



# Leicestershire Police

## Rape and Serious Sexual Offences Investigation Policy and Procedure

PAPER MARKED

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**Note: Rape and Sexual Offences Procedure and Guidance are still under development on Authorised Professional Practice (APP) with no set publication date.**

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# **Rape and Serious Sexual Offences Investigation Policy**

## **Statement**

The purpose of this policy is to outline the way in which rape and serious sexual offences investigations are conducted within Leicester, Leicestershire and Rutland. The Procedure to this Policy is a separate document which provides the detailed processes underpinning such investigations ensuring that they conform to nationally approved standards.

The intention of the Policy and Procedure will be to maintain high standards of investigation, enhance the reputation of Leicestershire Police and deliver a **professional, effective, and efficient** service that:

- **protects the community from harm**
- **promotes and increases community confidence in the criminal justice system and the police service**
- **brings offenders to justice appropriately**

## **Aims**

- To improve the outcomes for victims of rape
- To Improve the standard of investigation and prosecution of rape offences
- To improve the quality of treatment for victims who make complaints of rape
- To take effective action against offenders so that they can be held accountable through the criminal justice system
- To increase confidence in the criminal justice system and encourage more victims to report rape to the police
- To increase the proportion of cases which result in charge, court case and conviction
- To use existing national systems to record information and intelligence that will assist in the identification of linked offences
- To adopt a proactive multi-agency approach in the provision of services to victims.

The legal obligations that are the foundation of these priorities include a duty under the Human Right Act 1998, which incorporates the European Convention on Human Rights 1950 (ECHR) to protect individuals, without discrimination, from inhuman and degrading treatment.

Both the Convention and other legislation, such as Equalities Legislation, place a clear responsibility on public authorities to fulfil these obligations without discrimination on any grounds. All victims of rape and serious sexual assault offences should receive the appropriate quality of service according to their individual needs. All reports of rape and serious sexual offences should be properly investigated and offenders held accountable through the criminal justice system, without discrimination.

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Chief Officers should establish and implement policies that ensure the police response to rape and serious sexual assault offences fully support and achieve these priorities. Police staff should maintain and enhance public confidence by delivering these priorities to a high professional standard.

To provide improved victim care throughout the investigation process and to fulfil the above priorities and obligations, partnership working with criminal justice agencies and other statutory and voluntary sector services is essential.

The Procedure provides officers and staff within Leicestershire Police with clear information about the investigation processes for rape and serious sexual assault offences. It is structured to follow the pattern of reporting, responding to and investigating these offences.

Investigations begin with the provision of initial information (via call management, front enquiry offices, personal contact and other means) and continue to their conclusion. Many staff across the organisation will be involved in investigations but where investigations are undertaken past instigation/initial phase they will be dealt with by the centralised rape investigation unit called 'The Signal Team'.

## **Scope**

This policy and associated procedure focuses on the offences of Rape (S1 Sexual offences Act 2003) and Assault by Penetration (S2 Sexual Offences Act 2003) whereby offences or attempted offences are committed in non-familial circumstances against victims aged over 13-17 years of age and all incidents within this offence range for those over 18 years of age (excluding historic child sexual abuse offences where the victim is now an adult).

## **Legal Basis**

This policy and supporting procedure take account of requirements under ECHR 1951, The Human Rights Act 1998, Equality and Diversity legislation, The Health and Safety Act 1974 and Data Protection Act 1998. It also incorporates sexual offences legislation under the Sexual Offences Act 2003.

## **Monitoring**

This policy and associated procedure will be monitored through the Force Compliance Unit and will be reviewed on an annual basis.

Links to other Policies and Procedures should be made on the following topics: Domestic Abuse and Honour Based Violence, NIM, Crime recording, Data Protection, Information security, Multi-agency Public Protection Arrangements, Hate Crime, Health and Safety and Child Abuse Investigation.

## **Rape and Serious Sexual Offences Investigation Procedure**

### **1. Legislation**

#### **1.1 Section 1 of the Sexual Offences Act 2003 – Rape**

It states that it is an offence for a person to rape a woman or another man.

*'A person commits rape if he intentionally penetrates with his penis, the vagina, anus or mouth of another person without that person's consent, if he does not reasonably believe that the other person consents.'*

This section redefines the physical act of rape by including penile penetration of the mouth. The offence also covers surgically reconstructed genitalia, for example as a result of gender reassignment surgery.

A person (A) commits an offence if he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, and B does not consent to the penetration, and A does not reasonably believe that B consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

#### **1.2 Section 2 of the Sexual Offences Act 2003 – Assault by Penetration**

This covers the situation whereby a person intentionally penetrates the vagina or anus of another person with any part of the body (for example a finger) or anything else (for example a bottle or vibrator).

*'A person commits an offence if they intentionally penetrate the vagina or anus of another person with a part of their body or anything else, the penetration is sexual and without the consent of that person and the perpetrator does not reasonably believe that the other person consents.'*

A person (A) commits an offence if-

- he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else,
- the penetration is sexual,
- B does not consent to the penetration, and
- A does not reasonably believe that B consents.

Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

This offence can be committed by a male or female against another male or female.

## **2. Introduction**

Rape is one of the most serious offences that can be committed against any person and can cause lifelong trauma and suffering to victims.

Leicestershire Police recognises the importance and priority that must be shown to rape investigation and is committed to investigating reported offences in a sensitive, thorough and professional manner adopting a prosecution ethos ensuring offenders are dealt with by the criminal justice system.

All Leicestershire Police employees are responsible for ensuring that victims of rape receive the best possible service and that joint working with partner agencies offers them appropriate and necessary support throughout the criminal justice process. The initial response of all staff will have an effect on both the victim and the subsequent investigation.

In recognising the serious nature of rape offences, Leicestershire Police has a centralised rape investigation unit within the Crime and Intelligence Directorate (CAID) named 'The Signal Team'. This team deals with investigations of S1 and S2 sexual offences involving adult victims and **some** child victims who are aged 16 and over. The Child Abuse Investigation Unit investigates all other sexual offences involving child victims. See [Section 3.4.1](#) and [Section 4.1.1](#) for further details.

First responders to reports of rape will include Call Management Staff, Local Support Team Officers (LSTO) and Uniform Police Officers, each of whom have the most important role of first contact with the victim. Each of these roles and responsibilities are discussed throughout this Procedure document and specific sections can be found at the following places:

- [Call Management](#) Section 3.1
- [Reports made via the Front Desk](#) Section 3.1
- [Initial contact officer responsibilities](#) Section 3.2
- [Operational Command Inspector \(OCI\)](#) Section 3.3
- [Signal Team](#) Section 3.4

Leicestershire Police's Policy and Procedure for investigating rape has been compiled in line with College of Policing (CoP), Crown Prosecution Service (CPS) and National Police Chiefs' Council (NPCC) guidance. This guidance regarding rape investigation can be accessed via the [Authorised Professional Practice \(APP\)](#) website.

## **3. Roles and Actions on Receiving Initial Report**

### **3.1 CMD/First Contact Responsibilities**

- Responsible for recording as accurately as possible (verbatim) the information from the caller reporting a suspected S1 or S2 offence (including the details of the first complainant or witnesses)

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- **All** information to be passed to the Initial Contact Officer, OCI and the Signal Team (before 2200 hours daily) or the Night Crime Car Detective Sergeant (NCC DS) between 2200 hours and 0700 hours
- Despatch of appropriate Initial Contact officer.
- CMD to download any phone calls for use by the investigating officers as soon as possible after a S1 or S2 offence has been confirmed. (To be sent to the [Signal Plus](#) email box)
- Checks to establish if victim is vulnerable or a repeat victim.
- College of Policing [briefing note for police first responders to a report of rape or sexual assault](#).

