FORCE POLICY:

The Investigation of Serious Sexual Offences

This policy has been drafted in accordance with the Human Right Act 1998, Race Relations (Amendment Act 2000 and the principles underpinning it. It is suitable for disclosure.
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1 ABOUT THIS POLICY

1.1 This policy is aimed at all police officers and support staff involved at any stage during the investigation of rape or serious sexual offences. It outlines how West Mercia Constabulary will approach the investigation into Serious Sexual Offences which are defined as:

- Rape
- Assault by penetration
- Sexual assault involving the use of violence
- Any other sexual assault deemed to be serious by the investigating officer
- Any attempt to commit any of the above offences

The victim of such offences may be a man, woman or a child.

2 GENERAL PRINCIPLES

Rape and the effective Investigation of Serious Sexual Assaults has come under intense focus, both at national level and local level.

In 2007 Her Majesty’s Inspectorate of Constabulary conducted a thematic review of police forces' Entitled ‘Without Consent’ the inspection found forces wanting in terms of the delivery of force policy and the ability, knowledge and facilities available during an investigation into a serious sexual assault.

West Mercia Constabulary has embraced the findings of the report and implemented a Force action plan in response to the recommendations made, governed by the Force Rape Steering Group.

Improvements in training, facilities and inter-agency working are included in a force action plan to both encourage reporting and, to raise the standard of investigation. Links with key agencies, as well the voluntary sector have been made to improve the care and support a victim will receive when reporting an offence.

The National Intelligence Model will underpin all aspects of policing including and in particular the investigation of Serious Sexual Offences.

The West Mercia Constabulary is committed to reducing and detecting crime, and bringing offenders to justice. The investigation of Serious Sexual Offences is identified as an area of business which presents significant impact upon the victim and the victims families and through fear of crime upon the wider community.

The following five principles must be considered during the initial response.

- Preservation of life
- Preservation of scene(s)
- Securing evidence (in particular forensic evidence)
- Identification of victim(s) and witnesses
- Identification of suspects.

Three over-riding principles should guide the subsequent Investigation.
• It is the policy of the West Mercia Constabulary to accept allegations made by any victim in the first instance as being truthful. An allegation will only be considered as falling short of a substantial allegation after a full and thorough investigation reveals sufficient credible evidence to disprove the allegation.

• An appropriately trained STO (Specially Trained Officer) will be the main point of contact with the victim of a serious sexual assault and will be with the victim as soon as reasonably practicable following an allegation being received by police. The needs of the victim are paramount and, in the event of a STO not being immediately available, the medical examination of the victim should continue to be supervised by an experienced officer. The victim should not be made to wait unnecessarily for medical examination for a STO to be located. This should be only in exceptional cases since research shows that a specialist in dealing with rape investigations significantly improves the consistency and quality of service provided to victims.

All Divisional commanders should ensure they have suitably trained STO’s available to respond to allegations made within 1 hour, covering a 24 hours a day, seven days a week.

• The victims wishes on whether a case should proceed may only be over-ridden in exceptional circumstances (for example, where it is in the public interest to proceed regardless of the wishes of the victim, as is sometimes the case with linked rape series)

3 STATEMENT OF POLICY

This Policy replaces Force Policy 11/2001 in its entirety.

3.1 A joint inspection by Her Majesty’s Inspectorate of Constabulary (HMIC) and Her Majesty’s Crown Prosecution Service Inspectorate into allegations of rape was published in April 2002. The purpose of the inspection was to analyse and assess the quality of the investigation, decision-making and prosecution by the police and the Crown Prosecution Service (CPS) of allegations of rape. In doing so, its aim was to ascertain, if possible the reasons for the high attrition rate, and to identify good practice. This policy will follow general guidance and recommendations of the inspection.

The reporting of rape is notoriously low with many specialists in the field highlighting that only 1 in 10 victim’s ever report to police. With less than a quarter of rape allegations resulting in the suspect being charged, the real odds of a rapist facing a court of law are in the region of 1 in a 100. (Project Sapphire Metropolitan Police)

West Mercia policy aims to provide a quality service to members of the community who report serious sexual assault.

Legislation now places limitations on examining the previous sexual history of victims at trials and there is a need to ensure that victims are aware of this change in law. This should give them greater confidence in the trial process, which has historically been perceived to be a trial of the victim rather than the offender. The case of R v Edwards has also enabled similar fact evidence from previous rape trials where the offender was acquitted to be admissible in a subsequent trial for the same offender. (This has already been used to full effect within the West Mercia Constabulary.)
3.2 The primary aim of this policy is:-

- To investigate, identify and prosecute Perpetrators of such offences to the satisfaction of the victim and the community.

- However, where a criminal prosecution of a perpetrator is not feasible the secondary aim is to pursue alternative courses of action (where appropriate with partner agencies)

These aims are not mutually exclusive and where appropriate both objectives should be pursued simultaneously.

3.3 Nothing in this Policy dilutes the requirement upon the investigating officer to discharge their responsibilities under the Criminal Procedures and Investigations Act 1996 to investigate all reasonable lines of enquiry.

