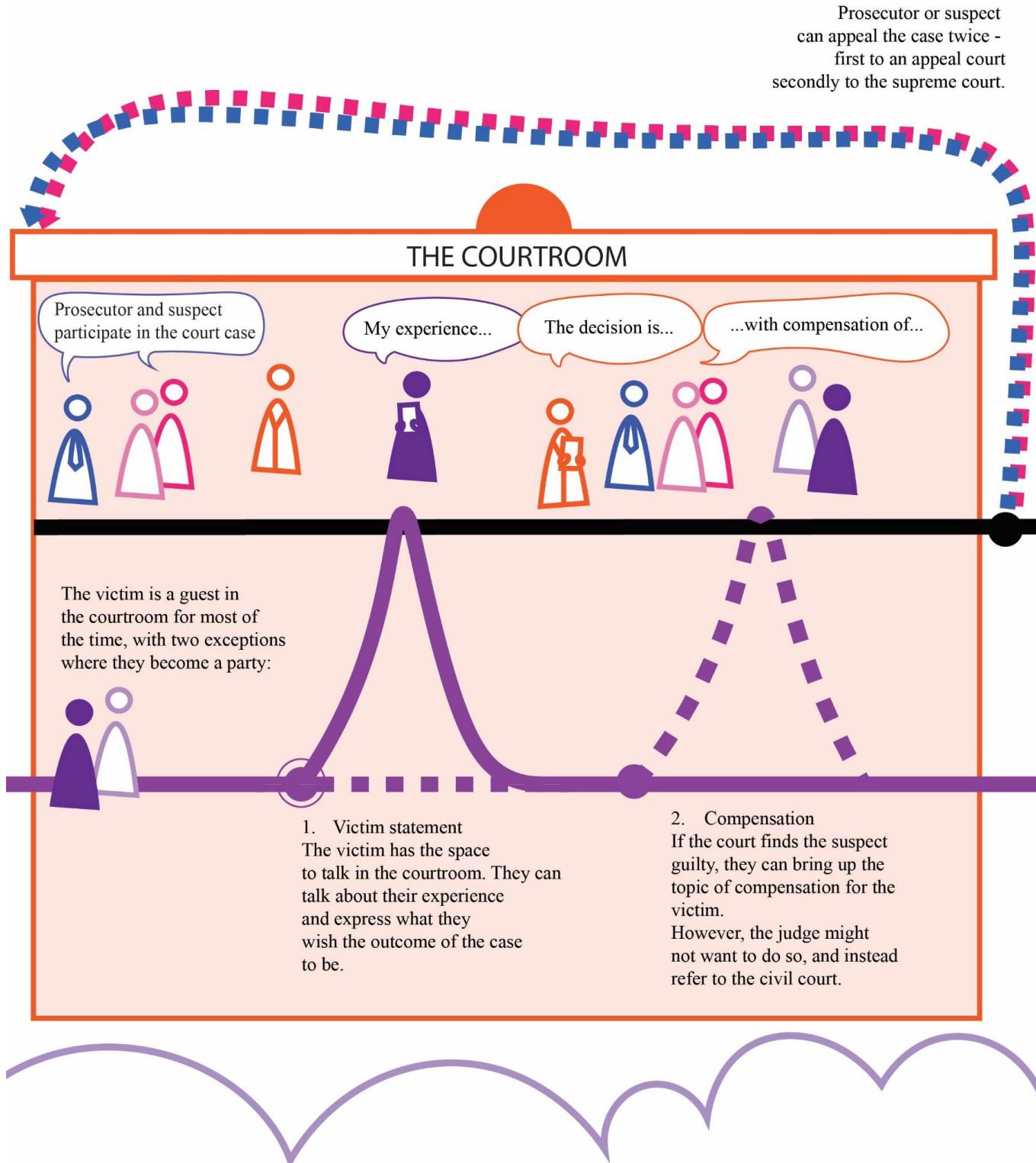


Fig. 8 – The journey map, chapter 3

During the court proceedings, the primary actors are the judge, the prosecutor and the perpetrator. The victim is a guest in the courtroom. They are not a formal party to the case and therefore do not participate except for two specific moments. Firstly, the victim statement. In severe cases such as sexual violence, the victim is allowed to do a victim statement, where they can share their experience and express their view on how they think the case should be handled. Secondly, compensation. If the perpetrator is deemed guilty, the court can discuss financial compensation for the victim. This compensation is more secure than compensation in the civil court. However, while this is a victim's right, some of our participants described having to fight the judge to talk about compensation, and sometimes the request was ignored.