### 3.1.1 Contact Handlers and Controllers

The **first priority** of the police in responding to a report of a rape offence is to protect the victim and any others at risk, including children and police officers. In addition, call handlers should note that victims making complaints of rape might be providing evidence of early complaint.

As the first responder, the contact handler is likely to hear the victim's first initial account. Whether the report is about something that is recent or non-recent, the victim may still be traumatised. The manner of engagement with the victim will be important for an appropriate and empathetic response.

National guidance for obtaining and recording information should be used as follows:

- Location and identity of the person making the report
- The exact location (where possible) and time of the incident
- Whether the person making the report is the victim, third party or witness and the capacity in which they are making the report
- Nature of the incident
- Location and identity of victim (if known)
- Location and identity of suspect (if known)
- Whether medical assistance is required and details of any injuries
- First description of suspect
- Location of any third parties (witnesses, supporters) and their contact details
- Whether any weapons have been used in the commission of the offence
- If the suspect is known to the victim, any history of violence or sexual offences
- Whether steps have been taken to preserve evidence
- Whether there are any particular considerations (eg, disability, vulnerability, language interpreter required/intermediary required)
- Any obvious demeanour of the caller
- First account of what the reporter says has occurred (verbatim or as accurately as possible)
- Preferred contact point



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- If reporter wishes to stay anonymous (and a reason why).

A report of rape should receive an appropriately timed response. On receipt of a report of a recent rape, call handlers should take all steps to prevent the loss of evidential opportunities by ensuring that there is no delay in police contact with the victim or other scenes.

Information passed to the attending Initial Contact Officer should be exactly what the caller has said, recorded verbatim. Recordings of all calls should be emailed to [Signal Plus](#) or direct to an officer within Signal who has been informed of the report.

Any immediate response should take into account the wishes of the individual victim. Some may not wish to have a visible police response, for example, if they are making the report from home or their place of work.

Even if the offence is described as having occurred several weeks or months previously, an appropriately negotiated response and assessment by front line staff is necessary.

It is important to recognise that for various reasons including trauma, culture, injury and embarrassment, victims often delay reporting rape. It is therefore essential that the initial reporting officer does not question the victim about the delay; this is for the Signal Team officer to establish later by means of a skilled and sensitive investigation.

### **Actions on Initial Report of Section 1 or Section 2 Offence.**

- During core hours (0800 – 2200 hours) both the OCI and Signal Team will be informed of a potential offence. An officer within the Signal Team must be verbally informed and their details recorded on the incident.
- Consider the 5 building blocks:
  1. Preservation of Life
  2. Preservation of Scenes
  3. Securing of Evidence
  4. Identifying Victims
  5. Identifying Suspects.

### **3.1.2 Reports made via the Front Desk**

Where a victim or another at risk attends a police station to report a rape offence this should not reduce the urgency of the response. Control Room staff and supervisors should be informed immediately that a rape offence has been reported to the front desk staff, and an incident created. The procedure for actions on initial reporting of a S1 or S2 offence should be followed as per the previous page.

All reports should be recorded verbatim and should not include opinions of those officers attending or recording such reports. It should be remembered that front desk staff may effectively become the first complaint witnesses.

Resources should be deployed within the same timescales as when telephone reports are received. Victims should be invited to move from a public area to a suitable private waiting area. They should then be asked to provide a first account of the events. This

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should be undertaken using the initial attending officer pro-forma guide available on Niche (Appendix O) in conjunction with the advice given above regarding questioning on the first encounter.

An Early Evidence Kit (EEK) must be used to recover non-intimate forensic samples, where appropriate. For further information see Early Evidence Kit (EEK) at [section 3.2.5](#).

### **3.1.3 Reports made via Single Online Home**

Victims of rape and sexual assault are able to report the offence to Leicestershire Police online.

Reports made online will be assessed by CMD to determine if an immediate or priority response is required using THRIVE A. Where the appropriate response is determined to be grade 3 the report will be prioritised through to the Crime Bureau to ensure that the Service Level Agreement of victim contact within 24hrs is met.

Where a sexual offence is reported which will be allocated to a specialist resource for investigation, such as Signal and CAIU, then victim contact should be by the allocated investigator. Where a child is the victim, victim contact should always be by the CAIU.

The following guidelines should be adhered to:

(1) Any report that, on the face of it, appears to clearly report a rape by a known victim within forensic timescales (within 7 days of the offence occurring), this should be raised to/back to CMD to ensure an officer physically attends the victims location and begins to ensure early evidence is obtained, fast track actions are commenced, SIGNAL are updated and appropriate safeguarding is put in place. NO CONTACT FROM CRIME BUREAU.

(2) The above equally applies no matter the timescales, if there appear to be immediate safeguarding concerns.

(3) The victim reports a historic report either online or to CMD and passed to Crime Bureau. If it is clear that the report is one of rape or S2 assault by penetration, i.e. there is sufficient information on what has already been passed to us that we are dealing with a rape then the report should be crimed in as much detail as possible and then sent to SIGNAL. No contact should be made with the victim. An OEL should be added to explain that no contact has been made.

(4) Third party report is received either online or to CMD and passed to Crime Bureau. Whether or not it is clear what offence is made out, it is appropriate for the Crime Bureau to speak to the third party and secure as much information as needed before creating an N100 report (full report if it is a professional person such as a GP) and pass through to SIGNAL. DO NOT speak to the victim. SIGNAL officers will engage with the victim.

(5) If a victim reports something (such as spiking, sexual assault) but it is NOT clear that a S1 or S2 offence is made out then some initial basic questioning of the victim should take place to determine where it is most appropriate to send the report (bearing in mind under 16 at time of reporting and familial is investigated by the CAIU, over 16

to SIGNAL, trafficking to modern slavery, and other sexual assaults to area CID). Text messages should only be sent to victims if we have confirmed that they are happy with that line of communication and it is safe for them to receive it in that manner.

### **3.2 Initial Contact Officer Responsibilities:**

- Initial victim assessment – care, response, risk, medical needs
- Ascertain offence
- Ascertain suspect details if known
- Ascertain scene(s) and likely parameters
- Accurately record comments and demeanour
- Report findings to the Signal Team and OCI, ensuring that a named officer has taken ownership
- Completion of the EEK
- Completion of the referral form
- Seizure of early evidence, including clothing if applicable
- Victim transportation to Juniper Lodge
- Victim care at hospital if applicable
- Briefing of Signal Team officers at Juniper Lodge
- Monitor VRI if after midnight

#### **3.2.1 Initial Immediate Actions by Front Line Officers**

Any report of rape will be assessed and an appropriate response organised, considering the wishes of the victim and the details contained within the following paragraphs. Early consultation with the Signal Team before attending a victim is best practice.

The quality of the initial response may influence the victim's decision to support the investigation.

In all cases, it is important to:

- Ensure the victim's safety, understanding any risk posed by the perpetrator to the victim or other people.
- Identify any immediate medical needs.
- Initiate the investigation and consider evidence preservation from the outset.
- Reassure the victim that they have done the right in coming forward and reporting.
- Be non-judgemental.
- Show empathy and sensitivity.
- Maintain impartiality
- Identify if an interpreter or registered intermediary is required
- Speak to the victim in an environment in which they feel comfortable.