4 LEGITIMATE AIM / HUMAN RIGHTS AND RACE RELATIONS ACT CONSIDERATIONS

The reason for this Policy is to direct police involvement in the investigation of Serious Sexual Offences, taking into account the legal and moral responsibilities of the police service to prevent and detect crime and maintain public safety.

Consideration has been given to the compatibility of this Policy and related Procedures with the Human Rights Act with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processed and outcomes of action.

4.1 Race Relations

This Policy is relevant to the obligations placed upon the service to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good race relations between people of different racial groups.

4.2 Legality

The legal basis of this Policy comes from the common law duty of the police to protect life and property and detect crime; and the statutory powers of the Sexual Offences Act 2003

5 IMPLICATIONS OF THIS POLICY

5.1 Financial Implications.

It is recognised that the investigation into offences defined by this policy may in some cases place an increased resource and financial implication on the host division. The cost of conducting a thorough and ethical investigation should not in any way be
allowed to influence the over-riding principles of this policy or the commitment of West Mercia Constabulary to provide the highest possible service to the victims or the community.

5.2 Staffing and Training

West Mercia Constabulary has introduced the role of a STO (Specially Trained Officers) who will be the identified qualified officer to deal with the victim of a Serious Sexual Offence as defined by this policy. Force Training School has and will continue to provide training to officers who will undertake this role. This is a transition from the previous SOLO (Sexual Offences Liaison Officer) role therefore the development of such a cadre is currently set for February 2009. Until this time, officers currently accredited as SOLO’s or suitably experienced officers should be used to deal with victims of Serious Sexual Assault.

Training of currently accredited SOLO’s who are suitably experienced officers need not be by way of a NPIA training course. Accreditation can be achieved by way of completion of a work place assessment and refresher training delivered by HQ Training staff. Officers with limited previous experience must undertake a full STO training course. All officers must maintain and demonstrate a continuous development in role by maintaining a personal portfolio for review by designated Divisional coordinators.

Divisional Commanders should ensure they have sufficient trained resources on their respective divisions to ensure the availability of an STO to a victim at the earliest opportunity.

5.3 Crime and Disorder Act

Whilst it is recognised that the Police have the responsibility for responding to and investigating allegations of Serious Sexual Offences other agencies may need to be consulted and actively involved in individual cases. This includes Local Authority Social Services Departments, Health Services and Probation Services. Victim Support and Rape Crisis will make a significant contribution to victim care.

With the victims consent, the newly formed role of ISVA (Independent Sexual Violence Advisor) should be referred to, where the service exists. The ISVA significantly increases the support and bespoke care a victim requires when reporting a serious sexual Assault to police.

Where there is currently no ISVA service available, Victim Support will ensure that the complainant receives a quality and bespoke care package throughout and beyond any investigation.

5.4 Risks

Each individual offence reported will have varying circumstances therefore identification of generic risks is impracticable. Each report must be risk assessed in accordance with the scale of the investigation and each activity undertaken. The investigating officer supported by team supervisors will conduct risk assessments if required relating to each investigative action identified.

Many incidents of Serious Sexual Assault reported to the police attract attention from the media and media appeals can make a significant contribution towards an
investigation. Media attention does however have a potential to unnecessarily escalate the fear of crime amongst the local community and investigating officers should always consult with a Press Liaison Officer to formulate an appropriate media strategy. Divisional Commanders should also consider whether it is appropriate in each case to conduct a Community Impact Assessment.

Deployment of an appropriate STO should be considered carefully. These officers are dealing with some of our most traumatised victims and can face extreme emotions including in some cases hostility from the victim. To ensure the complainant receives the necessary support and guidance from the investigator. The welfare of the STO should always be taken into consideration prior to deployment, issues such as previous and current STO deployments should be considered in addition to other operational commitments. A stressed, overworked STO is no good to the victim and a poor relationship between victim and STO can jeopardise the investigation and reputation of the West Mercia Constabulary.

Any deployment of a STO must be directed through the Divisional Coordinator. If not practicable, the coordinator must be informed as soon as reasonably possible after deployment.

It is the role of the Coordinator to ensure that the STO is suitably supported during deployment and has a clear strategy for engagement with the victim.

6 CONSULTATION

Consultation of the Policy will be carried out with the following:-

ACPO
Divisional Commanders
Divisional Crime Managers
Race and Diversity Advisor
Head of Training
STO Training Officer
Key Divisional SOLOs.
Professional Standards Department.

7 DISTRIBUTION / PUBLICATION

This Policy is suitable for public disclosure and forms part of the HQ Crime portfolio.

The Procedural Guidance issued alongside this policy is unsuitable for Public Disclosure under S31 Freedom of Information Act as it contains information which is likely to prejudice investigations.

Advice on the application of this Policy is available from the Detective Chief Superintendent, HQ Crime.

Any person who feels aggrieved by this policy should make representations to the West Mercia Constabulary Professional Standards Department.
8 MONITORING / EVALUATION AND REVIEW

This process will be conducted by the Policy owner every 12 months from the date of implementation or sooner if new legislation or national guidance renders this policy no longer appropriate.