At the end of the court case, the judge decides the outcome of the case. If the prosecutor or the perpetrator is unsatisfied with the result, they can appeal the case. This can happen twice, the last time at the Supreme Court. The victim cannot decide if a case should be appealed. They can express their wishes to the prosecutor, but the prosecutor is not obligated to take them into account.

### 5.6. Epilogue

If no appeal is filed, the case will end, but just because the case is closed, the story is not over for the victim. They return to their everyday. They might seek other forms of retribution, or they could focus on healing through therapy or mediation. The epilogue, like the prologue, is a unique chapter for each victim.

It is important to note that the epilogue may occur at multiple points during the journey. As illustrated in the map, it can end in the prologue or in chapters 1 and 2. However, when the journey ends, it does not say anything about the quality of the journey for the victim. As mentioned in our interviews, for some victims, the intake meeting can be very helpful, even if they never file an official report. They can feel heard in that moment, and it can help them heal. Others will go through all the chapters but be traumatised by the experience. This map is not intended to be read as an obstacle race, where a good outcome is found at the end of the map. The victims' experience cannot be reduced to whether they pass through the court.

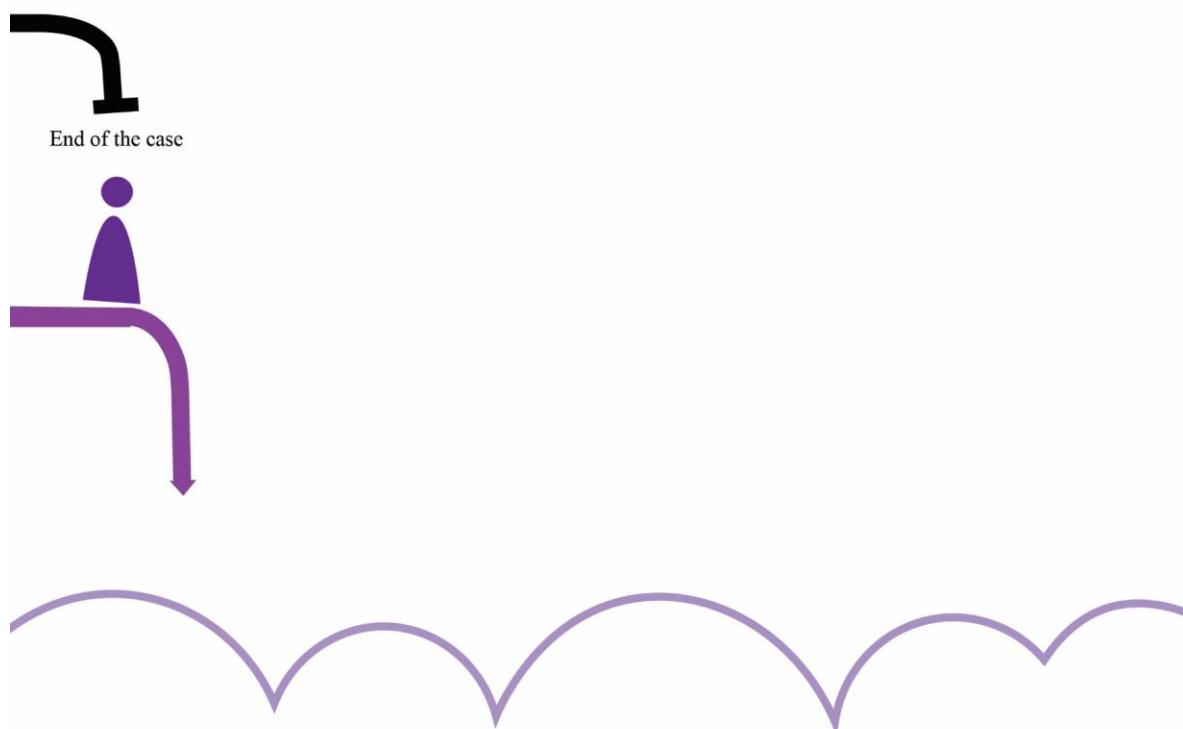


Fig. 9 – The journey map, epilogue

## 6. Power in the victim's journey

Now that we have outlined the journey of victims of sexual assault through the CJS, we can examine the journey to understand how power is present and how it impacts the victim using the MoD (as described in section 3.2). The journey map with the power analysis can also be found in Appendix 4.

### 6.1. Structural domain

The structural domain centres around how larger institutions are organised, through written laws and policies. The main theme that emerged in the interviews regarding this topic was victim rights. Victim rights played a significant role in determining the level of power victims received in the structural domain. We have described victims' rights more generally in section 2.3; however, the rights that participants highlighted in our interviews were primarily the right to be informed, the right to compensation and the right to make a victim statement. We did not map the structural domain onto the map, as the way these policies manifest themselves in the map is what we explore in the disciplinary domain in section 6.2.