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- Understand that rape and sexual offences in intimate/ex-intimate partner relationships may occur as part of a pattern of coercive or controlling behaviour or stalking and seek evidence connected with either of these offences.
- Remember that many victims may be under the age of 18 and are therefore still children and need to be dealt with in accordance with current Working Together to Safeguard Children guidance and APP on child abuse investigation.

Any report of rape assault will be treated as a serious crime, with everything said recorded in an evidential manner. Please use the following link to access guidance on the use of Body Worn Video when attending reports of rape or sexual assault ([Signal Team : The New First Response Guidance](#)).

In appropriate, but not all cases, immediate action should be initiated to trace/detain a suspect and consideration given to identifying the various scenes for preservation. Clothing, belongings etc. will be required for forensic examination, and in all except the most unusual cases, the Signal Team officer will arrange this and any medical examination. Any notes made should be retained.

Officers must be particularly mindful of cross contamination between the victim, the suspect and all scenes (including vehicles), as well as themselves. If the victim has removed their clothing prior to officer attendance, then consideration should be given to the bagging of all their clothing and footwear before they are taken to a Victim Suite. Where possible, practicable and appropriate, officers should endeavour to obtain a replacement set of clothing for the victim. **This should not delay the victim in attending the Victim Suite.**

### 3.2.2 Immediate Medical Treatment

Upon receipt of a report of rape assault, the officer taking the complaint should establish whether the victim requires immediate medical treatment for personal injury and/or illness, including a mental health illness.

**If immediate medical attention is required**, the victim should be accompanied to the hospital by at least one officer of the same sex and hospital staff should be informed at the earliest stage.

In such cases, the attending officer will ensure that the Signal DS or the NCC DS is consulted in order that all evidential material is recovered.

### 3.2.3 Post Traumatic Stress Disorder

It is important to be aware that victims of rape assault may experience Post Traumatic Stress Disorder. Immediately after the attack, victims may display any of the following behaviour: shock, fear, terror, vulnerability, disempowerment, blame, guilt, disbelief, denial and anger. Each victim will react in their own way to trauma and it is important to recognise this. (See [Appendix A](#) – Rape Trauma Syndrome)

### 3.2.4 Initial Questioning of Victim

Initial enquiries of the victim should be kept to a minimum and any questions posed in a tactful manner, although it is accepted that some questions will be required to establish the time and nature of the offence. It will be evidentially important to make a record of

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the time of report; also details of the complainant's initial report, demeanour and appearance should be recorded contemporaneously whenever possible.

This should be undertaken using the initial attending officer pro-forma guide available on Niche. This form **must not** be used however in cases that fall under the CAIU (see CAID internal website: [CAID:Safeguarding :CAIU](#)) .

The pro-forma will direct the officer to ask only questions that are needed and these are to be recorded contemporaneously. Once these facts have been obtained, questioning must cease. Conversation should be tactfully steered away from the enquiry to unrelated topics, such as the comfort, welfare and security of the victim. The officer should then contact the OCI/Signal Team to update.

When dealing with child victims best practice is that officers should speak to a third party (e.g. parent, guardian) whom the victim has disclosed to rather than the victims themselves to ascertain what has happened. This reduces the risk of contaminating the evidence.

It is also important that the Initial Contact Officer explains that they are unable to ask lots of questions because of the evidence gathering process, but they need to know briefly what has happened so the report can be dealt with in the correct manner. To obtain this information the 5WH questions should be used: Who, What, When, Where, How.

### **3.2.5 Early Evidence Kits (see [Appendix B – Use of Early Evidence Kit](#))**

Early Evidence Kits (EEKs) are intended for the immediate use by the front line police officer or member of police staff who has initial contact with the victim, prior to any forensic medical examination. They are intended to ensure the effective recovery of non-intimate forensic samples that are affected by the passage of time, such as urine samples where drugs and/or alcohol analysis is required and any sample relating to an incidence where a penis has been inserted into the victim's mouth. They are particularly useful where the victim wishes to use the toilet or brush their teeth.

Apart from giving a urine sample, victims should be discouraged from handling any other sample themselves. This is because they may be carrying the DNA of the suspect on their hands and there is a risk of cross-contamination.

A video giving full instructions for use is available on the Signal Team internal website under the heading [SARC protocol for officers](#).

In all cases:

- Explain the purpose of the EEK
- Obtain signed victim consent before taking samples
- Follow the instructions
- Collect the mouth swab/rinse yourself
- Have the subject take the other swabs
- Record the lot number, expiry date and time each swab/rinse was taken.
- Take a second urine sample within one hour after the first if the forensic medical examination is delayed and if the incident occurred within the last 24hours.

### 3.2.6 Early Evidence Gathering

The gathering of early evidence in rape assaults is paramount to the effective investigation of these offences and early victim testimony must be recorded using the victim's own words.

The care and treatment of the victim is of the foremost importance in all cases, and this should not be sacrificed at the expense of any forensic evidence being gathered from the victim.

It is therefore important that the information is recorded as evidence in either a pocket note book or other suitable police document (Referral Form) or computer. All comments should be recorded at the earliest opportunity, and timed and dated by the maker of the record.

Early/First complaint witnesses should be identified, and their accounts obtained as soon as possible. These witnesses should be interviewed separately to the victim and details recorded on the referral form.

Persons involved as witnesses in the case **in any capacity** (i.e. not just someone who has seen the incident in question), cannot take on the role of 'witness supporter' unless they have already provided their signed witness statement. They may then support the victim by accompanying them to interview although they will sit elsewhere whilst the interview is conducted.

### 3.2.7 Scene Preservation

The following should always be considered by officers and police staff as potential scenes:

- The encounter scene
- The attack scene
- The offence scene
- The release scene
- The escape route
- The suspect\*, their home and vehicles travelled in
- The victim\*, their home and vehicles travelled in

\* These *will always* be regarded as scenes.

Consideration should be given to obtaining a detailed photographic or video record of crime scenes and victim(s).

Consideration should also be given to the use of the Seminal Fluid Detection Dog dependent on the circumstances of the report.

### 3.2.8 Minimising Contamination

- The victim(s) and suspect(s) should always be dealt with by different officers when forensic evidence is a consideration
- The victim(s) and suspect(s) should always be taken to different locations

- The victim(s) and suspect(s) should always be transported in different vehicles
- The victim(s) and suspect(s) should always be examined by different medical practitioners
- The scene(s) should always be examined by different CSIs
- All officers, CSIs and forensic practitioners should consider the use of barrier clothing.

### 3.2.9 Critical Incident

All officers responding to incidents of rape assault must consider whether it is a Critical Incident. A Critical Incident is defined as:-

*‘Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community’.*

If the incident falls within this remit then a supervisor must be informed and the Critical Incident Guidance should be followed. Early consultation with the relevant NPA is important when a Critical Incident is identified.

### 3.2.10 Recording and Referral of Section 1 and 2 offences

If a victim is reporting either a Section 1 offence under the Sexual Offences Act (Rape) or a Section 2 (Assault by penetration), **it is the initial contact officer’s responsibility to ensure that a Niche occurrence is completed.**

This must be done in **all** situations – if, once the initial contact officer arrives, the victim changes their mind and states the offence did not happen, it **must still be crimed** - Signal will take this on and ensure that it is cancelled later, if appropriate.

