

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS AND TRANSPARENCY PANEL

PAPER MARKED

Report of	OFFICE OF THE POLICE AND CRIME COMMISSIONER
Subject	RAPE OFFENCES – OUTCOME 16s DIP-SAMPLE
Date	TUESDAY 28 JUNE 2023 13:00 – 15:00
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Purpose of report

1. The purpose of this report is to highlight the findings from our dip sample of Outcome 16s in relation to rape offences. The measures include whether the incident is a domestic, stalking or harassment, case, whether the victim is vulnerable and if the case is historic. An interesting element also considered was at what point victims disengaged with the investigation.
2. The aim of the dip-sample was to analyse the metrics and pull out some of the most common themes regarding victim disengagement when investigating a rape offence.

Recommendations

3. It is recommended that the Panel notes the content of the report.

Background

4. The Home Office's outcomes framework covers all eventualities for crime and ranges from outcomes 1-22. Outcome 22 is the most recent and relates to an educational or preventative intervention. This is currently not one of the "positive" outcomes despite there being a positive element to it. These outcomes can be further broken down into what is deemed as 'positive' and 'negative' outcomes. Outcomes can be recorded and managed by identifying the positive outcomes assigned to offences recorded in the latest period. For example, the outcomes assigned to crimes created within that period and counting the total number of positive outcomes recorded in the latest period regardless of when the crime was committed.
5. An 'Outcome 16' is where a case involves evidential difficulties, where a suspect identified but the victim does not support further action (from April 2014), evidential

difficulties that are victim based where a named suspect identified and instances where the victim does not support (or has withdrawn support from) police action. Over recent years, rape offences have consistently garnered an Outcome 16, which has drastically hindered the number of 'successful' outcomes when police forces are investigating rape offences. In turn, this has had a significant impact on 'positive' outcome rates for rape investigations carried out by the force.

Dip Sample

6. A dip sample of rape offences was undertaken, identifying a total of 773 rape offences within a six-month period (01/12/2022 – 31/05/2023). Of these 773 rape offences, 194 (25%) resulted in an Outcome 16. According to Force data:
 - i. Of the total rape offences 141 were committed by an 'Ex Partner'
 - ii. Of the total rape offences 127 were committed by an 'Acquaintance'
 - iii. The most common premises these offences were committed was 'Dwelling' with 77% of the total cases.

7. In order to be able to capture feedback from the victims, an Officer Enquiry Log (OEL) was created by the Force to detail the victim's wishes, feelings and reasons for disengagement if given. The template records the existence of tangible records, such as Body Worn Video (BWV) and Contact Management Department (CMD) recordings, trusting that officers will record outcomes ethically and accurately. If recorded correctly, the OEL template provides proof and an auditable trail of evidence as to why victims have disengaged from any police investigation. This helps the Force with understanding why victims feel the need to disengage and identify elements that may need an enhanced focus and areas that need further work.

The Dip-Sample Process

8. A rape offences query was run using the Business Objects application, specifically looking at Outcome 16s only for the previous 6 months (1/12/2022 – 31/05/2023). Of the 194 rape offences included in the raw data, a total of 50 cases were dip sampled at random for the purpose of the report. Once the raw data was gathered, filters were applied to inform and determine different factors linked to why victims often disengage with investigations of rape offence. The live NICHE system was then used to dip-sample individual occurrence numbers and search the specific offence by analysing the Officer Enquiry Log (OEL).

9. The Officer Enquiry Log (OEL) was implemented by the Force in February 2023 and includes specific metrics recorded throughout each rape offence investigation. These metrics include; at what point does the victim disengage with the investigation, the safeguarding/ protective measures and civil orders that have been considered and whether the suspect(s) have been interviewed or arrested for the offence. This log was used in order to determine the reasons for rape offences often resulting in an Outcome 16.

10. The metrics used within the Officer Enquiry Log (OEL) throughout the dip-sample were:
- i. Is this a Domestic Abuse, Stalking or Harassment case
 - ii. Is the victim vulnerable
 - iii. At what point during the recording/investigation did the victim state that they would not support the investigation.
11. All cases dip-sampled were chosen at random over a six-month period to give transparency and accuracy with regard to the results. Within this dip sample, a total of 50 out of 194 cases were sampled (25.7%) over a 6-month period (1/12/2022 – 31/05/2023). The 'occurrence date' stated by the victim in each case was cross-referenced with the 'reported date' on NICHE to determine whether the report was historic or not.

Historic Reports of Rape Offences

12. A rape offence is classified as 'Historic' if the time between the occurrence start date and the date the offence is reported to the police is 365 days or more.
13. Of this dip-sample, 22% of the cases were historic cases of rape. It is fairly evident that in these cases, victims would often not support a police investigation, often citing their reasons being that they would rather move on from the incident and felt incapable of supporting an investigation.

Domestic & Non-Domestic Rape Offence Reports

14. Of the 50 rape cases sampled in relation to Outcome 16, the indication is that many of these offences are often committed by either the victim's current or ex-partner with the figures showing that:
- i. 54% were reported as a domestic case; and
 - ii. 46% were reported as non-domestic.
15. Throughout the dip sample, there did seem to be a correlation between domestic incidents and victims that never supported police action from the beginning of the investigation. Of the 27 domestic victims, 55% refused to support the police in their investigation. One of the overriding themes drawn from the dip sample was that victims often noted they felt fear of repercussion or consequences from supporting any investigation by the suspect or suspects acquaintances (friends/family).

Vulnerable & Non-Vulnerable Victim Trends

16. When analysing these cases, it was highlighted that 54% of the victims were classed as vulnerable, citing a range of different factors such as mental health, drug related issues or self-harm.

Levels of Engagement from the Victims

17. Of the 50 cases sampled, 52% of victims never supported police action from the start of the investigation, 16% disengaged post reporting but pre-arrest of the suspect, and 10% disengaged post arrest but pre-charge of the suspect.
18. Some of the reasons provided by the victims in the Officer Enquiry Log (OEL) were often fears of reprisal or repercussion by the suspects and/or a lack of confidence felt in pursuing a criminal justice outcome. A few victims also stated they would rather put the incident behind them and move on, rather than having to recall and relive the details of the incident throughout a police investigation.

Underage Rape Offences & Themes

19. When analysing these rape offences, 20% of the cases involved an underage victim. An under age victim is classified as a victim who is under the legal age of sexual consent (*-16 years of age*). Of these cases, 90% of the victims never supported a police investigation, with only 10% initially reporting the offence to the police and then disengaging once initial contact was made.

Summary

20. In summary, some of the most prevalent findings whilst sampling these Rape cases were as follows:
 - In 24% of cases reviewed, victims often stated the reasoning behind their disengagement was fear of repercussions or reprisal from supporting an investigation of Rape.
 - In 55% of domestic incidents, the victim refuses to support police action.
 - In all Third-party reports (16% of sampled cases) – Victims always refused to engage with the Police directly & never supported an investigation from the start.
 - In underage rape offence cases, 90% of victims never supported an investigation.

Implications

Financial:	Nil
Legal:	Governance and procedures are in accordance with legislation and statutory guidance.
Equality Impact Assessment:	Current procedures are in line with existing Equality Impact Assessments in place within the Professional Standards Department
Risks and Impact:	
Link to Police and Crime Plan:	Is in line with the Nolan Principles and Code of Ethics.

Communications:

Organisational briefings to be delivered for identified best practice and lessons learnt.

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