



**ORIGINATOR: CHIEF CONSTABLE**

**PAPER NO: AP15/80**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –  
15 DECEMBER 2015**

**SUBJECT: REPORT ON SERIOUS SEXUAL OFFENCES**

**SUMMARY:**

1. This report provides an update from Protecting Vulnerable People Directorate in relation to serious sexual offence investigations. It outlines the current context, the performance challenges this presents and the significant steps being taken by the Constabulary to ensure the appropriate outcome for the victim.

**RECOMMENDATION:**

1. The Accountability and Performance Panel is updated by the contents of this report.

## DETAIL OF THE SUBMISSION

### 1. INTRODUCTION

- 1.1 The number of rape and other serious sexual offences (SSO) reported to police has been increasing since autumn 2012. This increase has been consistent across all 43 police forces in England and Wales and has accelerated over the last 18-24 months. There appears to be no sign of abatement in this increase.
- 1.2 For the period of April to October 2015, Suffolk has seen an increase of 61% on the same period last year and an increase of 103% when compared to the three year average for this period.
- 1.3 Such changes in the nature of reporting have presented significant performance challenges. For example the rate of traditional detection for the same period of April to October 2015 for combined rape and serious sexual offences in Suffolk is 12.5%, lower than the three year average.
- 1.4 The Constabulary has responded positively to the challenge this presents and HMIC has recognised the leadership of both the executive and the PCC in making this a priority for the Constabulary.

The Constabulary has;

- Given the Deputy Chief Constable direct responsibility for delivery of the performance improvements.
- Ensured cultural change within the organisation from one that identifies performance through merely numerical measures to one that has 'threat, harm and risk', as central to its service delivery model.
- Enhanced resource within the area of vulnerability to ensure the increase in reporting is matched with an increase in staff to deal. The investment provided through the increase in precept by the PCC provided an additional 12 police staff investigators all of whom have been deployed into the Protecting Vulnerable People (PVP) Directorate. Selection procedures have been completed and all of these posts holders are in place apart from one post holder who starts on 4 January 2016. This has been boosted further by redeploying 8 Detective Constables from CID to PVP. This has been done as part of the Suffolk Local Policing Review and the redeployments, which took place on 5 January 2015, were as follows.

3 x Child Abuse Investigators ( Constables)	£159,597
3 x On line investigators ( Constables)	£159,597
2 x Gemini Officers ( Constables )	£106,398
Total Cost	£425,592

The above costings are top of scale levels.

These were permanent moves. The posts remain filled and continue to be within the PVP directorate. Whilst these are not dedicated to vulnerability investigations, the sheer breadth of crimes dealt with mean they are able to bring resilience to the Investigations Command.

- Continued to work with partners to ensure an effective joined up response.
- 1.5 The change in culture is best illustrated within HMIC Rape Monitoring Group (RMG) report in October 2015 which states:

*“Historically, success in police rape investigations has been judged by the proportion of cases where charges have been authorised. In the past, this has been referred to nationally as the summons rate and forces have been compared and judged by this data. While charging, and more vitally, convicting offenders is an extremely important outcome and is the focus of investigators, it should not be regarded as the only successful outcome for survivors of these crimes.*

*Following the disclosure of Jimmy Savile’s offending history, hundreds of survivors contacted police and agencies across the country to report sexual offences that Savile and other high-profile individuals had committed against them. Many of those survivors may have contacted police with a low expectation of a judicial outcome but, for the first time, many were provided with an opportunity to discuss the offending and they were listened to and believed. Some were then able to access vital support services”.*

- 1.6 The Constabulary has further enhanced focus through additional scrutiny and intrusive management to look at every opportunity to ensure the appropriate outcome for the victim, be that arrest and charge or another positive outcome. These are often more difficult to measure and recent work by the Constabulary and OPCC demonstrates the complexity in defining and agreeing how to measure such outcomes.
- 1.7 The Rape Monitoring Group Report included a number of questions for organisations responsible for dealing with rape offences, and the responses from the Constabulary are attached at **Appendix A**.

## **2 PERFORMANCE COMPARISON TO MOST SIMILAR GROUPS**

- 2.1 Detailed performance data that allows comparison across all forces and across Most Similar Group (MSG) forces is only available for rape offences. Whilst rape is a subset of serious sexual offences, the same degree of comparison is not available for those offences that sit in the wider category of serious sexual offences. Some comparison is possible through ‘ForceSight’ data but this is not in any way as detailed as with rape.
- 2.2 Most Similar Groups (MSGs) are groups of police force areas that have been found to be the most similar to each other based on an analysis of demographic, social and economic characteristics which relate to crime. This is designed to help make fair and meaningful comparisons between forces.
- 2.3 Suffolk is grouped with the following forces:
  - Devon and Cornwall (D & C)
  - Norfolk
  - North Yorkshire
  - North Wales
  - Warwickshire
  - Wiltshire
  - West Mercia

### 2.4 Rape

A comparison of the data contained in the individual force Rape Monitoring Group (RMG) report covering the financial year 2014/15 highlights a number of differences between Suffolk and the other 7 forces. However, it provides a useful insight into how those differences develop from charge to conviction. For example, whilst Suffolk has the lowest referral rate to Crown Prosecution Service (CPS) within its MSG, it has both the highest charge and conviction rate of the cases it does so refer.

Unfortunately this detail is not available for the wider category of serious sexual offences. The data is reported in respect of offences against adults and those against children (less than 18 years of age). **Tables 1** and **2** below provide comparative data on both the number of rapes committed per 100,000 head of adult and child population in Suffolk and the data for the forces charge/summons rates.

## 2.5 Adult

**Table 1.** MSG comparison of reporting rate and charge/summons rates for adult rape

	<b>Offences per 100,000 adult population</b>	<b>Charge/summons rate %</b>
<b>Suffolk</b>	40 (22)	7 (14)
D & C	42 (32)	9 (15)
Norfolk	31 (25)	15 (15)
North Yorkshire	32 (19)	14 (16)
North Wales	42 (34)	13 (21)
Warwickshire	35 (23)	10 (13)
West Mercia	41 (20)	13 (22)
Wiltshire	42 (22)	8 (20)
Average	41	11 (17)

Table 1 shows that Suffolk's charge/summons ratio is 7%, lower than the MSG average of 11%, (figures in brackets are for 2013/14).

## 2.6 Child Victims

**Table 2.** MSG comparison of reporting rate and charge/summons rates for child rape

	<b>Offences per 100,000 child population</b>	<b>Charge/summons rate %</b>
<b>Suffolk</b>	91 (52)	20 (21)
D & C	102 (99)	31 (27)
Norfolk	101 (76)	27 (29)
North Yorkshire	91 (65)	26 (32)
North Wales	154 (116)	20 (32)
Warwickshire	83 (61)	26 (23)
West Mercia	129 (79)	32 (34)
Wiltshire	115 (70)	12 (43)
Average	92	24 (26)

Table 2 shows that Suffolk's charge/summons ratio is 20%, lower than the MSG average of 24%, (figures in brackets are for 2013/14).

## 2.7 Overall Rape Performance Comparison

The RMG report also contains additional data that assists in analysing the responses to rape within police forces. It is clear from **Table 3** that Suffolk's referral rate (the number of cases referred to CPS as a percentage of the total number of rape allegations) is significantly lower than the other MSG forces. However when the charge rate (the number of charges as a percentage of the number of cases referred to CPS) is considered then Suffolk leads the rest of the MSG. In the same way when conviction rates (the percentage of cases prosecuted that result in a conviction) are compared, Suffolk has the highest figure.

**Table 3.** Comparison of Referral, Charge and Conviction rates for the Suffolk MSG forces.

	Referral Rate %	Charge Rate %	Conviction Rate %	No. of convictions
<b>Suffolk</b>	10.5	74	78.6	33
D & C	13.4	60	60.2	59
Norfolk	23.5	69	69	40
North Yorkshire	24.8	67	50.5	31
North Wales	23	45	50.5	47
Warwickshire	17.1	61	71.1	27
West Mercia	19.6	68	65.6	63
Wiltshire	17.7	44	43.1	25

- 2.8 Further analysis of these figures, as shown in **Table 4**, provides greater insight into overall success, as measured by convictions, for each force.
- 2.9 When the numbers of rapes prosecuted, expressed as a percentage of the total number of recorded rapes, are compared for each force Suffolk compares more favourably against the MSG average with 11.6% compared to 14.2%. The numbers of rapes that end in conviction expressed as a percentage of the total number of rapes recorded for Suffolk is 9%, compared to an MSG average of 9.1%.
- 2.10 This can be seen in **Table 4** when the rates of convictions against referrals and the rate of conviction against prosecution are compared, Suffolk is significantly above the MSG average.