It is still expected that officers will take advice from the Signal DS on duty (or NCC out of hours), but a crime report will be completed and a full working sheet, detailing the reports, forensic considerations and what has been done so far will be added **by the initial contact officer in all situations.**

On every occasion a Niche task must be sent to the Signal pot to ensure the crime is allocated accordingly to Signal, whether or not the victim wishes to pursue the case.

## 3.3 Operational Command Inspector (OCI)/ Supervisory Responsibilities

- Operational response and identification of appropriate Initial Contact Officer
- Operational command of scene(s), including preservation
- Liaison with the Signal Team DS/DI or, if after 2200 hours, the NCC DS
- If the Signal Team advise early suspect action, arrange fast track actions to locate suspect
- If fast track arrest, liaise with Signal Team regarding resources, forensic issues and custody strategy

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- Arrange fast track actions to identify witnesses
- Arrange fast track actions to identify/secure CCTV
- If after midnight, OCI to contact the NCC DS and ensure there are resources to cover the monitoring of VRI. (This is for non-historic cases only).
- In serious injury or complex investigation cases the OCI should consider consulting with the on-call DI (e.g. Section 1 Stranger cases).

### **3.3.1 Supervisory & Deployment - Out of Core Hours (2200 – 0800 hrs)**

The Control Room Inspector will be notified of any report of rape immediately. Out of core hours they shall then ensure that the appropriate OCI is informed.

Once the OCI has been made aware of the circumstances, and confirmed that a report of Sec 1 rape or S.2 assault has taken place, the NCC DS will be contacted, and consideration be given to contacting the on-call DI in cases of serious injury or complex investigation (Section 1 Stranger).

Even if the offence is described as having occurred several weeks or months previously, an appropriate response and assessment by front line staff is necessary. (Consider liaising with the NCC DS). If the report is historical, consideration with regards to an immediate medical can be delayed, as the likelihood of obtaining forensic DNA, would be unlikely. OCIs and NPO Sergeants should check the Signal Team website for Forensic Window timescales as they differ for S1 and S2 offences and also differ in relation to victims and suspects.

### **3.3.2 Current Forensic Evidence timescales guidance is:**

- Rape (penis penetrating vagina) – 7 days for evidence from victim
- Anal Penetration (penis penetrating Anus) - 3 days for evidence from victim
- Oral rape (penis penetrating mouth) – 2 days for evidence from victim
- Digital Penetration (anal or vaginal) – 2 days for evidence from victim
- Early Evidence Kit - 3 days
- Penile swabs of suspect - 3 days
- Skin swabs of suspect – 2 days (7 if not washed)

This guidance is updated 6 monthly by the Faculty of Forensic and Legal Medicine, and up to date timescales should be referred to on the [Signal Team internal web site](#) Team internal web site.

The Signal Team DS or the OCI should consider any fast track actions that are necessary. Once an account has been received from the complainant, they will decide what actions are necessary including early liaison with Forensic Services. This process should include a review of officer welfare needs, i.e. hours worked, need for support from a second trained officer etc.



### **3.4 The Signal Team**

The Signal Team (Leicestershire Police's centralised rape investigation unit) will deal with reports of Rape or Assault by Penetration within the defined remit held in the Policy document.

The Signal Team forms part of the Crime and Intelligence Directorate and officers staffing the team will provide a response to victims or investigations during the core hours of 0800 to 2200 hours seven days a week, following the initial response and assessment by an initial contact officer.

Between 2200 and 0800 hours, the NCC will provide this response. At weekends there will also be a Signal Team Detective Sergeant or Detective Inspector on-call for complicated issues.

A Signal Team officer can only be deployed by a OCI or Signal Team Detective Sergeant once an initial assessment has been completed and it is within their remit.

The Signal Team, consisting of 32 Detective Constables, 6 Investigative Support Assistants, 6 Detective Sergeants and a Detective Inspector are based at Keyham Lane Police Station. After initial support from CMD, OCIs and Initial Contact Officers, they will be responsible for the comprehensive investigation of offences by gathering evidence and offering support to victims, suspect processing and prosecution, and all other responsibilities through to court processes.

The Signal Team management will have the following responsibilities:

- Victim Strategy – medical, interview, support, contact
- Suspect Strategy – planned arrests, interview, case preparation and risk referrals
- Witness Strategy – interviews and support
- Forensic Strategy
- Intelligence Strategy
- Performance management
- Training
- Media Strategies
- Multi-agency engagement
- Confidence issues

#### **3.4.1 Remit**

To investigate and provide a service to victims and suspects of:

- Section 1 Sexual Offence Act 2003 (Rape)
- Section 2 Sexual Offence Act 2003 (Assault by Penetration)
- Attempts of either Section 1 or 2 Sexual Offence Act 2003
- People Trafficked into Sexual Exploitation working in conjunction with the Exploitation Team
- Drug facilitated where a victim of Section 1 or 2 has been identified

[Official]

- Non-familial cases of the above offences where the victim is aged 14 years and over.

The CAIU will deal with:

- all non-familial cases of the above offences where the victim is under the age of 16;
- all familial cases/cases where the suspect is in a position of trust where the victim is under the age of 18;
- historic child sexual abuse offences where the victim is now an adult and the relationship with the suspect was familial / a position of trust at the time of the offence.

Where the Signal Team officer provides the primary response to a victim of a serious sexual offence, the parameters of this response are set out within this guidance.

Practitioner responsibilities that will form the investigative role of Signal Team officers:

### **3.4.2 Signal Team's response to Victims**

- Primary response to the victim of a serious sexual offence, following assessment by a front-line initial contact officer
- Identifying and addressing safeguarding issues
- Arranging the victim forensic medical examination
- Co-ordinating the obtaining of non-intimate injury photographs and clothing if worn.
- Briefing the forensic nurse examiner prior to the medical examination.
- Briefing the Signal Team officers who will be conducting the investigation around the suspect
- Establish a suitable Single point of contact for the victim. This may be a member of the Police or an Independent Sexual Violence Advisor (ISVA)
- Co-ordinating use of Intermediaries where relevant
- Conducting the victim interview and the gathering and recording of the best available 'evidence of account' from the complainant
- Taking statements of withdrawal of support for the prosecution
- Identifying and providing details of the most appropriate support agency and guidance for victims of rape from initial involvement
- Preserving, gathering, storage and continuity of forensic evidence and exhibits from victims of rape.
- Complying with the requirements of the Victim Code of Practice pre and post charge
- Managing risk and referral for victims via appropriate departments for MAPPA and MARAC intervention.

### **3.4.3 Signal Team's response to Suspects**

- Preserving, gathering, storage and continuity of forensic evidence and exhibits from suspects of rape
- Arrest and custody liaison and responsibility for suspects of rape
- Identifying and addressing safeguarding issues
- Interviewing of suspects and CPS liaison
- Consideration of on-going risk management. (Referral to MAPPA/MARAC/Suspect Sexual Referral Pathway).