### 6.2. Disciplinary domain

The disciplinary domain focuses on how power is managed and administered by institutions, such as the implementation of laws and policies. In our data, this was addressed in two ways: first, how victim rights were implemented in the CJS process, and second, how the victim was able to take action in the journey (or lack thereof).

First, while victims' rights are written policies that give victims a certain level of power throughout the CJS process, they are not always adhered to in practice. P18 from the victim organisation explained: *"One of the biggest challenges is that victims have many rights, but these rights are not always respected fully. There is always a lot of discussion about this"*. It seems that victims' rights in themselves do not always guarantee a level of power.

Secondly, our participants discussed the ability of victims to make decisions about the CJS process. This was often related to the case, which, as we previously established in section 5.1, determines the victim's journey. In the interview, four levels of action over the criminal case emerged:

1. Control in process: Direct control over the case, such as whether the case should go to court.
2. Input into process: The ability to give input into a process.
3. Official complaint: The ability to file a complaint about the process.
4. Complain/annoy/request: Unofficial influence, such as the victim putting pressure on other actors. This is not officially part of the system, but it can work.

When we examine these four levels of action, they are not only related to the victim but also to all actors in the CJS who have agency over the case at various moments. We can therefore map the level of agency in the CJS along the victim's journey, see figure 10:

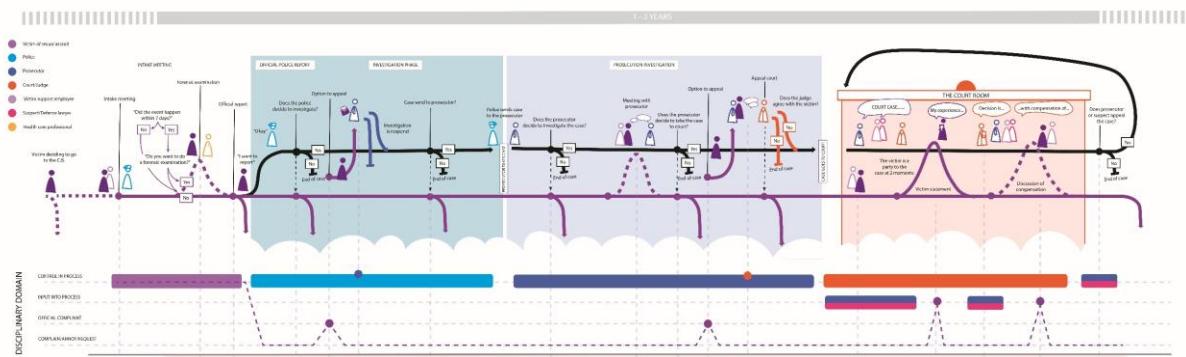


Fig. 10 - The journey map of the victim of sexual assault, including the analysis of the disciplinary domain. The swimlanes indicate which actors can take what types of action at different times in the process.

When we map these levels of agency, a pattern emerges in the victim's journey. We see that the victim has a lot of power at the start of the journey, but as soon as they decide to make an official report, they lose almost all power over the case. The victim only has a few moments in which they can either initiate a process or be informed about the process. On the contrary, it is the actors in the CJS (police, prosecutor, court) who, in turn, will have control over what happens to the case.

We can examine the disciplinary level of power in the journey more in-depth. Firstly, there is a high level of power at the start of the journey. The participants offered different reasons for allowing victims to make those decisions. P11 described it as a way to help give the victim control back after the sexual assault: *“Because when it comes to sexual assault, you have no grip of what happened. [...] you can control what happens you now. So if you don’t want to do aangifte [a statement], that’s fine. If you don’t want this or that is also fine. So you feel that you are in control.”*. However, when it came to participating in the forensic analysis, the argument focused more on the potential stress on the victim. As described by P11: *“Something really bad happened to you, and now they’re gonna take photos, swap this and that and sometimes it takes a long time. So if the victims says you know what? I’m not capable of doing that or I don’t want that. That’s also fine”*. The agency the victim has at the start appears to come from a very victim-oriented standpoint.

However, if the victim decides to press charges, the level of agency significantly reduces and is moved to other actors of the system. At some moments, the victim has power, such as the ability to initiate a complaint procedure. However, there is no official number that indicates how often these complaint procedures side with the victims. Two of our participants gave a rough estimate that only 5% of the complaints in chapter 2 sided with the victim. This means that while these are moments of agency for the victim to initiate a process, this initiation will most likely result in a moment of rejection.