**Table 4.** Comparison of Prosecution and Conviction rates for the Suffolk MSG forces.

	Total recorded rapes	% of rapes referred to CPS	% of rapes prosecuted	% of rapes convicted	% of referred rapes convicted	% of prosecuted rapes convicted
<b>Suffolk</b>	<b>363</b>	<b>10.5</b>	<b>11.6</b>	<b>9</b>	<b>87</b>	<b>79</b>
D & C	883	13.5	11	6.7	50	60
Norfolk	374	23.5	15.5	10.7	45	69
North Yorkshire	336	24.8	15	9.3	37	62
North Wales	429	23	22	11	47	51
Warwickshire	239	17.5	10	11	66	71
West Mercia	698	19.6	13.8	9	46	66
Wiltshire	394	17.7	14.7	6.3	35	43
MSG Average		18.7	14.2	9.1	52	54

- 2.11 17 of the 43 forces in England and Wales recorded fewer convictions than Suffolk despite Suffolk showing the second lowest charge/summons rate. Of these 17 forces, only three recorded a charge/summons rate above the national average. The only force within the MSG to do so is North Yorkshire.
- 2.12 A conviction ratio of around 6 percent is often reported in the media and the literature on rape. This is a measure of attrition, the process by which reported and recorded rapes do not proceed to conviction. It is calculated as the number of convictions in a 12 month period divided by the number of recorded rapes in that same period. For all

other crime types, the reported conviction ratio is typically the number of convictions against the number of cases that make it to prosecution. It is only with rape that the conviction ratio is regularly taken against the number of recorded rapes, and not how many cases go to trial. As already stated Table 4 shows that Suffolk has a conviction rate based on this approach of 9% which is very much in line with the MSG average of 9.1%.

- 2.13 Humberside is one of the higher performing forces in respect of charge/summons rates for both rapes against adults (16%) and children (37%). Yet when rates of prosecution and conviction are examined, Suffolk compares favourably.

**Table 5.** Comparison of Prosecution and Conviction rates for Suffolk and Humberside.

	<b>Total recorded rapes</b>	<b>% of rapes referred to CPS</b>	<b>% of rapes prosecuted</b>	<b>% of rapes convicted</b>	<b>% of referred rapes convicted</b>	<b>% of prosecuted rapes convicted</b>
<b>Suffolk</b>	<b>363</b>	<b>10.5</b>	<b>11.6</b>	<b>9</b>	<b>87</b>	<b>79</b>
Humberside	557	15.8	18.6	11.5	73	62

- 2.14 This demonstrates that whilst charge/summons rates and referral rates to CPS are important and informative indicators, they do not in themselves demonstrate overall outcomes of rape investigations.
- 2.15 Despite charging fewer cases as a percentage of total recorded rapes than all of its MSG forces, Suffolk shows the highest percentage (in terms of both referred cases and prosecuted cases) of convictions and has a conviction rate in terms of total recorded crime which is the MSG average.
- 2.16 The criminal justice process, and in particular the trial itself, are difficult and traumatic for victims of rape who often describe giving evidence as being ‘raped a second time’. Whilst it is right to be able to give a victim the opportunity to have their case heard at court and seek justice, there must be a balance to ensure that victims are not put through the process where a guilty verdict is not the likely outcome. From the figures above it is evident that victims whose cases go to court in Suffolk are more likely to see a positive outcome than the other forces in the MSG.

### **3 INVESTIGATION PROCESS**

- 3.1 Baroness Stern described rape as a serious and deeply damaging crime which is unique in the way it strikes at the bodily integrity and self-respect of the victim, the demands it makes on those public authorities required to respond to it and in the controversy it generates<sup>1</sup>.
- 3.2 As described by one lawyer ‘Rape is unique as it is an inherently lawful activity made illegal because of lack of consent.’ Very often the only two parties present during the commission of an offence of rape are the victim and the offender and this creates difficulties evidentially from the outset.

<sup>1</sup> A Report by Baroness Stern of an Independent Reviews into how Rape Complaints are handled by Public Authorities in England and Wales.

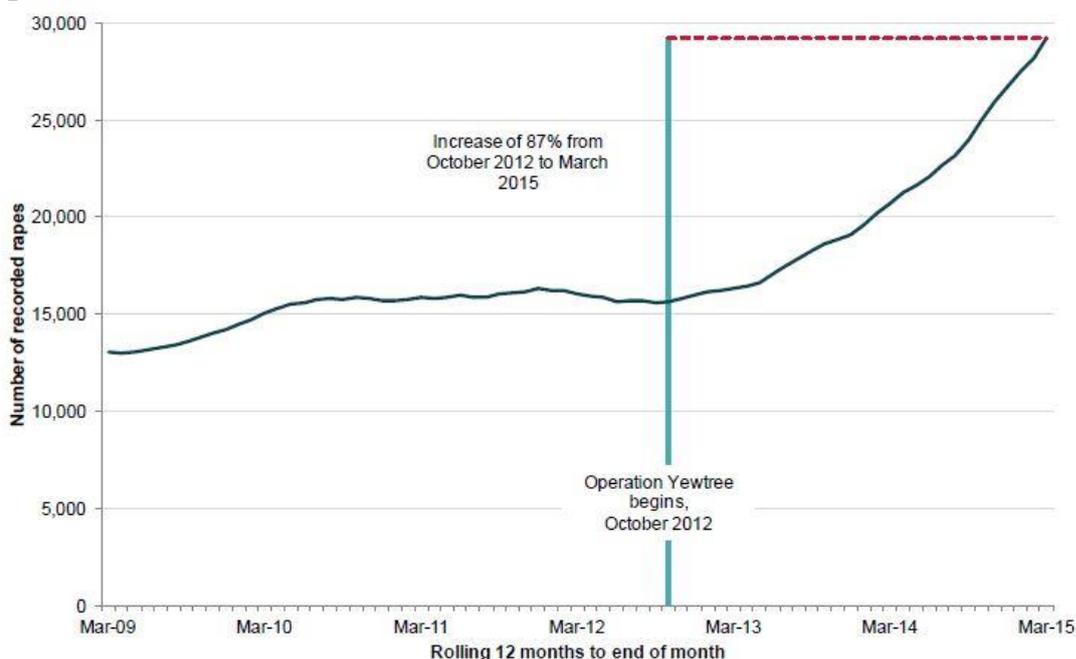
### 3.3 Recording

3.4 The police service works to prevent and therefore reduce crime, including rape. At the same time the Constabulary wants to encourage more victims to come forward and report rapes so that actions can be taken by a wide range of agencies to help them and bring the perpetrators to justice. 'Prevention' and 'encouragement' are not mutually exclusive activities. Both are necessary if rape is to be tackled more effectively, but relying exclusively on the available data without further detailed analysis and interpretation may provide a misleading picture of how effectively rape is being tackled locally.

3.5 Analysing numbers alone can never tell the full story. For example, rises in the numbers of rapes being recorded may not be due to an increase in prevalence, but as a result of improvements in how the police record crimes. Or it may mean that victims have an increased understanding that a crime has been committed and feel more confident in being believed when reporting what has happened to them. As an example, it may be that in the wake of publicity associated with the late Jimmy Savile and other historical abuse cases, more adult survivors of child sexual abuse, as well as more recent victims, have felt empowered to come forward to tell the police about sexual abuse.

3.6 **Figure 1** below shows 12-month national rolling volumes of recorded rapes from March 2009 onwards. The vertical line indicates the start date of 'Operation Yewtree' investigations which has a direct correlation with an increase of 87 percent in recorded rapes during the period between October 2012 and March 2015.

**Figure 1**



Source: Police-recorded data supplied by the Home Office/Office for National Statistics

3.7 This picture is very much replicated in the increase seen in Suffolk. Since September 2012 Suffolk has experienced a 118% increase in reported rapes and a 97% increase in reported serious sexual offences.