### **3.4.4 Signal Team's response to Investigation**

- Assisting the SIO if involved in the investigation of a serious sexual offence, to achieve the best evidence available
- Arranging and/or attending Safeguarding Strategy Meetings
- Liaising with Forensic Services for scene management and forensic evidence.
- Strategy and review of forensic submissions to the FSS
- Conducting all investigative enquiries not completed as priority tasks at the time of the initial report being made
- Attending early Special Measures hearing with CPS
- Attending case conference with CPS and Counsel
- Arranging strategy for witness attendance at court

### **3.4.5 Signal Team Response**

The duty Signal Team Detective Sergeant will take responsibility for the review of newly reported rape investigations at the commencement of their tour of duty. An assessment will be made of the investigation to determine the type of rape reported and whether the case is forensically live and requires a fast track response. The Detective Sergeant will determine which investigations require a fast track response and those that are suitable for allocation.

In cases that require a fast track response the Detective Sergeant will appoint an OIC and will direct the investigation. All other enquiries will be allocated to OIC's for investigation according to the allocation rota with an initial investigation plan set by the Detective Sergeant.

Whilst the enquiry is in the fast track phase, the Detective Sergeant is responsible for ensuring that the enquiry and actions allocated are progressed, and the appropriate resources are assigned.

In such cases the Detective Sergeant is responsible for oversight of the investigation and the timely progression of fast time enquiries.

Following the initial phase of investigation, the Detective Sergeant of the OIC will assume responsibility for overseeing the investigation according to the Serious Crime Investigation Standards found in Appendix J. The same standards apply for crimes which have been allocated for investigation.

[Official]

The DS is responsible for reviewing all actions already undertaken and should ensure that the OIC makes personal contact with the victim at the earliest opportunity. Supporting and identifying the needs of the victim and witnesses are the priority in any investigation.

The DS should consider the staffing requirements of the investigation and the nature of the offence. In all cases of Stranger 1 investigations, and reports involving serving police officers and staff, the duty DS should consult with the Signal DI, or out of hours, the Duty DI, who should adopt the position of Senior Investigating Officer (SIO). The SIO should consider the need to commence a Policy Log or establish an Incident Room. In the most serious cases, such as a series of stranger 1 attacks, consideration should also be given to consulting EMSOU-MIT and the need to manage the investigation through HOLMES.

In such cases the Signal DI will adopt the SIO role and allocate a deputy DS.

The DI and DCI will perform the SIO role of any investigation at their discretion.

Where the Signal DI does not adopt the SIO role, the Signal DI should record a formal investigative review at the earliest opportunity and within 7 days of reported stranger investigations.

The DS should oversee all investigative strategies, ensuring direction of the Signal Team officers and investigators, appraise the SIO of incidents, and record formal investigative reviews within 7 days of reported incidents.

The SIO and Detective Sergeant should take cognisance of the welfare of Signal Team officers. Where the Signal Team reaches capacity due to the number of reported rapes requiring fast track responses, the duty Detective Sergeant should contact the Signal DI or on call DI to assist in the management of resources across CAID.

## **4. The Investigation**

All investigations will be conducted within CoP, NPCC and CPS guidelines and, where appropriate, incorporate early consultation with CPS.

### **4.1 Investigation Guidance**

The Signal Team responds to a significant level of demand and are often faced with supporting and seeking engagement from victims who do not wish to pursue the matter through the Criminal Justice System.

The Signal Team will always seek to support and safeguard victims of rape and sexual assault and will seek to charge and work cooperatively with CPS to achieve a successful outcome at court.

Where a victim is not supportive of a criminal justice approach the primary aim should be to identify the suspect, in order to risk assess the threat they pose. A proportionate investigation should be conducted in these circumstances to achieve this aim.

In all cases where the victim is supportive of action, a thorough and professional investigation will be undertaken with the focus of supporting the victim through the criminal justice process and bringing the offender to justice.

Signal supervisors are encouraged to conduct proportionate investigations which consider:

### 1. Is there a realistic prospect of conviction?

- Has the victim provided an evidential account?
- Do they support a prosecution and are willing to attend court?
- Have they completed a forensic medical if appropriate?
- Does the case pass the evidential test?

### 2. What is the risk to the victim and other parties, are they supported and safeguarded?

- Is **the victim** safe/what is the potential risk?
- Does the suspect know the victim's address/contact number/online details?
- Have we considered and used our powers to protect the victim?
- Have we made appropriate referrals to outside support agencies, do we need to complete an adult PPN?
- Are **the victims children** safe/what is the potential risk to them? Do we need to complete a PPN?
- Are other witnesses in the case safe and supported?

### 3. What is the risk posed by the suspect?

- Does the **suspect have any children**? Is there cause to believe the suspect poses a risk to them and if so have we acted to mitigate risk and completed a PPN?
- Does the **suspect have access to other children** through family, employment or volunteering? Above considerations would apply
- Does the **suspect have a partner** who is not the victim? Have we considered the risk to her/him? Is a Clare's law disclosure necessary/appropriate? Is a PPN required?
- What is the potential risk to **other unidentified victims**?
- Does the alleged MO suggest a particular target group may be at risk? Is there anything we can do to mitigate that risk?
- Have we done anything to try to ID other victims (e.g. phone/computer examinations)?
- Are the suspect's fingerprints & DNA on the database? Could we consider any civil prevention orders?

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- Are there any community impact issues that need to be considered, is there a reputational risk to either the police or a partner organisation?
- Should the suspect be referred to the Suspect Sexual Referral Pathway (SSRP) in order to manage ongoing risk?

Supervisors should consider the above questions when considering the necessity for action against the suspect based on risk, balanced against the wishes of the victim and the need to safeguard them. Interviewing the suspect will not always be the right course of action, but needs careful consideration against risk, the realistic prospect of conviction and the need to safeguard.

It is accepted with the CPS that when a victim does not provide a VRI and/or is not willing to attend court that a realistic prospect of conviction is highly unlikely, except in the most exceptional cases. Cases which would be considered exceptional are those where the public interest would be met despite the victim not supporting a prosecution, examples would include significantly high level of risk, notable occupation or position of trust and community impact.

In cases where the victim does not wish to pursue a prosecution the police will undertake a proportionate investigation, putting the victim's needs and wishes at the forefront of the investigation and to enable risk assessment of the suspect.

## **4.2 Reasonable Lines of Enquiry and Disclosure**

All Signal investigations will be conducted in accordance with CPIA. Compliance with CPIA remains the responsibility of the OIC. Signal Team Detective Sergeants are not expected to review all material; however they should support the OIC's to ensure that CPIA is adhered to.

The following guidance applies to those investigations proceeding to court.

OIC's will record their actions taken and the rationale for investigative decisions taken.

### **4.2.1 Investigation Management Document**

Throughout the duration of an investigation the OIC will complete the Investigation Management Document. Completion of this document enables the OIC to record their investigative strategies and subsequent management of material and disclosure requirements as set out in CPIA. The Investigation Management Document is embedded in Niche.

OIC's must ensure that they clearly outline the reasonable lines of enquiry followed and record the reason why. There should be clearly recorded strategies for the investigation of Third Party Material and Digital Media, which includes the parameters used for searching the rationale applied. It is the Detective Sergeants' role to ensure that this approach is applied from the commencement of the investigation through to conclusion.