Finally, there are moments in the courtroom. While the victim is not considered a party in the courtroom, there are two instances when they are given a voice. Firstly, there is the victim statement, where the victim has a high degree of control to define what they want to say and how they want to do it, as explained by P18 from the victim organisation: *“I had clients that didn’t want to be present in the courtroom, or they wanted to be seated in the back of the courtroom where the suspect couldn’t really see them. I also had clients who sat next to me and played a big role. Some people want to speak for themselves. Other people let me or the case manager from Victim Support Netherlands speak for them, for example, when they are lost for*

*words. It depends on what feels good for them to what extent they participate*”. Secondly, there is the discussion of compensation. However, this was one of the victim rights that participants described as sometimes not being adhered to in the courtroom.

### 6.3. Interpersonal domain

The interpersonal domain relates to the individual's experience of oppression and its daily impact on them. As our participants in the interview were not discussing individual journeys, but rather general themes, the interpersonal domain primarily appeared in generalisations of moments that could either harm or help the victims.

#### 6.3.1. Moments that can harm

As mentioned earlier, it is known that some processes can be very stressful to the victim, such as forensic examination, which is why victims can opt out of them. However, our participants highlighted other moments as well.

Communication

*Communicating through letter*

The communication between the victim and the CJS was a point of harm. This could be when the police or prosecutor informed the victim about closing the case by letter. This can feel dismissive to the victim and might trigger frustration. This is especially the case if the victim does not understand the prosecutor's decision or is not able to ask questions to the prosecutor. The CJS is aware of it, as P7 from the prosecutor put it: “*These letters are super brief, like a dismissal letter, very short. [they] just say, well there's not enough evidence or well, it's also kind of your own fault, dear victim. So we don't really explain what happened, what our reasoning is*”.

*Having to beg for documents*

Another communication element is in how the legal representatives of the victim are treated by the CJS. P16, a victim lawyer, described having to beg for casefiles: “*The begging, the begging, the begging should be out of the system. Please give me the file. The court case starts in three weeks' time. The defence lawyer has to file two years, please give me the file 3 weeks before I need it*.”. This dismissal of the victim's representatives can harm the victim by making it seem the CJS does not care for the victim.

In the courtroom

*Going to court.*

The prospect of having to go to court can also be very stressful for the victim. P16 described it as “*The whole procedure in itself, is already stressful, the waiting, the insecurity. The moment they know there will be a case [...] they cannot sleep. They're so stressed out of the whole thing*”. This seems to be more a general sort of stress, which might not point to a specific moment.

*Interacting with the judge*

In the courtroom, some of the participants highlighted specifically the interactions between the victim and the judge as a potentially harmful moment. They described instances where the judge might not acknowledge the victim, as mentioned by P18: *"You can have a judge who doesn't acknowledge that there is a victim in the courtroom. For example, it sometimes happens that the judge doesn't welcome him or her."* P12 mentioned that judges could get frustrated with people displaying emotions or speaking up: *"Or being annoyed when people that are, as I said, the most affected and the least involved [the victim] speak up in the courtrooms and judges get annoyed because it's not very handy that people speak up".*

*The overall time it takes*

The long waiting times can be stressful for the victims. The CJS case process can take years, and during these periods, it can be hard for the victim to move on with their life as the case is being processed. P17 said *"It starts with going to the police and it takes several years before there's a decision about the next steps. You see that people are waiting for clarity and it's hard to go on with your life while this is going on. And I think that's one of the biggest challenges for the justice system, how to shorten waiting times, but I think it's necessary"*.

*Prioritising the case over therapy*

Sometimes the harm is explicitly stated as a competing priority between the victim's health and the just process of the CJS. One such example is therapy. While there is no rule that victims cannot do therapy while an investigation is going on, they might be told by the CJS that can impact their case negatively. The reason is that the victim's statements as witness to the event can be questioned if they are doing therapy, as explained by P17: *"So I mean having to do your statement for the police before you receive the psychological treatment because it can influence how you experience what happened or how you look back on it. So with the long waiting times [in the CJS], sometimes the lawyer of the perpetrator also wants to hear you and they might say 'well you received treatment so how do we know that what you're telling us is correct?'".* This can result in victims postponing therapy so it will not influence their court case, even though therapy can be crucial in dealing with the trauma and to avoid developing PTSD.

### 6.3.2. Moments that can help

*Reporting the crime*

It can be helpful for a victim to report the crime, as a way to take action after what has happened. It is especially helpful if the victim is met with understanding and a feeling that someone believes them, the CJS can help the victim feel better: *"It's what they can get out of it, is that they stop feeling guilty. Guilty for themselves like ooh I did this or this. Or shamed or... but that they hear from others who work within the field and also the criminal justice system that there's no victim blaming and that they feel empowered. Ok it's it's good. It feels good that I could tell my story"* P11.