- 3.8 The recording of rape allegations as crimes is governed by the Home Office National Crime Recording Standards (NCRS)<sup>2</sup>. NCRS states:
- “An incident will be recorded as a crime, if on the balance of probability, a) the circumstances as reported amount to a crime by law and b) there is no credible evidence to the contrary.*
- The test that is applied is that of the balance of probabilities i.e. is it more likely or not as the result of a criminal act. In most cases, the belief of the victim or person reasonably acting for the victim that a crime has occurred is sufficient to justify its recording, although this will not be the case in all circumstances.”*
- 3.9 If an allegation is made by a victim, or a person reasonably acting on their behalf, and support to any police action is declined then a crime will still be recorded. The age of the victim or suspect is irrelevant in relation to the recording of crimes. Information that an 8 year old child has been inappropriately touching another child at a primary school would result in an allegation of sexual assault; if both children were touching each other then two crimes would be recorded.
- 3.10 Referrals made by other organisations to the police of cases involving crimes committed against vulnerable persons should be recorded by the police, regardless of any decision to resolve it by the other organisation.
- 3.11 Legislative changes from 1 April 2015 stated that where a **victim** reports an incident of rape, police are required to create a substantive crime report without delay (unless there is immediate evidence available to the contrary). This must be done at the earliest possible opportunity. Every report of rape, regardless of the method of communication, from whom it is reported, and how limited the information may be, will result in a record being created in Athena using a new code called **N100-Rape Incident**. This will be generated by the first officer or competent staff member receiving the information, and will allow for further clarification to take place. Where the confirmation of the victim is then received, the classification is changed to one of a full offence of rape.
- 3.12 There is a full audit process looking at the integrity of an incident and crime recording processes in relation to rape and serious sexual offences. This audit is produced on a monthly basis. Performance in this area is monitored and appropriate steps taken to address any shortcomings.
- 3.13 From October 2014 to October 2015 the compliance rate for the conversion of Command and Control events to recorded crimes has increased from 70% to 90%. This is linked to the instigation of the Crime Data integrity Group in October 2014 and continues to be the subject of close scrutiny.
- 3.14 How Victims Report
- 3.15 In Suffolk victims of rape and serious sexual offences are strongly encouraged to report allegations to the Constabulary but is recognised that, for a number of reasons, some victims choose not to do so. The Sexual Assault Referral Centre (SARC) provides an alternative to this. Victims can self-refer to the SARC and choose not to report to and engage with the police and they can also be referred by other agencies such as general practitioners, and again choose not to report to police.

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<sup>2</sup> NCRS Paper 5-2015

- 3.16 Victims are still able to undergo a full forensic examination and have samples stored at the SARC, provide an account of the circumstances and access the same health and other support pathways that would be available to a victim reporting to the police. In cases where the victim chooses not to report to police but reports through the SARC, the ability to secure evidence allows improved evidential opportunities should they then choose to engage with the police at a later date, even if this is years later. If certain conditions are met then a crime will be recorded, but as a general rule those attending the SARC not seeking police involvement will not result with a crime being recorded.
- 3.17 It is however widely accepted that rape and other serious sexual offences are significantly under-reported. Statistics from The Crime Survey of England and Wales suggest that as much as 80% of rapes go unreported, and 38% of victims do not tell anyone.
- 3.18 The 2015 Crime Survey of England and Wales (CSEW) states that sexual offences recorded by the police are now at their highest level since the introduction of the National Crime Recording Standard in 2002/2003. As well as improvements in recording, this is also thought to reflect a greater willingness of victims to come forward to report such crimes. In contrast, the latest estimate from the CSEW showed no significant change in the proportion of adults aged 18-59 who reported being a victim of a sexual assault (including attempted assaults) in the last year (1.7%)<sup>3</sup>
- 3.19 Investigation of Offences
- 3.20 In 2007, the Constabulary created a specialist response to rape investigation in line with the national drive at the time. Initially, this local response was six officers across the force and has developed over the subsequent years into what is now referred to as the “Gemini team”. There are three Gemini teams located across Suffolk at Ipswich, Lowestoft and Bury St Edmunds. Between the three teams they provide geographic coverage across the county. The size of the teams has developed from 2007 to their current level:
- Ipswich - 1 Detective Sergeant, 6 Detective Constables, 4 Sexual Offences Investigation Team (SOIT) Officers  
 Lowestoft - 1 Detective Sergeant, 4 Detective Constables, 3 SOIT Officers  
 BSE - 1 Detective Sergeant, 4 Detective Constables, 3 SOIT Officers
- 3.21 The Child Abuse investigation teams are located at the three Safeguarding Units (Lowestoft, Ipswich and Bury St Edmunds). They are managed by a Detective Inspector and Detective Sergeant. These teams work closely with social care services as many allocated investigations are jointly owned under the Children Act 2004 legislation.
- 3.22 In September 2015, as a result of the increasing demand in respect of rape and serious sexual offences, the County Policing Command Priority Crime Teams (PCTs) were re-focussed to support the Gemini teams. This provided a temporary additional Detective Sergeant and four Constables to the Ipswich and Bury St Edmunds Gemini teams.
- 3.23 Police officers investigating rape and other serious sexual offences are required to be accredited by the College of Policing. Accreditation takes the form of either the completion of a Specialist Sexual Offences investigation course, or registration of ‘grandparent rights’ based on experience in this area. The majority of officers across

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<sup>3</sup> ONS data - Crime in England and Wales, Year Ending March 2015

Gemini are accredited through one of these options; this does not include those officers within the PCT. In addition to the above, accredited Gemini Officers undertake training in specialist interviewing for vulnerable adults and children.

- 3.24 With the increasing demand in relation to rape and serious sex offences both against adults and children, the work-loads for Gemini and the Safeguarding Unit child abuse investigators have risen significantly over the last two to three years. In the past false barriers have been put up in terms of investigative remit between offences involving child and adult victims. To overcome these barriers and to ensure additional supervision and oversight into these offences, the responsibility for the three Gemini teams were moved to sit under the responsibility of the three geographic Safeguarding Unit Detective Inspectors. These Detective Inspectors have ownership of the specialist investigators across both adult and child sexual allegations, giving greater flexibility and added resilience in addressing daily demand. This is augmented through a daily PVP Management meeting which moves resources within the Directorate or takes forward requests for additional support through the force Daily Management Meeting.
- 3.25 A bid has been placed with Learning and Development for additional specialist sexual assault and specialist child abuse investigation courses to increase the level of Omni-competence across the combined team.
- 3.26 All allegations of rape and serious sexual offences that sit outside of the child abuse arena are initially assessed by the Gemini Detective Sergeants. These officers make the decision as to the most appropriate investigative resource; this can be Gemini, CID or uniform officers on Response or Safer Neighbourhood Teams. The decision is based on complexity and seriousness. Where offences go outside of Gemini, the Detective Sergeant will provide an investigative plan.
- 3.27 The Gemini teams have an investigative remit of rape and penetrative sex offences. There are other offences that due to the level of complexity, vulnerability of victim or other aggravating factors may also be investigated by these teams. The Detective Inspectors will decide where there is any doubt. Guidance is in place for the level of investigation and supervision and review of all serious sexual offences. This includes appropriate risk assessment processes and victim exit strategies.
- 3.28 Many rapes and serious sexual offences fall within the investigative remit of the child abuse investigation teams within the Safeguarding Units. Within these units, specially trained and accredited investigators deal with some of the most sensitive and complex investigations against children as young as 3 months old. Whilst these teams focus on interfamilial offences or those committed by someone in a position of trust, offences against children are more likely to be directed to this specialist resource to ensure the very highest level of service is afforded to the most vulnerable victims. This is a further of example of where traditional remits are being broken down to ensure investigations are allocated based on risk, harm, threat and need.
- 3.29 Once an investigation has been completed, or is in a position where a decision can be made as to how to progress further, the Detective Sergeant and Detective Inspector will assess against a number of options:
- No Further Action (NFA)
  - Refer to the Crown Prosecution Service (CPS)
  - Further investigation

### 3.30 Evidential Thresholds

3.31 The evidential requirements for the investigation and prosecution of rape are contained within guidance prepared by the Director of Public Prosecution. From this a protocol has been drawn up between the police and Crown Prosecution Service (CPS). When considering whether to refer a case to the CPS for a decision on whether to bring criminal charges against the offender(s), there are two distinct tests that the police must consider.