### **4.2.2 Guidance on CPIA**

[Official]

The following guidance should be adhered to regarding CPIA and reasonable lines of enquiry:

*In summary, it is about understanding the issues in the case, conducting all reasonable lines of enquiry, assessing what material is relevant and documenting what strategies have been adopted. Being transparent about what has been done and not done and how it has been done, will help the CPS to hold the defence to account.*

*The reason for CPIA is to ensure that we, The Police, conduct an ethical search for the truth. It is also to ensure that justice is served by allowing the defence access to material which undermines the prosecution or assists the defence case. Essentially, it is to ensure that people are not wrongly convicted.*

**Reasonable Retain Record Relevant Review Reveal.**

It is the responsibility of the investigator to pursue all **reasonable** lines of enquiry, whether these point towards or away from a suspect. Which lines of enquiry are **reasonable** has to be assessed on a case by case basis and depends on the issues in the case.

So, for example, if consent, or the suspect having a reasonable belief that the other has consented, is an issue in a sexual assault case, then it may be **reasonable** to seek communications between the parties before and after the incident. What is **reasonable**? The scope and the parameters depend upon the exact circumstances. These parameters must be recorded.

This should not be considered as seeking unused, this is a search for evidence; irrespective of whether it points towards or away from the suspect.

*So if we are trawling social media, we should record the strategy – What are we looking for? Why are we looking for it? Where are we looking? How are we doing it? What are the time parameters? If we do not find what we are seeking, ask - why? If it is a technical issue, do not assume that it cannot be retrieved and consult a DMI. If the victim or suspect say that they have deleted the material, again ask why. Is that reasonable or are they trying to hide something?*

The starting point of CPIA is not about disclosure, it is about seeking evidence to establish the truth - all **reasonable** lines of enquiry, whether these point towards or away from a suspect.

*We should not be getting material simply as part of a process, for example, 3<sup>rd</sup> party material. However, we must get it if it is a reasonable line of enquiry.*

**Reasonable Retain Record Relevant Review Reveal.**

The investigator has a responsibility to **retain** and **record** all material generated in the course of the investigation. All material will either be *used*, so part of the crime file and

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disclosed to the defence, or *unused*, not part of the crime file and not intended to be used as evidence and therefore not disclosed to the defence.

*The recording of what has been generated should be considered at the start of the investigation and is an on-going process throughout the investigation.*

Reasonable Retain Record **Relevant** Review Reveal.

What is **relevant** depends on the specifics of the case? What is the prosecution case? What is the defendant's case, if it is known? What are the points we need to prove? **Relevant** means capable of having a bearing on the case.

Not all of the material that has been generated will be **relevant** - capable of having a bearing on the case. Only the **relevant** material should be listed on the disclosure schedules. But, it does make sense to record the non-relevant material in the file.

*It would be best practice to record why some material has been assessed as non-relevant on the crime file for transparency.*

Reasonable Retain Record Relevant **Review** Reveal.

The investigator is responsible for **reviewing** the relevant material to assess whether it '**undermines the prosecution case or assists the defence case**'. The consideration of whether material undermines the prosecution case is more straight forward than whether it assists the defence case especially if the suspect did not answer questions in interview. In this situation you can only assess the material generally.

The Defence Case Statement should detail what the defence take issue with in the case. If it does, the **review** should be repeated against the relevant material. If the DCS raise a 'new' defence, these maybe 'new' issues in the case and material which was previously assessed as not relevant may need to be **reviewed**.

When considering material, you should think about it from the perspective of the defence. If you were defending the case, what would you want revealing.

*The way you conduct the review and what has been reviewed should be documented. So, if you have a phone download, but issues in the case relate to a specific time period, it would be reasonable to review the material which relates to that time period. However, if the time period is longer and as a result it is not reasonable to view all the material due to the vast quantity, it would be reasonable to use a search tool. What is important is to record what has been done and how and what has not been done and why.*

Reasonable Retain Record Relevant Review **Reveal**.

**Relevant** material which either '**undermines the prosecution case or assists the defence case**' must be **revealed** to the defence. Both the Police and the CPS have the duty to **review** material, but it is the responsibility of the CPS to **reveal** the material to the defence.



### **4.3 Digital Investigation and Social Media**

Investigating officers should consider digital investigation and social media within the course of every investigation. A digital investigation strategy should be recorded on NICHE in every case where digital investigation is relevant. A DMI should be consulted in every case where digital evidence is a factor, to assist the OIC in drawing up their strategy and ensuring that the most appropriate extraction method is utilised.

The extent of the investigation should be considered in line with the guidance on reasonable lines of enquiry and what is proportionate in the circumstances.

Investigating officers should clearly establish with victims, suspects and witnesses, what methods of communication have been used and record this. The extent of the digital investigation should be carefully considered and the rationale recorded, it is recommended that advice should be sought from Digital Media Investigators in all cases.

It is accepted practise that investigating officers can set parameters and use keywords to search large volumes of material, this strategy must be clearly recorded on an OEL and on the Disclosure Strategy Document.

CPS have produced a guidance document on Reasonable Lines of Enquiry and Digital Evidence which can be found [here](#).

Guidance on Mobile Device Examination can be found on the Digital Hub Website by clicking [here](#). This includes information and guidance on the Digital Processing Notice (DPN) which should be used to gain consent from the victim/witness. OIC's should use the specific DPN rape form, which includes the requirement to return a phone to a victim within 24hrs.

### **4.4 Victims**

#### **4.4.1 Initial Contact**

The first concern should always be the victim's safety, state of mind and ability to cope with forensic requests. Anyone responding to a rape victim should be aware of the traumatic nature of the incident, and should not make any assumptions or form preconceptions about what the victim is saying.

The victim is, however, the primary scene, and forensic evidence is often the principal source of corroboration. Officers should therefore safeguard forensic or other evidence prior to a forensic medical examination by asking the victim to refrain from:

- Drinking or eating anything, including non-essential medication
- Washing (including hair and brushing teeth), showering and bathing
- Smoking
- Going to the toilet or discarding sanitary products
- Removing, washing, discarding or destroying clothing worn at the time of the incident or subsequent to it.

There may be circumstances where these safeguards have not been, or could not be, conformed with or there may be undue delay in arranging forensic medical examination. In such circumstance's officers should consider the above actions and explain to the victim and/or the parent or carer as appropriate, the reasons why the victim has been asked to abstain from these acts.

Questioning of the victim should be kept to a minimum during initial contact stages and for guidance as to what should be asked, reference should be made to the Signal Team Referral Form.

At initial report you will:

- Have initial discussions on obtaining a full account from the victim, remembering that victims of sexual offence are entitled to an enhanced service under the Victim's Code of Practice and are eligible for assistance as intimidated witnesses by virtue of section 17 (4) Youth Justice and Criminal Evidence Act 1999 within ABE guidelines.
- Identify potential witnesses or anyone to whom any early complaint was made
- Identify any suspects and conduct intelligence checks – decision relating to arrest of the suspect will be made in consultation with the investigating officer.
- Obtain preferred method of contact details for the victim, explain next steps and keep them informed.
- Discuss options with the victim for providing support and addressing welfare issues.

Within Leicestershire Police, the investigation of **non-familial S1 and S2 sexual offences against a child aged 16 years and over** will be conducted by the **Signal Team**. The Child Referral Team should still be made aware of any such offences reported and Children's Social Care should be informed.

The investigation of **all S1 and S2 sexual offences against a child under the age of 16** will be conducted by the **Child Abuse Investigation Unit (CAIU)**. They will also investigate any **familial serious sexual assault offences or offences where the suspect is in a position of trust where the victim is under the age of 18**, as well as historic child sexual abuse offences where the victim is now an adult and the relationship with the suspect was familial / a position of trust at the time of the offence.