*Interactions with the judge*

Interestingly enough, the interactions with the judge were also highlighted as moments that could be helpful. P16 described how judges could support the victims with being in court:

*“Sometimes judges can be very victim minded. They say during the court hearing, if you want you’re going to take 10 minutes with a break. The victim can recuperate in the hallway, then we can continue. Something simple like that helps”.*

### Having human interactions

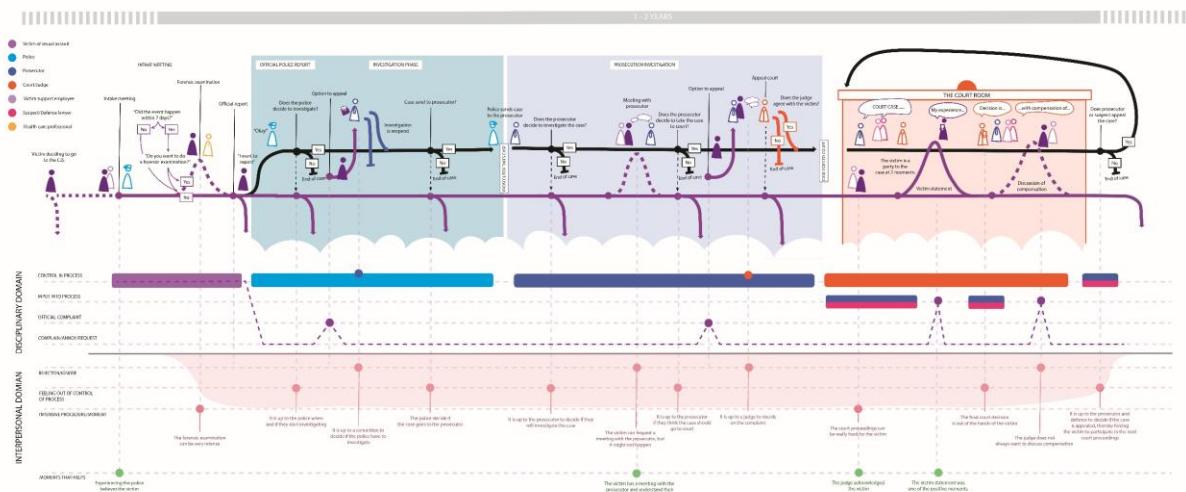
Another thing that was highlighted was the interactions with victim organisations like SOH. P7 described how that human connection that SOH could provide can be very helpful to the victim: *“So the physical, the human kind of interaction is quite little and Slachtofferhulp, the victim unit, are very good at that point, explaining, a shoulder to cry on, etc.”* This also meant that the CJS could sometimes rely on SOH to support the victims in ways they might not be able to.

#### 6.3.3. Mapping interpersonal power on the journey

To map the interpersonal domain in the journey, some of the examples highlighted by participants are possible to map, others do not seem to connect to a specific moment, but happen throughout the journey. Therefore, we have decided to map the following four categories that are able to be mapped in our user journey, see figure 11:

1. Rejection/ignoring: These are moments where the CJS might reject a request from the victim, such as meeting with the prosecutor
2. Feeling out of control of the process: These are moments when the victim is not in control of what will happen with the case
3. Intense procedure/moment: These are moments that, in and of themselves, can be traumatising to the victim, such as the forensic procedure.
4. Moments that help: These are moments highlighted where victims feel like they receive support from the CJS.

To map the four different types of moments, we created a swimlane for each of the four moments represented by vertical lines (added below the disciplinary domain). Moments were added on the swimlane, according to when in the journey the moment occurred. Some negative moments were not possible to pinpoint to a specific time in the journey, but were happening throughout the journey (such as the long waiting times mentioned in 6.3.1). We indicated those with a light red background, which is present throughout the whole journey. This resulted in adding 12 moments of harm and 4 moments of help onto the swimlanes. Each moment also included a small description of it in the map.



*Fig. 11 - The journey map of the victim of sexual assault, including the analysis of the interpersonal domain. The swimlanes indicate the different types of moments of either harm or help that the victim might experience.*

When we look across the moments of harm, we see they permeate the whole journey of the CJS, at all stages of the journey. Helpful moments, on the other hand, are a lot less present – we only saw 4 moments mentioned by our participants. This indicates that there are many moments present in the victim's journey that can create harm for them, compared to fewer moments that can help them. When we examine the moments mentioned, it is interesting to note how many of the moments are strongly connected to interactions with other people in the CJS – such as the judge, prosecutor or police officer. It is in the interaction with other actors that seems to hold the most potential to either harm or help the victim.