- Threshold test

The Threshold Test may only be applied where the suspect presents a substantial bail risk and not all the evidence is available at the time when he or she must be released from custody unless charged. Prosecutors must be satisfied that there are reasonable grounds for believing that the continuing investigation will provide further evidence, within a reasonable period of time, so that all the evidence together is capable of establishing a realistic prospect of conviction in accordance with the Full Code Test.

- Full Code Test

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be. It means that an objective, impartial and reasonable jury or bench of magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged.

The Detective Inspector is charged with making the decision as to whether the Full Code test is made out. There is frequent criticism from the CPS when cases are referred where they believe the test is not fulfilled. The Detective Inspector must use their experience and knowledge to review and assess the evidence that has been collected to make a decision whether to refer the investigation to the CPS.

### 3.32 Early Investigative Advice

3.33 This is the name for a formal process where the police refer cases to the CPS when a suspect has been identified, and in the opinion of the Detective Sergeant the continuing investigation will provide evidence upon which a charging decision may be made. There are set timescales for the request for such advice.

3.34 With many rape or serious sexual offence investigations the victim may have some degree of vulnerability such as mental health issues, substance abuse, or previous victimisation amongst others. It is likely that the credibility of the victim will be central to any defence. In order to properly identify any vulnerability issues that may impact on any court case, the CPS will in nearly all cases request that all relevant third party material is reviewed by the investigating officer. This may include material held by social services, schools, medical practitioners, hospitals and counsellors. This is a significant investigative demand and occurs in a high percentage of investigations. The CPS is reluctant to make any charging decision until this material has been reviewed.

### 3.35 Decision Making

3.36 The police mount an investigation to identify a suspect or suspects and collect all evidence relevant to the case. At this point:

- the investigation may not identify a suspect
- the police could decide, following early investigative advice as appropriate from the CPS, that there is not enough evidence to take the case forward and take no further action
- the police investigate and decide on no further action without referral to the CPS
- after further investigation, the police decide that a crime has not taken place; this would lead to a crime report being cancelled (formerly 'no-crimed')
- the police charge a suspect with an offence of rape following a decision by the CPS

3.37 Once a decision has been made by the CPS to bring charges for rape or another serious sexual offence a further schedule of investigative work is provided to the investigating officer to prepare a trial ready case. Depending on the nature and complexity of the investigation this can be a significant amount of work. The responsibility to make a decision to take no further action rests with a Detective Inspector.

### 3.38 Crown Prosecution Service

3.39 Rapes and most serious sex offences are managed by the Rape and Serious Sexual Offence Unit (RASSO). This is a regional unit based in Chelmsford covering Suffolk, Norfolk, Cambridgeshire and Essex forces. Other than cases where there is wish to remand the offender all decision making sits with the RASSO unit. Detective Inspectors are able to escalate cases through the unit management where necessary. Historically there has been concern as to the level of resourcing within the RASSO unit but this has recently been improved with the addition of a further lawyer. There has been considerable work in reducing the backlogs of cases awaiting decisions.

3.40 The Constabulary is part of a national evidence based project looking at the advantages of having CPS lawyers embedded in police rape and SSO investigation teams. Suffolk is acting as a control site alongside Norfolk where there is an embedded lawyer. An academic assessment of the results will help inform that national perspective on the benefits from this approach.

### 3.41 Cancellation of Crimes

3.42 Cancellation is the term that has replaced 'no-criming'. This is the process where a decision is made that a crime that has been reported and recorded does not amount to a criminal offence and the crime status is removed. The decision to record a crime in the first place is very much down to the belief of the victim. As stated above "In most cases the belief of the victim, or person reasonably acting for the victim, that a crime has occurred is sufficient to justify its recording."

3.43 Once a crime is recorded the threshold required to cancel the crime is high. Home Office rules refer to the need to obtain and evidence 'additional verifiable information' (AVI). This must amount to information that was not available to the Crime Recorder or Investigating Officer at the time the original crime recording decision was made. The additional information must be capable of verification in terms of the origin, reliability and relevance of the information source. As a general rule, the information does not need to meet an evidential standard. However, it must be relevant to the specific crime to which it is being applied to the extent that it can determine that the

original crime classification (when viewed against the additional verifiable information) was incorrect, or that no notifiable crime was in fact committed. The absence of belief by the investigating officer or Senior Investigating Officer after appropriate enquiries will often not suffice to meet the test of AVI.

3.44 For rape allegations the decision to cancel a recorded crime rests with the Detective Superintendent PVP. Suffolk is close to both the national and MSG average for the percentage of allegations that result in a cancelled crime.

#### 3.45 Victim Care

3.46 For those victims reporting allegations to the Constabulary a sexual offences investigation team (SOIT) officer will be allocated to the case. These officers receive enhanced training on rape, the impact on victims, how to obtain best evidence and the forensic implications of rape investigation. The SOIT will provide the single point of contact for the victim and work with the investigating officer. Up until recently SOIT officers have been present in and assisted with the forensic medical examination of victims. This has been reviewed and these officers have been withdrawn from this process to further reduce the number of individuals present during an examination. This is now limited to the examining nurse or doctor and the SARC Crisis Worker.

3.47 Where the case is one of rape or other penetrative sexual offence the SARC will, where the victim agrees, allocate an Independent Sexual Violence Advisor (ISVA) who will be able to assist the victim accessing support and advice and offer additional support during the criminal justice process. There are currently three ISVAs attached to the SARC one of which supports child victims. Acute cases are allocated an ISVA immediately whereas for non-recent cases there is a waiting list of up to eight weeks. There is Home Office funding which contributes to the cost of two of the ISVA roles. The longevity of this funding is uncertain. There is currently no other ISVA provision within the county.

#### 3.48 Forensic Medical Services

3.49 The Constabulary and NHS England have commissioned and funded 'Mountain Healthcare' to provide the forensic medical provision for the SARC. This is for victims of 13 and above. A further paediatric service has been commissioned by NHS England for those victims under-13 who require specialist paediatric services.

## **4 WHY CASES DO NOT RESULT IN PROSECUTION**

4.1 Two of the reasons why investigations do not result in prosecutions are that a decision is taken by the police that the required evidential threshold is not met. The second is that though the police believe evidential thresholds are met, the CPS assess that this is not the case. In both instances the end decision is that no further action is taken. Additionally as outlined within this report a victim may not wish to pursue their allegation.

4.2 A decision to take no further action relates only to the progress of a prosecution. It does not mean that action to support and/or safeguard a victim is not progressed appropriately. Exit strategies are now part of the requirement for rape investigations; this ensures that victims are not 'discarded' once it is clear that no prosecution will result and that safety and ongoing risks are identified and managed.

4.3 Cases involving sexual offences can often, by their nature, lack corroborating evidence and come down to complex decisions around consent and one person's word against another. The process of preparing for court, and the trials themselves, can also be very lengthy and involve levels of scrutiny of the victim not seen for other

offences. At any time victims may withdraw from the process for fear of giving evidence in court, fear that the process will be too distressing, fear of being disbelieved or judged, or as a result of delays from start to finish.

- 4.4 There a number of reasons behind a decision, taken by the police, to take no further action in an investigation of rape or other serious sexual offence. The HMIC Rape Monitoring Group report (October 2015) provides some national data on the breakdown of all outcomes for adult, child and all rape offences recorded in 2014/15 in England and Wales.

**Table 6.** RMG report of national figures for investigative decisions for rape

	Adult	Child	All
Evidential difficulties (suspect identified; victim supports action)	36%	31%	34%
Evidential difficulties (victim does not support action)	37%	22%	32%
Charged/Summoned	16%	31%	21%
Investigation complete no suspect identified	8%	8%	8%
Prosecution prevented or not in the public interest	3%	8%	5%

Figures may not add up to 100% due to rounding of numbers.