Many investigative processes involved in responding to serious sexual offences committed against a child are similar to those used when responding to offences committed against an adult. It must be remembered however that there are many sensitive issues around asking children to undergo an intrusive medical examination to obtain forensic samples and this should not be carried out simply as routine. If it is considered that this may be required, the OIC should seek to video interview the child first. This is to determine that a S1 or S2 offence has actually occurred, as children may have a different understanding of the words they use to describe what has happened.

#### **4.4.2 Victim Code of Practice**

Officers should adhere to the guidance as set out in the Victims Code of Practice and to the Serious Crime Investigation Standards (found at Appendix J).

When providing updates the OIC should ensure that they take consideration of any identified vulnerabilities and that an appropriate approach is taken to updates provided. The OIC should consider the impact or trauma that could be caused by the update provided, particularly if the update is to inform a victim that the case is not going to proceed.

OIC's should always consider support from the allocated ISVA and the victim's wider support network when delivering updates, and conduct an ongoing assessment of the victim's welfare and potential vulnerabilities and ensure that if a risk is identified that relevant safeguarding referrals are made using the adult PPN.

OIC's should seek to conduct significant updates in person to the victim, this is of particular importance at the point that a case is being closed or a decision has been made not to proceed. OIC's should consider a range of communication methods when a victim is not responding, for example contact through ISVA or support worker. A letter should be a last resort.

OIC's should ensure that all victim updates are recorded on NICHE using the VCOP template.

#### **4.4.2.1 Victim Personal Statement**

Investigators should make sure that victims of rape are given the opportunity to make a Victim Personal Statement (VPS) at the earliest possible time, with the option of updating this statement closer to the court trial date.

In order to ensure compliance with National File Standards, this issue must be addressed through the MG6. This is a sensitive issue to manage with victims, and the VPS should be taken at the appropriate moment for the victim. Investigators should discuss this with the victim, there is a free text section on the MG6 where investigators can provide information, for example, "VPS discussed with victim who wishes to make a VPS nearer to the trial date".

#### **4.4.3 Victim Right to Review**

At the point that a crime is being filed as a police decision, the victim must be informed of the victim right to review process and this should be recorded on an OEL.

A decision made by the CPS can also be referred to the Victim Right to Review scheme and the victim should be informed of this.

#### **4.4.4 Transportation and Victim Suites**

As of summer 2018 the Adult (18+) and the Children (up to 18) Sexual Assault Services have been commissioned by NHS England.

All under 18's (and under 24's if they have a learning disability) are to be referred to the EMCYPSAS (East Midlands Children and Young People's Sexual Assault Service). The victim will be examined at either Northamptonshire or Nottinghamshire.

[Official]

08001830023 is the 24/7 single point of access number. A crisis worker will complete a risk assessment on the phone and will offer a time to see the child or young person and this will depend on whether the report is acute (happened within 21 days) or non-recent (longer than 21 days). All examinations will take place at the appropriate hub in Nottingham or Northampton. A handwritten summary of the report will be given to any professional attending the examination (police and children's social care). A typed full report will be sent to the child's GP, public health nursing team, children's social care, police, and any other professional known to be involved in their care.

Children and Young People's Suite Nottingham:  
QMC  
Nottingham University  
Hospitals NUH  
Nottingham  
NG72UH  
For general enquiries 01158754595

Serenity Northampton:  
Highfield Clinical Care Centre  
Entrance C (rear of building)  
Cliftonville Road  
Northampton  
NN1 5DN  
For general enquiries 01604745005

**Please note that although 16-17 year olds can attend their local adult SARC service this is not advised, EMCYPSAS provides the most appropriate service for this age group.**

Juniper Lodge SARC is the primary Victim Suite for adults (18+). MITIE are the forensic medical service, contacted 24/7 on 0808 0034507 for doctors and nurses to attend and examine the victim. Guidance on the use of Juniper Lodge can be found at [Appendix C - Juniper Lodge Step-by-Step Guide for Police Officers](#)

Attendance at the most appropriate Victim Suite allows the victim to be in a safe environment and regain some of their self-control and power. No interim visits to police stations or other premises should take place. **(Confer with Signal Team officer before transporting the victim).**

It is preferable to use a plain vehicle to the Victim Suite. If a marked vehicle is necessary then it should be **parked away from the premises.**

The victim's clothing worn at the time of the offence should be recovered and properly packaged. Officers should ascertain from the victim whether this has been washed since the offence and state if clothing has been washed on the exhibit packaging to enable appropriate forensic tests to be carried out. This includes underwear and footwear.

If evidence is likely to be lost upon removal of clothing, officers should ensure that the victim stands on the forensic paper sheet, which is carried in police vehicles or available from Juniper Lodge or at police stations. Similarly, if the victim is transported to a Victim Suite wearing the clothing from the time of the offence they should be sat on

a piece of paper on the car seat of the vehicle. These sheets of paper should then be packaged appropriately as evidence.

#### **4.4.5 Medical Examinations**

It must be recognised that medical examinations in rape and serious sexual assault cases are unpleasant, intrusive episodes which cause the victim considerable apprehension and are often understandably viewed as part of the overall ordeal.

Nevertheless, they frequently provide vital forensic evidence to assist in bringing offenders to justice, and should be done as soon as practicable to reduce the dangers of losing evidence. The reasons for undertaking the examination should be fully explained to the victim by the Signal Team officer who will offer every support.

Where the victim wishes to be accompanied by a friend or relative, this should be facilitated as far as is possible.

The Signal Team Officer will contact the Medical Service Supplier who will be requested to deploy the most appropriate Forensic Medical Examiner to undertake the examination. Where the victim requests a different gender of clinician, every effort should be made to comply with it.

Where the victim is detained at a hospital or another external location, the Signal Team officer will arrange for the Medical Service Supplier's on-call Forensic Medical Examiner to attend and conduct the necessary examination, if it has been agreed by the hospital doctor that they are fit to be examined.

In other cases, the Signal Team officer will notify the Medical Service Supplier's on-call Forensic Medical Examiner of the most suitable venue for the examination.

There is a Prison policy in place to support the provision of a Forensic medical Examination within the LLR Prison Establishments.

**It is the responsibility of the Signal Team officer to ensure the integrity of any samples obtained during the examination is maintained and that they are handled and stored showing continuity.**

#### **4.4.6 Consent to a medical (U18s) - Fraser Competence/Gillick Competency**

There are processes to be followed to ascertain whether a victim under the age of 18 is capable of providing informed consent to a medical examination or intervention. Support staff at the SARC and Serenity are qualified to provide the appropriate guidance in relation this.

#### **4.4.7 Interview with Victim**

The guiding principles when interviewing complainants will be:

- continuity of the officer dealing with the complainant;
- obtaining best possible evidence using the most appropriate method and in the minimum possible number of interviews.

Apart from receiving initial complaints, only the Signal Team officers should have contact with the victim.

The details required in interview can be distressing for the victim but it is important that a detailed account of the incident is obtained as soon as possible.

The Youth Justice and Criminal Evidence Act 1999 (Section 17 (4)) provides for victims of sexual offences to record their evidence visually by means of a Video Recorded Interview where the quality of their evidence would be diminished by fear or distress if not so provided.

Legislation states:

*'Where the complainant in respect of a sexual offence is a witness in proceedings relating to that offence (or to that offence and any other offence), the witness is eligible for assistance in relation to those proceedings by virtue of this subsection (S17 (4)) unless the witness has informed the court of the witness' wish not to be so eligible by virtue of this subsection'*

The Visually Recorded Interview may, **but not always**, be played in court as their 'evidence in chief'. Where it is not played, the victim will be required to give their evidence in person.