#### 6.4. Hegemonic domain

The hegemonic domain looks at how culture and stories circulate the oppressive ideas that allow for the power indifference to perpetuate. In our interviews, this emerged in narratives about how the victim internalised their role in the CJS.

##### 6.4.1. "Going to the CJS will help me deal with this"

There are multiple reasons victims go to the CJS to report their assault. They can have many different goals, explained by participant P16: "*Certain of them [victims], they're so angry they want revenge. Some say well I don't want the bad things that has been done to me being done to others, so I want to try to help to prevent that. Others want the suspect to get mental treatment*". However, the victim's expectations are not necessarily met. The police might choose not to investigate. P17 described how this can lead to disappointments, especially if the victim focuses on the impact on the perpetrator, which is largely outside their hands. "*People hope that this is going to help them recover, the legal process being over. But now what? They sometimes still have PTSD or other psychological problems, or they have paused their life and now they have to start doing things again. So it's not over after the legal process and I think that is a really difficult moment: what do I do now?*". There seems to be a dissonance between the victims' idea that going to the CJS can support them, compared to what they can get out of the CJS process.

##### 6.4.2. "As the victim, I do not feel like a priority"

Participants highlighted how victims often experienced that they were not important in the CJS. P16 put it: "*Ok they [CJS] needed my testimony, because without the testimony, no case and every now everyone's working because of my testimony. But that was my role. Give a testimony to do reporting. And after that, the system doesn't care about me*" P16. This narrative that was often exemplified in small acts – the judge not acknowledging the victim or the lack of communication between the CJS and the victim (see section 5.2.1. for details). However, the most clear example was from P16, who highlighted it referring to a glass of water: "*And it's even more little things. Court hearing, the victim lawyer and the client always sits behind somewhere. They look around, they see everyone, the district attorney to the judges, the defence lawyer. All have a jar of water. The victim, the victim lawyer, do we get water? Not automatically. Once, maybe once in a while, but it's not in the system to look after the victims*". This shows how small

acts, like not receiving water, can accumulate into a narrative that says the victim is not the priority of the system

#### 6.4.3. “My body tells my story, not my voice”

In sexual assault cases, the physical evidence often becomes the way to track the harm done to the victim. Injuries and traces left from the assault are documented as part of the investigation. P7 describes how physical injuries are a way to evaluate how severe the crime has been: “*So from a technology perspective, you can track in a case, in a file. What has been, how did the damage develop? Did it disappear? Was it one week? So you can covert that kind of information in your decision*” P7. This can be used to assess the level of the crime, but it also means that the body of the victim becomes the way to evaluate the crime, rather than the victim's own statement. This silences the victim, and also risks that other types of damage can be overlooked. For the CJS to focus on this, P7 highlights how victims or victim organisations have to put this on the agenda: “*So to put on the uhh psychological damage higher on the agenda. In our case, we kind of need Slachtofferhulp and a smart uh victim just to inform us about it [the mental injury]*”.

#### 6.4.4. Looking at how the narratives connect

Overall, when we examine the hegemonic domain, the three narratives mentioned here together create a negative spiral. The first narrative, “*Going to the CJS will help me deal with this*” (Section 6.4.1), sets up an expectation for victims that, unfortunately, is not necessarily met. This might further enhance the negative impact of the second story, “*As a victim, I do not feel like the priority*” (section 6.4.2), where victims feel like they are not important in the system. They are not given a say in what will happen. Finally, the third narrative “*My body tells my story, not my voice*” (section 6.4.3) silences the victims by saying that the assault is better told by, e.g. the body of the victim rather than the victim's voice.

We did not map the hegemonic domain onto our journey map because the overarching stories did not necessarily occur at a specific point in time or during specific interactions. While some of the participants had exemplified the stories with a specific interaction, such as the moment a victim realises there is no water for them in the courtroom, most stories could be experienced at multiple stages for the victim, or be the result of a general sense rather than a particular moment. We therefore did not map them onto the journey.

## 7. Discussion

In this study, we have explored the experience of victims of sexual assault as they journey through the CJS. Using human-centred design tools with a feminist approach, we carried out and analysed 19 interviews with stakeholders in the Dutch CJS. From this, we used journey mapping techniques to create a map that centres the victim within this complex process and highlights how they experience power in the CJS. Using the MoD, we examine how power - or lack thereof - shapes both specific moments as well as the overall journey. We address the following research questions:

1. What does the journey of victims of sexual assault in the CJS look like?
2. What power do victims of sexual assault have in the CJS?
3. How do victims of sexual assault experience power in the CJS?