- 4.5 Whilst this same analysis has not been repeated for Suffolk, 84 rapes recorded and investigated between April 2014 and March 2015 were reviewed to look at whether arrests were made and the overall appropriateness of the investigations. Arrests were made in 38% of cases.
- 4.6 This may at first appear low as in 92% of cases the offender is known but there are good reasons why arrests were not made. Under Code G of the Codes of Practice under the Police and Criminal Evidence Act 1994, the use of the power of arrest must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means. The power of arrest is only exercisable if the constable has reasonable grounds for believing that it is necessary to arrest the person. The statutory criteria for what may constitute necessity are set out in the Codes of Practice and it remains an operational decision at the discretion of the constable to decide. Where offences have recently occurred and evidence can be secured then arrest will in all likely events be the course of action taken. Where offences are non-recent and in particular where the victim is not supportive of any prosecution or refuses to provide formal evidence, then a decision may well be to proceed by interview without arrest or to not arrest or interview at all.
- 4.7 In many cases the victim will be clear that they do not want the offender arrested or spoken to as they believe this will make the situation worse or 're-open old wounds'. Whilst public safety will always be assessed, when considering the need to arrest the wishes and needs of the victim must be respected. Not to do so undermines the ethos of reaching out to victims encouraging them to report incidents to police so that they can access health and support pathways. To make an arrest that is clearly against a victim's wishes where no prosecution will be forthcoming and no safeguarding action will result, risks betraying confidence and trust. Where an arrest is justified it will be made. In 29% of cases an arrest was not made because the victim did not support police action.
- 4.8 Victims may also report non-recent abuse that they were subjected to in their childhoods. In some of cases they have disclosed not with a view to a prosecution but because they have discovered the perpetrator may now have access to children. In cases of this nature, a criminal prosecution may not be the outcome that would

necessarily have been sought by the survivor. However, they rightly expect police and other agencies to ensure children are safeguarded and that robust measures are taken to deny the perpetrator an opportunity to reoffend.

- 4.9 In other circumstances victims may initially report offences such as those relating to domestic violence and, during the investigation, a disclosure of rape within the relationship may be made. On a number of occasions the person reporting has not supported a rape prosecution but has sought protection from violence or threats of violence, and they have been safeguarded and professional support provided.
- 4.10 Interviews were conducted without arrest in a further 17% of cases. In 8% of cases where no arrest was made there was a well-documented rationale for not arresting that withholds scrutiny. In only 3.5% of those cases reviewed (three cases) was there any concern as to the decision making that resulted in no arrest. All three of these cases have been sent for a further review.

## 5 OUTCOMES

- 5.1 The traditional measure of success by the police in investigating rapes and other serious sexual assaults has been the number of crimes detected resulting in either a charge or a summons. The measure of success for the CPS is the number of prosecutions that result in conviction.
- 5.2 The police have sought to maximise the number of allegations charged with little thought as to the continuing criminal justice process. Where a crime results in a charge but the CPS then later decide not to prosecute or where the case is heard at court but no conviction results, from a police perspective this remains a successful outcome. The CPS do not want to agree charges on cases that have a low likelihood of conviction as acquitted cases are seen as a negative outcome. This splintered approach to a successful outcome and key performance indicators that are single agency specific leads to tension in the CPS/police approach.
- 5.3 There is a danger in treating rape and serious sexual offences in the same way as other crimes when it comes to measuring success. For most robbery, burglary and criminal damage offences it is highly unlikely that a victim would not want to see the offender brought to justice. This is not the case with rape. From a victim perspective positive outcomes may be very different and are likely to be for each individual case. Where a victim does not wish to support a prosecution, yet the police are measured on obtaining a charging decision, outcomes may not be victim based. Examples of four relevant case studies are attached at **Appendix C**.
- 5.4 The outcome options available to police have been increased across all crime. Rather than a single category of 'no further action' the new set of outcomes allows some additional context to that decision. The most recent (2014/15) RMG data has not included this breakdown but the intention is this will appear in subsequent reports. The outcomes available to the police are:
- Charged/summonsed.
  - Offence taken into consideration.
  - Out-of-court (formal): Caution – youths; Caution – adults; and Penalty Notices for Disorder.
  - Out-of-court (informal): Cannabis Warning; and Community Resolution.
  - Prosecution prevented or not in the public interest: Offender died; Not in the public interest (CPS); Not in the public interest (Police); Prosecution prevented – suspect under age; Prosecution prevented – suspect too ill; Prosecution prevented – victim / key witness dead / too ill; and Prosecution time limit expired.
  - Evidential difficulties – suspect identified, victim supports action.

- Evidential difficulties – victim does not support action: Evidential difficulties – suspect identified, victim does not support further action; and evidential difficulties – suspect not identified, victim does not support further action.
- Investigation complete – no suspect identified.

5.5 The use of police cautions or other out of court disposals for rape and serious sexual offences attracts much controversy. The first impression is that a 'lesser' outcome is not appropriate for crimes of this nature. Whilst the use of such outcomes must be very carefully managed they must remain an option when appropriate. A 15 year old male in a sexual relationship with a 14 year old girl where there are no further aggravating factors should not automatically result in a charge and prosecution. There will be some instances where even a community resolution will be appropriate when the safeguarding considerations are the primary concern. It should be noted that being cautioned for a sexual offence attracts the requirement to register as a sex offender; this is likely to have significant impact on career aspirations. Decisions on disposals for children will most likely be made in discussion with the Youth Offending Service.

## 6 RAPE AND SERIOUS SEXUAL OFFENCES PATTERNS

6.1 There are number of offences that fall within the category of serious sexual offences (**Appendix B**). There are also a number of offences that might be expected to fall within this category that are not included, e.g. grooming.

6.2 For performance purposes the focus is on those that constitute this category and it is important that the Gemini teams are used to investigate all offences where their skill set and expertise will benefit the investigation and the needs of the victim or the complexity of the crime.

6.3 An example of where this is the case is an investigation currently being managed under the operational name of Sussex. A known offender has committed a number of contact offences but has also contacted a large number of young females through social media. If, as anticipated, this contact has been to try and facilitate physical contact the offences will be outside of the serious sexual offence category but still appropriate for the Gemini and PVP management oversight.

6.4 The number of complex abuse investigations is increasing; this is as a result of far greater focus on this area, enhanced scanning and identification and a better understanding of how this type of abuse is facilitated by offenders. Where the investigation is complex in terms of the number of offenders or number of victims then an enhanced investigative structure is put in place. This can mean bespoke investigative resources drawn from within PVP, the wider County Policing Command and joint units. There are currently six investigations that fall into this category. This has an additional impact on the resourcing of rape and serious sexual offence investigations.

### 6.5 Reporting Patterns

6.6 Since September 2012 Suffolk has seen an increase of 118% in recorded rapes and 97% in serious sexual offences.

### 6.7 Rape

6.8 All categories of rape other than the rape of a male child under the age of 13 have seen significant increases. Once rapes are broken down into each specific offence then the numbers are small and any slight increases in numbers results in significant percentage change.

6.9 Table 7 shows how the volume of rapes reported to the Constabulary has changed when compared to the previous 12 months and the previous three year average. This is broken down into the separate offences that together constitute rape. Each of these offences is a distinct offence. The data includes attempted offences. Other than rapes against males under 13 years of age, there has been significant increase across all offences.

**Table 7.** Changes in numbers of reported rapes

	<b>12 months to end Sept 2015</b>	<b>% change vs last 12 months</b>	<b>% change vs last 3 years average</b>	<b>Last 3 years average</b>
Rape	453	94%	107%	219
Rape of a female aged 16 and over	287	89%	119%	131
Rape of a female child under 13	43	115%	95%	22
Rape of a female child under 16	75	150%	77%	42
Rape of a male aged 16 and over	13	63%	63%	8
Rape of a male child under 13	15	0%	50%	10
Rape of a male child under 16	20	150%	275%	5

6.10 Serious Sexual Offences

6.11 Table 8 repeats the above analysis but in respect of all other offences that constitute serious sexual offences. Whilst it may be surprising that the category of abuse of children through sexual exploitation has not shown an increase this is due to the fact that most cases involving sexual exploitation will be charged with an offence of sexual assault or rape.

**Table 8.** Changes in numbers of reported serious sexual offences.

	<b>12 months to end Sept 2015</b>	<b>% change vs last 12 months</b>	<b>% change vs last 3 years average</b>	<b>Last 3 years average</b>
Other Sexual Offences	659	72%	94%	340
Abuse of Children through Sexual Exploitation	2	0%	-45%	4
Causing sexual activity without consent	5	67%	275%	1
Sexual activity etc. with a person with a mental disorder	3	-40%	-10%	3
Sexual activity involving a child under 13	73	135%	167%	27
Sexual assault on a female aged 13 or over	346	53%	67%	207

Sexual assault on a female child aged under 13	139	140%	167%	52
Sexual assault on a male aged 13 and over	51	59%	122%	23
Sexual assault on a male child under 13	40	54%	90%	21
Trafficking for sexual exploitation	0	-100%	-100%	1

#### 6.12 When Allegations are reported

6.13 Previously allegations reported to police sometime after they were committed were referred to as 'historic'. There has never been any accepted definition of what entails a historic allegation. The term historic has been an easy label to be applied by the police and other agencies but it must be remembered that to a victim the offence may seem anything but historic. The more acceptable term is now 'non-recent'.

6.14 One of the benefits to an investigation of an allegation reported immediately after it has occurred is the opportunity afforded to secure forensic evidence. When determining if sexual contact has taken place then forensic evidence is often a significant part of a case. Where consent is raised as an issue then the presence of any forensic evidence reduces in significance; in these cases the sexual act is not disputed more the presence or absence of consent to the act.

6.15 The opportunity to recover forensic evidence (forensic window) from a victim or a suspect diminishes with time. The time period for recovery is defined in national guidance. Depending on what is being recovered, and from whom, the time period may vary from between three and five days. In general after 5 days the opportunity for forensic evidence is greatly reduced and an examiner may refuse to undertake an examination outside of this national guidance. Therefore offences reported to police after 5 days or more may be evidentially be more difficult to prove. The Constabulary continues to see offences that were committed more than 30-years ago being reported. This can be seen as a measure of confidence in the police and other agencies prompting victims to come forward.

#### 6.16 Rapes

6.17 The three year average for rapes being reported within the forensic window is 31%, for the 12 months up until September 2015 this was 32%.

- For offences committed outside of the forensic window and up to 3 months - the three year average figure is 26% and the figure for the last 12 months is 27%.
- 10% of offences are reported between 3 months and a year, 11% between 1 and 5 years and 17% after more than 5 years.

6.18 There is good consistency between last year and what we have seen in the last three years. Therefore 68% of rapes are reported once the opportunity for forensic recovery has passed.

#### 6.19 Serious Sexual Offences

6.20 This same picture is repeated with serious sexual offences though those reported within the forensic window increases to 49%. 25% within 3 months, 6% between 3 months and a year, 5% between 1 year and 5 years and 12 % after 5 years. This is consistent over the last three years.

NOT PROTECTIVELY MARKED

- 6.21 Age of Victim
- 6.22 Rape
- 6.23 The legal age of a child is defined by the Childrens Act and is under the age of 18 years. Offences committed against children under the age of 12-years have remained at the same percentage level as seen in the last three years, 17%. 80% of these offences were committed against female children. Offences against children between the ages of 13 and 17 accounts for 24% and 18 years and over, 57%. There is very little variation over the last three years.
- 6.24 Whilst 43% of our offences are committed against children many will be non-recent and only recently reported. The Constabulary records 91 crimes per 100,000 population of children. This is identical to the national average and just below the MSG average of 103.
- 6.25 Serious Sexual Offences
- 6.26 A higher percentage of offences, 35%, were committed against children under the age of 12 within the category of serious sexual offences when compared to rapes. This is very likely to be due to the enhanced focus on recording offences within the MASH that would previously have been solely recorded on the Child Abuse Tracking System (CATS) and not additionally on the force crime system. This change was part of the response to the HMIC inspection into crime data integrity. The figure for the average of the last three years was 29%.
- 6.27 Over 50% of offences against those under the age of 12 were sexual assaults on females, and 15% were sexual assaults on males. The majority of the remaining offences were connected with inciting sexual activity with a child.
- 6.28 In relation to older children, the last 12 months has seen small decreases in percentage terms; for children aged between 13 and 17 last year was 20% against a three year average of 23%, and for over 18s the figure for last year was 44% against a three year figure of 47%.
- 6.29 Specific Factors
- 6.30 Stranger Offences
- 6.31 The vast majority of rapes recorded by the Constabulary have a named offender and if not then an offender can be readily identified with minimal enquiries. In only a small percentage of offences is the identity of the offender completely unknown to the victim. It is these offences that attract the highest level of public concern. An enhanced investigative pathway is activated in these cases; an accredited Senior Investigating Officer (SIO) is appointed and there will be consultation with the Joint Major Investigation team to transfer ownership of the investigation.
- 6.32 For the twelve months to the end of September 2015 7% of allegations were recorded as committed by a stranger, this equates to 32 offences. This compares to 8% for the last three years.
- 6.33 Alcohol
- 6.34 The use of the flag that denotes that alcohol is a contributing factor can be applied to a case for one of many reasons and therefore there is little consistent use of this. It may be that the victim reports she was under the influence of alcohol or that an offence took place in a bar or even that the offender states he had been drinking.

- 6.35 From those crimes that have been flagged as being alcohol related there has been a small reduction in the twelve months to the end of September 2015 (14%) compared to the three year average of 18%. This may well be as a result of the continued focus on licensing in the night time economy and reducing strength campaigns. Numbers are however small and so percentages appear large. This same picture is repeated in serious sexual offences. The numbers of offences where the victim is under the age of 16 and alcohol has been flagged remain low.
- 6.36 Public Place
- 6.37 The percentage of rape offences that have occurred within a public place has remained reasonably constant over the last four years. For the period ending September 2015, 46 offences (10%) fell into this category whereas the three year average was 8%. Two thirds of these offences involved the rape of an adult female. A third involved children under the age of 16. Again there is no significant change over time.
- 6.38 In relation to serious sexual offences there has been a small decrease from 27% to 21% when comparing the three year average to the last twelve months. The majority of these allegations related to sexual assault on a female over the age of 13.
- 6.39 Domestic Abuse
- 6.40 In respect of rape the three year average figure is almost identical to that seen for the last 12 months with 20% of offences being domestic related. 98% of these offences were against adult females. For serious sexual offences 4% were domestic in nature, again no change in this over time.

## **7 IMPROVING PERFORMANCE**

### **7.1 Actions Taken to Date**

#### **7.2 Resources**

- 7.3 In April 2014 the Gemini Teams were taken out of the county Policing Command CID and put under the line management of the Protecting Vulnerable People (PVP) Directorate. This was to ensure appropriate focus on victim safeguarding and to reduce the issues arising out of specialist team remits. There is much cross over between the skill-set of a rape investigator and that of a Child Abuse investigator.
- 7.4 January 2015 saw the addition of three further Detective Constables into the Gemini teams, two additional Detective Constables into the Child Abuse Investigation teams and three additional investigators into the Human Trafficking and Exploitation Team to focus on on-line investigations. At the same time a second Detective Chief Inspector was posted into the PVP Directorate. This allowed a greater focus to be placed on investigations.
- 7.5 In April 2015 funding was made available to the PVP Directorate that resulted in additional resource of 12 police staff investigators that are now working across the three safeguarding units.
- 7.6 At the end of August 2015, dedicated analytical support was allocated to PVP. This has assisted by enhancing the tasking and coordination processes that are in place and mirrors the processes across the local county policing commands.

- 7.7 In August 2015 a decision was made by the County Policing Commander to re-focus the Priority Crime Teams away from acquisitive crime to support the Gemini teams in Ipswich and Bury St Edmunds.
- 7.8 Investigation
- 7.9 All Gemini investigators have been provided guidance material that assists in dealing with the issue of consent when raised within an investigation. Updated guidance on investigative standards, supervision and case review has been circulated.
- 7.10 Formal processes have now been agreed with the Joint Major Investigation Team (JMIT) for the provision of peer reviews in complex cases and for the agreed ownership of investigations into rape offences committed by a stranger. In reality only a very small number of cases are taken in their entirety by the JMIT and this is often dependant on other case load demand at that time.
- 7.11 Multi-agency structures have been put in place to resource and oversee the investigation of organised and complex abuse against children.
- 7.12 The Gemini teams have been placed under the line management of the respective safeguarding unit Detective Inspector to provide enhanced investigative oversight, support to the Detective Sergeants and a more effective and dynamic use of resources.
- 7.13 Actions Going Forward
- 7.14 The activity in place within the Constabulary falls into two principle areas. The first is to increase the number of allegations resulting in a charge or summons. The second is to improve the way in which rape and serious sexual offences are investigated and manage to ensure that victim based positive outcomes are enhanced.
- 7.15 Charge/Summons Performance
- 7.16 As mentioned above, Suffolk's performance in terms of those offences resulting in a charge/summons does not compare favourably to the MSG or national average. An analysis of the data indicates that Suffolk has a very low referral rate of investigations to the CPS for a decision on whether to lay a charge or issue a summons. There are two possible explanations.
- 7.17 The first is that the quality of investigation is below what is expected and as such cases are not reaching the required evidential threshold. The second is that the police decision makers are applying an evidential threshold that is higher than other forces and as a result not sending cases to the CPS for consideration. Either way there is a need to increase this referral rate from the current position of 10.5% to a figure approaching the MSG average of 19%.
- 7.18 Actions
- Development of Force action Plan and Gold Group governance structure.
  - A review of the threshold applied by decision makers will be undertaken. This will need discussion with CPS and other forces.
  - A Peer review of the quality of our investigations and decision making.
  - Agree with Joint Analysis and Performance Directorate on provision of meaningful data set.
  - Weekly senior level scrutiny on referral rates.
  - Weekly senior level review of work-loads.