## 7.1. Answering our research questions

To answer RQ1, we created a journey map which centres the victims of sexual assault and their progression through the CJS. After a prologue where the victim decides whether or not to initiate by officially reporting (Section 5.2), the map divides the victim's journey into three chapters: a police investigation (5.3), the prosecutor's investigation (5.4) and the courtroom (5.5), through which the victim progresses as long as their case remains in the system. In the map, we draw a boundary on the victim experience, in the form of their representation in the CJS. This is anchored to their case, meaning, in our map, their journey ends when their case is closed. The map thereby highlights the interactions that the victims of sexual assault have with different actors in the system. This captures: i) the play between long periods of waiting at the start of the case and the density of events in the courtroom; ii) the scarcity of interactions where the victim can shape the process; and iii) the variety of ways the case can be closed along the way without reaching trial.

To answer RQ2, we focused on the structural and disciplinary domains of the MoD (Sections 6.1 and 6.2). We found in the structural domain that the primary way that the victim gets power in the CJS is through victims' rights, such as the right to report to the police, to be informed and to file complaints. However, when we look at how these rights are translated into the disciplinary domain, they do not necessarily result in actual power. Past the point of reporting their case, the victim has very little agency, and it is other actors who determine the victim's journey in the CJS. Although there are moments where the victim could, or should, have power, many of these do not result in a meaningful impact on the process. For instance, the victim has a right to complain about the process, but our participants said complaints are usually found in favour of the CJS (see section 5.4); victims have a right to compensation, but our participants said it was sometimes ignored in the court (see section 6.2). The one consistent moment of power seems to be the victim's statement, but this is rare, as recent numbers indicate that about 30% or fewer cases reach court (see section 4.5).

To answer RQ3, we explored how the victim experiences this lack of power, focusing on the interpersonal domain where interactions give rise to experiences (Section 6.3) and the hegemonic domain where narratives shape the reasons and expectations for the interaction (Section 6.4). By mapping out potential moments of harm in the journey as well as moments that might help, we illustrate that there are far more sites of potential harm than of help. The examples of harm from our participants ranged from the deep and traumatic to the small yet important: physical examinations that cast the body as evidence (Section 6.4.3); being the only participant not provided with water in the courtroom (Section 6.4.2); not being acknowledged by the judge (section 6.3.1). We found several challenging narratives in our data: "my body tells the story not my voice" (6.4.3), "as a victim I am not a priority" (6.4.2), where victims experience being sidelined or that the CJS does not care for them. Even hopeful narratives around "the CJS will help me deal with this" (6.4.1) indicate a misconception of how the CJS works in practice. These narratives are further cemented when their own stories about the assault are silenced by the CJS, which prioritises evidence such as bodily harm over the victim's account.

What is apparent across the journey map is a CJS that fundamentally does not allow victims' participation at most stages of their case – despite the process being about the victim's assault, the victims themselves are given almost no power over the proceedings. This lack of power leads directly to experiential harms for the victim, such as being ignored or feeling powerless (section 6.3). We also note areas where victims' rights are theoretically present but not manifested, such as the right to compensation (Section 6.2). We would argue that the lack of agency within the process contributes to a situation where victims cannot advocate for their

own needs. The map captures a journey that not only creates an experience of powerlessness but also actively harms and silences the victims.

It is important to mention that the harm victims experience is rarely the intention of the actors in the CJS. On the contrary, they are often actively trying to support the victims. As we also demonstrate, individual actors can have a positive impact, such as when a judge allows for a break, a prosecutor takes the time to meet in person, or a police officer listens and believes the victim (section 6.3.2). However, these moments are not embedded into the structure of the CJS. They are moments where an individual chooses to do an act that matters, but they are not structural, repeatable instances that are incentivised by the system.

## 7.2. Relating to existing work

While many of the challenges faced by victims of sexual assault have also been described in prior work (as outlined in section 2.1), this study offers a new approach to understanding victims' experiences through journey mapping. Comparing it to, for example, the study by Brooks-Hay et al. (2019) which explored similar issues, focusing on the Scottish CJS. Their findings were based on interviews with 17 victims, and many of the challenges they identified are similar to those found in our study. Brooks-Hay et al. present the journey primarily through interview quotes. This helps highlight the impact these events have on victims, while the multiple examples show the structural challenge of these issues. In contrast, our journey map presents a much more condensed overview of the challenges victims face. The maps allowed us to move beyond individual moments and look at what happens across multiple interactions, revealing structural patterns. This helps show how unequal power dynamics are not just a question of individual situations, but a structural design embedded into the CJS. While studies like the one by Brooks-Hay et al. in a beautiful, human way convey the challenges victims face, we hope our study can contribute to a better understanding of the root cause of these challenges and help in developing future recommendations that go beyond individual moments.