- Monthly review of CPS performance and response.
- Weekly reporting on performance to Chief Officers.

#### 7.19 Positive Outcomes

7.20 There is no national comparison on these other outcomes and indeed no agreed set of outcomes across all forces. The Constabulary has been working with the OPCC since November 2014 to agree a set of indicators that provide additional context to the sole charge/summons indicators. These include referral rates to the SARC, submission of safeguarding referral etc. This work continues to progress.

#### 7.21 Actions

- Develop victim feedback process to allow a qualitative review of outcomes.
- Progress against national and local action plans.
- Work with commissioners to ensure that victim services are available across the county.
- Review current processes to ensure that these support both traditional performance but also a victim centred approach.
- Increase awareness and training particular in respect of myths and stereotypes, the issue of consent and age appropriate interviewing skills.

## 8 CONCLUSION

8.1 This report highlights the significant change in the reporting of serious sexual offences over 3 years and the performance challenges this present. It also outlines the significant work being undertaken by the constabulary ranging from the significant cultural change, through to the substantial increase in both dedicated and general investigators.

8.2 Performance should be looked at in boarder terms that include charge/summons data but also provides information into how victim's needs are addressed and how investigations take this into account, and at the same time consider wider public safety.

8.3 Changes in both resources numbers and structure of the Gemini teams have created additional capacity, capability and resilience that better meets the demand from the significant increase in reporting of these crimes. The specialist investigative skills within Gemini and the wider PVP Directorate are essential to balance the complicated performance arena of rape and serious sexual offences.

## 9. FINANCIAL IMPLICATIONS

9.1 There are no financial implications to note in this report.

## 10. OTHER IMPLICATIONS AND RISKS

10.1 There are no associated risks to note in this report.

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
Has legal advice been sought on this submission?	N/A
Has the PCC's Chief Finance Officer been consulted?	N/A
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	YES
Have human resource implications been considered?	YES
Is the recommendation consistent with the objectives in the Police and Crime Plan?	YES
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	YES
Has communications advice been sought on areas of likely media interest and how they might be managed?	N/A
Have all relevant ethical factors been taken into consideration in developing this submission?	YES

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

### Response to questions raised within 2014/15 HMIC Rape Monitoring Group report

#### Questions

- 1 What action is being taken to understand the nature and scale of rape in local communities, as well as regional and national trends?

The Constabulary has completed a Strategic profile for rape and serious sexual offences to better understand victimology and risk factors that can then assist in resource planning and in reduction and prevention work. The Constabulary is linked into the work of the Regional National rape investigation structures.

- 2 When forces are compared with each other, why are there wide variations in the data?

These wide variations occur due to a number of reasons. 1) Data sets from forces can vary dependant on the nature and capability of their IT systems. 2) Small number of offences translates into significant differences when converted into percentages. 3) The time taken to investigate, charge and prosecute rape offences means that it is unlikely that the majority of offences recorded in any performance year (April to March) will be prosecuted in that year. The time taken from reporting to charge is on average 3 to 4 months so large spikes in recorded offences can take time to result in charges and again may fall outside of the performance year.

- 3 How is targeted prevention work being taken forward?

The Constabulary has used the 'Time to Stop' campaign (joint Norfolk and Suffolk Comms) but is now commencing work on an offender targeted campaign raising the issue of consent. We have also worked with Clubs and Bars to increase vigilance of door and bar staff to better protect vulnerable victims. The Constabulary has worked closely with the Local Safeguarding Children Board to highlight awareness in relation to CSE and have supported the delivery of 'Chelsea's Choice' theatre play into Suffolk schools.

- 4 What action is being taken by the police and other agencies to encourage victims of rape to come forward?

The SARC offers victims an alternative route to report rape that does not have to involve the police. The SARC service has been promoted across victims groups, the new County Independent Domestic Violence Advocacy Service and across Health services. The development of the new Constabulary internet site will also provide opportunity for further reporting. The Constabulary takes every opportunity to reinforce its message to encourage victims of rape to come forward and report.

- 5 Do staff understand that victims may have been selected because of their individual or situational vulnerability, for example, learning difficulties or incapacitation due to alcohol or drugs?

Victim's vulnerability is a key factor in rape investigations and investigators are alive to this issue. This has been reinforced by D/Supt PVP.

- 6 How are resources deployed to tackle rape effectively and efficiently?

The vast majority of rapes are investigated by either the dedicated rape investigation teams (Gemini) or by the Child Abuse Investigation Units. On some occasions the county CID may investigate some offences and in some stranger rape cases the Major Investigation Team may take ownership. Due to the substantial rise in rape allegations over the last twelve to eighteen months additional resources have been added to both the Gemini teams and Child Abuse teams.

- 7 What are the training and experience profiles of staff who are required to deal with rape? In particular, do/will staff receive training on the issue of consent?

All those investigating rape offences must be PIP 2 accredited. In addition they undertake the specialist sexual offences investigation course or the specialist child abuse investigation course. Officers investigating adult rapes have all been provided material focussing on the issue of consent. The Detective Sergeants on the Gemini teams have all received input on consent.

- 8 What intelligence analysis takes place on rapes and in particular of transferred or cancelled rape offences?

Currently there is little ongoing analytical work that focusses on rape though this is being addressed within the work that will be carried out to better understand and address the poor detection rate.

- 9 What checks are in place to ensure that all reports of rapes are being recorded properly and on a timely basis, regardless of how they come to the attention of the force and fully in accordance with the National Crime Recording Standard?

The Force Crime Registrar reviews all rape related CADS and conversion to crimes. This review is reported on a monthly basis and remedial action taken immediately on any cases that fail the audit process.

- 10 Are police decisions to take no further action being appropriately taken and reviewed?

Proposed decisions to take 'No further Action' are reviewed by both a Detective Sergeant and Detective Inspector.

- 11 Does officer training include contributions from survivors of rape and specialist support agencies such as Rape Crisis and sexual assault referral centres (SARCs) and the Survivors Trust?

The specialist rape investigation course is provided externally but does include inputs from the SARC perspective. Where SOIT courses are delivered, victim's perspectives and the SARC are part of the course.

- 12 Do victims in this local area have access to the specialist services of an Independent Sexual Violence Advisor (ISVA)?

Independent Sexual Violence Advisors are accessed through the SARC. Allocation of an ISVA is limited to victims of penetrative offences and those that are supporting prosecutions. There is no wider ISVA service at this time.

- 13 What do victims think of the services they receive? How do their views influence the way victims are treated?

Victim's views on the service they have received have, up until now, been limited to feedback questionnaires facilitated by the SARC. Work is currently underway to extend this further to seek a wider range of victim's views on the police and Criminal Justice System service.

- 14 Are investigations and prosecutions sufficiently robust?

Investigations of rape offences are conducted diligently and expeditiously wherever possible. Supervision by Detective Sergeant and Detective Inspectors ensure investigations are kept on track.

- 15 Are cases being referred to the CPS appropriately for early investigative advice, and then charging having been properly assessed by police decision makers as meeting the referral criteria outlined in the 5th edition of the DPP's Guidance on Charging?

Police decision makers apply the evidential threshold tests before cases are submitted to the CPS for consideration. Early Investigative Advice is sought in all appropriate cases. All investigators have been provided with the DPP Guidance document.

- 16 What processes are in place to manage disclosure requests and information sharing between the different agencies?

The Constabulary has an agreed process with Suffolk County Council for the disclosure of third party material. Where material is sought from other agencies then these are dealt with on a case by case basis.

- 17 What constructive changes can be made to reduce and avoid delays in court hearings?

CPS/MOJ issue. The Constabulary responds to requests from CPS post charge as quickly as possible.

- 18 What are prosecution teams doing to support the use of special measures in court, intermediaries and support techniques such as pre-trial therapy, for vulnerable victims?

CPS issue.

- 19 Are there systems to ensure compliance with all current policies and procedures across the criminal justice system?

CPS/MOJ issue.

- 20 What action has been taken to implement new policy initiatives to improve the criminal justice response to rape?

CPS/MOJ issue. The Constabulary attended both the national and regional CPS/ACPO rape conferences to share best practice in investigating and prosecuting rape.

- 21 What partnership arrangements are in place to support victims of rape?

The health and support pathways that have been built as part of the SARC service ensure that where victims agree or require additional services that they are referred as appropriate.

**Rape and Serious Sexual Offences****Rape****Rape of a female aged 16 and over**

RAPE - FEMALE OVER 16 YEARS

RAPE (ATTEMPTED) - FEMALE OVER 16 YEARS

**Rape of a female child under 13**

ATTEMPT RAPE OF FEMALE UNDER 13 BY MALE

RAPE OF FEMALE UNDER 13 BY MALE

**Rape of a female child under 16**

RAPE - FEMALE UNDER 16 YEARS

RAPE (ATTEMPTED) - FEMALE UNDER 16 YEARS

**Rape of a male aged 16 and over**

RAPE - MALE OVER 16 YEARS

RAPE (ATTEMPTED) - MALE OVER 16 YEARS

**Rape of a male child under 13**

ATTEMPT RAPE OF MALE UNDER 13 BY MALE

RAPE OF MALE UNDER 13 BY MALE

**Rape of a male child under 16**

RAPE - MALE UNDER 16 YEARS

RAPE (ATTEMPTED) MALE - UNDER 16 YEARS

**Other Sexual Offences****Abuse of Children through Sexual Exploitation**

ARRANGE/FACILITATE CHILD SEX OFFENCE

CSE/INCT PROSTITUTION/PORNOGRAPHY 13-17 YRS

CSE/INCT PROSTITUTION/PORNOGRAPHY UNDER 13

**Causing sexual activity without consent**

CAUSE F/M ENGAGE S.A. W/O CONSENT NO PENETRATE

CAUSE F/M ENGAGE SEX ACT. W/O CONSENT

CAUSE MALE ENGAGE IN SEX ACT. W/O CONSENT

**Sexual activity etc. with a person with a mental disorder**

CARE WORKER S.A. WITH F/M MENTALLY DISORDERED

CAREWORKER S.A. WITH F/M MENTAL NO PENETRATION

S.A. WITH F/M MENTAL DISORDER NO PENETRATION

SEX ACT. WITH FEMALE WITH MENTAL DISORDER

SEX ACT. WITH MALE WITH MENTAL DISORDER

**Sexual activity involving a child under 13**

CAUSE CHILD UNDER 13 TO WATCH SEX ACT

CAUSE/INCITE F/M U13 SEX ACT. NO PENETRATION

CAUSE/INCITE FEMALE UNDER 13 INTO SEX ACTIVITY

CAUSE/INCITE MALE U13 INTO SEX ACTIVITY

CAUSE/INCITE MALE U13 SEX ACT. NO PENETRATION

ENGAGE IN SEXUAL ACTIVITY IN PRESENCE OF CHILD

PENETRATIVE SEXUAL ACT WITH F/CHILD OFF UNDER 18

NOT PROTECTIVELY MARKED

SEXUAL ACT WITH FEMALE CHILD N/PEN OFF UNDER 18  
SEXUAL ACT WITH MALE UND 13 NO PEN OFF UND 18  
UNDER 18 CAUSE A CHILD TO WATCH A SEXUAL ACT

**Sexual assault on a female aged 13 or over**

SEX ASSAULT ON FEMALE  
SEX ASSAULT ON FEMALE BY PENETRATION

**Sexual assault on a female child aged under 13**

SEX ASSAULT ON FEMALE UNDER 13  
SEX ASSAULT ON FEMALE UNDER 13 BY PENETRATION

**Sexual assault on a male aged 13 and over**

SEX ASSAULT ON MALE 13 AND OVER  
SEX ASSAULT ON MALE 13 AND OVER BY PENETRATION

**Sexual assault on a male child under 13**

SEX ASSAULT ON MALE UNDER 13  
SEX ASSAULT ON MALE UNDER 13 BY PENETRATION

**Trafficking for sexual exploitation**

TRAFFIC INTO UK FOR SEX EXPLOITATION

**Case Studies****Case A:**

A number of victims of historic inter-familial rape were identified through independent reporting elsewhere in the UK and referred to Suffolk Police. The reported offences occurred over 20 years previously. Analysis of this case identified 18 further potential victims who are now adults. The offenders were found to have direct familial access to 26 children currently aged under 18 living in Suffolk. The Detective Chief Inspector PVP was appointed the Senior Investigating Officer and a complex investigation commenced. A full multi-agency assessment of each current child including a joint visit by police and Children's Social Services was carried out to establish the extent of ongoing sexual abuse and capture evidence where appropriate. Once safeguarding of those children was established a systematic approach to engage with the affected adult victims followed, this has taken months of contact to build trust and establish all previous crime reports and public agency disclosures of abuse that occurred over the preceding years.

The investigation has taken 5 months of a dedicated team to date and all safeguarding of those that are children has been completed but to date no new crimes have been recorded. Disclosures by the adult victims have previously been recorded and investigated.

This case highlights the level of resource and commitment that is required to conduct appropriate investigation into both current and historic sexual assaults and the added complexity of the safeguarding requirements where children are identified as being at risk of serious harm. This case also demonstrates that the resourcing and investigative efforts placed into building trust and supporting victims do not always equate to charge/summons performance.

**Case B:**

An adult victim made a confidential disclosure to the SARC that she had been raped by 2 males who she had become recently acquainted to on the night in question. Despite request for anonymity the wider public safety issues meant that she was informed that the matter would still be referred to police for appropriate action. Officers were deployed and an appropriate investigation was undertaken including extensive CCTV and forensic enquiries (this included submissions for lab analysis) to establish details of the offenders and to better inform the victim regarding her decision not to provide evidence. The matter was sensitively handled with victim contact and support being managed through an Independent Sexual Violence Advisor. Despite all enquiries conducted over several months the victim remained unwilling to cooperate with police and would not provide any information that would allow this offence to be investigated further. This rape allegation remains undetected.

This scenario is repeated frequently; allegations are made that lead to significant enquiries to capture all available evidence, victims are provided with high levels of support but still choose not to support prosecution. In this case and in other cases where allegations are made through third parties the Constabulary records the crime but there is little realistic prospect of reaching a charge or summons.

### **Case C:**

A Registered Sex Offender was found to have been grooming children online in order that this would lead to sexual contact. On a number of identified cases such sexual activity was established. An investigation by the Gemini team established that the individual was in possession of indecent images of children and had targeted in excess of 200 further victims for grooming and abuse. A dedicated team have worked for several weeks sharing information with partners to better understand the risks against each of these children prior to initiating personal visits to establish what offending has occurred and to provide safeguarding advice to the child and their family. This approach to the investigation goes beyond the previous focus on the primary offences and seeks to ensure all children at risk are properly safeguarded. Despite the predatory nature of the offences involving children by a Registered Sex Offender it is likely that the vast majority of crimes identified will not constitute Serious Sexual Offences (SSOs) and so will not impact on performance in this area.

This case highlights the level of resources required and the intensity of enquiries involved in child safeguarding and how we have adapted our approach to focus on the wider issues associated with child. It also highlights how serious offences that can cause children serious harm are not classed as serious sexual offences.

### **Case D:**

A 15 year old female with complex Mental Health needs reported to her teacher that four months ago her then boyfriend made her have sex with him against her will. She had at that time also engaging in consensual sex. The school referred this to the MASH where a decision was made for a joint police and social care investigation. The victim provided sufficient details of the offender to identify him. The victim, supported by her family, then decided she did not want to support any prosecution. Appropriate safeguarding measures were discussed with the victim and her parents. The offender, a 17 year old male with learning difficulties (mental age of 10) was identified and a full strategy meeting held to determine the appropriate approach. Working with the offender and his parents resulted in referral to a specialist youth support worker. The investigation of this offence from reporting to finish took close to three months and whilst appropriate safeguarding and support measures were put in place for both victim and suspect there was no charge resulting.