## 7.3. Limitations

In this work, we based our understanding of power from feminist theory. However, there is a hole in our work, considering we used the MoD as our starting point. Oppressive "isms" like sexism, racism, ableism, and classism are not present, even though they are the foundation of understanding power in the MoD. This gap is likely in part due to our interview set-up. In our interviews, we did not specify any details about the victim, which means the work most likely reflects the "ideal" victim – a young, Dutch, white, heterosexual, female with the right response to the crime (Long, 2021; Randall, 2010; Rape Crisis England and Wales, n.d.). Additionally, none of our interviewees talked about the challenges that might only be applicable to some victims, such as victims of colour, of other nationalities or men. Our data simply did not show any findings related to these characteristics. However, this does not mean they are not at play; more likely, the lack of clarification in the study has hidden these issues in our interviews. As mentioned earlier (section 2.1), other research has indicated that people of colour and men not only experience the general challenges victims of sexual assault face in the CJS, but also struggle with racism, sexism and homophobia (Bullock & Beckson, 2011; Sit & Stermac, 2021). Yet there still seems to be a large gap in understanding how people with different intersecting powers of oppression experience the CJS, both in academia and in the CJS itself. There is therefore a need for future work to explore and consider how victims' journeys are impacted by

these overarching axes of oppression, to ensure work that aims to improve the victims' experience has a positive impact for all victims, and not just the "standard" ones.

#### 7.4. Contribution to the legal design field

The approach we have taken in this study to understand and map the experience of victims of sexual assault in the CJS is an application of design methods and methodologies to the legal context and highlights the necessity of bringing human-centred design to bear on these complex challenges. If we want to create lasting positive change across the experiences of multiple victims, we need to understand not just the formal systems that surround them, but their whole journey; how that journey is shaped by the interactions they have, how they pass through moments that can either harm or help them, and to understand the space in between when they are waiting on the next step – all this contributes to their lived experience.

Our approach to understanding their journey is done in a manner that hopes to support future intervention and change. In this paper, we have operationalised a way to understand the victim experience using design tools that embrace the systemic nature of the criminal justice system, while keeping the victim perspective. The map helps see areas of interventions – to explore how individual acts of care can be transformed into structures that last; how bridges can be built over the gaps in the story where victims are left alone and powerless; how we can shape narratives and expectations so victims can make the best decisions for themselves, and have the best understanding of what outcomes are likely to result. These future improvements, as we see in the system, would go across organisations, spaces and time. Future work that aims to deal with this will most likely find the most impactful results will come from processes and ideas that span the whole journey, impacting multiple touchpoints, and engaging several stakeholders.

The lens of power adds a dimension of understanding that can help in assessing future interventions for their potential impact on the victim's experience. Understanding the victim's powerlessness and how it is manifested can help find areas where their power can be enhanced or supported. While the process of a CJS will always have an asymmetrical power imbalance, understanding the power difference better can hopefully be a starting point for actors in the CJS to assess what power they would be willing to transfer to the victim, and what impact it might have on other actors.

Designing better processes requires an understanding of the issues with the existing ones. In this work, we have brought a user experience perspective to the journey of the victim of sexual assault, backed by a feminist power analysis, as a foundation to imagine and create design interventions that can truly support people on these difficult journeys.

### 8. Conclusion

In this paper, we have taken a human-centred design approach to explore the experiences of victims of sexual assault in the CJS, resulting in two main outcomes. First, we created a journey map that centres the victim and how they move through the CJS, highlighting their interactions and non-interactions they pass through. This map provides a comprehensive understanding of

the victim's journey, illustrating the various paths it may take. Furthermore, we hope this map helps open up the context and the victim's journey, making it approachable and legible for people without a legal background (designers, victim organisations, activists, etc.) to enter this context with a deeper understanding.

Secondly, we analysed the map using a feminist theory of power and showed how the victim has almost no power in their own journey. Our findings show that this lack of power is not just a theoretical problem - it results in very concrete harm to the victim, facilitated by the very system they approach, hoping to get help. This challenge is a systemic issue that permeates the whole journey through the CJS and, in multiple ways, impacts the victim. We hope this mapping of power can support interventions and changes to improve the victims' experience in the future, by showing how we need to move beyond individual interactions and focus on improvements that span the entire journey.

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