The Act does however also make provision for victims to seek further special measures in court to make giving evidence less intimidating. (See section 6.5 Special Measures for further details).

No statement is required from any Visually Recorded Interview and the DVD itself is not an exhibit but is 'their statement'. If the equipment is unavailable or it may cause undue anxiety to the victim then the Signal Team officer will consider obtaining the evidence by audio and/or written statement.

The specialist officers on the Signal Team are well trained in sympathetically obtaining such evidence and on occasion it may be prudent to consider whether it is beneficial for the victim to defer the taking of the 'statement'. In relevant cases, the Signal Team officer will discuss this option with the Signal Team Detective Sergeant and, where appropriate, the Signal Team Detective Inspector.

In all cases where a VRI is conducted, part of the preparation must be completion of the VRI Booklet. The VRI must be carefully planned, and the needs of the victim considered, in order to achieve the best possible evidence. The OIC must consider the need for interpreters and intermediaries to achieve this. The OIC should record the victim assessment, incorporating all communication and update requirements, an assessment of their lifestyle, needs, any vulnerabilities and considerations for achieving best evidence whilst ensuring appropriate support for the victim.

#### **4.4.8 Victims of Rape & Domestic Abuse**

Reported Signal offences are linked to domestic abuse will be dealt with in a joined-up manner with the Domestic Abuse Investigation Unit (DAIU) or relevant investigation team and the Signal Team. This should be assessed on a case by case basis between the duty Signal Sergeant and the duty DAIU Sergeant, to ensure that the victim is

safeguarded and relevant referrals are made to MARAC and Domestic Abuse support services. Joint visits combining the skill set of DAIU and Signal officers should always be considered in cases of domestic abuse and rape, and the determining factor should be centred on what is in the best interest and safeguarding of the victim.

Where a section 1 or 2 offence is reported, and the victim wishes to pursue the matter, the Signal Team should normally take investigative primacy, working together with the DAIU or relevant investigation team to support the victim. The Signal Team in such cases should retain responsibility for the investigation of all crimes associated with domestic abuse to ensure continuity with the victim. The splitting up of offences and multiple OIC's should be avoided. Where there are a significant number of enquiries linked to the domestic abuse, then the Signal Team DS should assess the most appropriate response which can include working with the relevant investigation team. Primacy for the care of the victim, file preparation and liaison with CPS should sit with Signal. This is to ensure that sexual offences are considered within the holistic view of the domestic abuse.

Where a section 1 or 2 offence is reported as part of the DASH process but the victim does not want to pursue the matter, the DAIU or relevant investigation team should normally take investigative primacy. However, a joint discussion should take place between the two departments to determine the most appropriate response and whether an arrest will be made for the sexual offence.

In all cases of domestic abuse related rape, the OIC is responsible for ensuring the safety of the victim and their children and completing the DASH risk assessment. The OIC should refer to the Force Domestic Abuse procedure. In high risk cases the victim must be referred to the MARAC.

#### **4.4.8.1 Honour-based abuse**

**Recommendations have been made following the release of the response to the super-complaint, How the police respond to sexual abuse when the victim is from an ethnic minority background and may be at risk of honour-based abuse: Report on Tees Valley Inclusion Project's super-complaint.**

**The super complaint raises concerns that the police fail to identify some behaviours as honour-based abuse and thus fail to appreciate the level of risk; and the police fail to act and adequately safeguard those at risk of honour-based abuse following reports of abuse. The investigation found that there was inconsistent understanding amongst officers and staff in their understanding of the potential risk of honour based abuse when sexual offences are reported. The potential link between reports of sexual abuse and the risk of honour based abuse for some victims was missed as a result.**

The super complaint investigation found that when victims report sexual offences to the police, they are already vulnerable and there are situations in which pressure from family and communities stops victims reporting crime. It can also lead them to not pursue reports, this is described as the "labyrinth of familial connections and pressures".

Officers and staff who investigate sexual offences must also have the knowledge and understanding to identify when victims may also be at risk of honour based abuse. The

super-complaint investigation found that not all victims get the individualised support they need to navigate police investigations and the wider criminal justice system.

In its guidance for officers, Honour-based abuse: advice for first responders (2021), the College of Policing says:

“Honour-based abuse is a collection of practises used to control behaviour within families and communities to protect their perceived honour, or address shame or embarrassment perceived to have been brought to the family. It stems from a particular interpretation of cultural and religious beliefs by some families who seek to prevent any form ‘dishonour’ resulting from those who disobey the ‘rules’. The notion of honour has always existed in all societies. These ‘rules’/honour codes are used as vehicle/motivation for justifying abuse mainly by men (but often supported by women and children) against women, children and other men”.

Where RASSO investigators identify honour-based abuse as a concern they should consult with the DAIU, Freeva and/or Project 360 to ensure the appropriate risk assessments and support for victims are undertaken. They should also refer to the Domestic Abuse Policy – Appendix on Honour Based Abuse to ensure compliance with current guidance.

#### **4.4.9 Victim withdrawal statements**

In all cases where a victim reports a rape to police and subsequently makes the decision not to proceed with the prosecution process, a comprehensive **withdrawal statement must only be taken by a Signal Team officer**, preferably the initial Signal Team officer.

Before the taking of any withdrawal statement, the Signal Team officer must meet with the victim and fully explore the victim's reasons for not wishing to proceed. Officers must be mindful of the effects of PTSD and be vigilant for any witness intimidation.

The reasons for withdrawal must be explained in the victim's own words. This becomes particularly important in investigations where no evidential victim interview has taken place. The statement may be relied upon to provide an important source of intelligence and evidence; it may also affect the decision to review an investigation. In conclusion, consider the need to obtain consent from the victim for the retention of forensic samples and/or other exhibits should there be a requirement for the case to be reinvestigated in the future.

Under NO circumstances, should a victim be presented with a 'prepared withdrawal statement'.

Particularly in cases of domestic abuse, officers should ensure an appropriate support package is in place for the victim who does not wish to proceed. Expert advice should be sought from the DAIU where appropriate.

## **4.5 Suspects**



#### **4.5.1 Planning to arrest suspect**

Officers should not base a decision to arrest or not to arrest on the willingness of a victim or witness to testify or otherwise participate in a prosecution. The decision to arrest, voluntary interview or no action, should be assessed on a case by case basis.

Arrests should take place as early as possible, although consultation with the Signal Team should take place between 0800-2200 hours. All other arrests should be planned and executed by the Signal Team with assistance from appropriately trained specialist officers where necessary.

The OIC should always record the rationale and justification for an arrest, or no arrest. This will usually be in consultation with a Signal Team DS.

To prevent cross-contamination in cases of early arrest, the arresting officer should not have had any contact with the victim and should not transport the suspect in a vehicle that the victim has been in. The arresting officer should consider forensic evidence.

If suspects need to be taken to hospital for any treatment before a medical examination takes place or clothing seized, they should be escorted by at least 2 police officers. Medical staff at the hospital should be supplied with the minimum amount of information necessary to enable the integrity of possible forensic evidence to be preserved.

All suspects arrested for a serious sexual offence should be taken to Keyham Lane Police Station which has a dry cell facility.

Decisions relating the arrest strategy of a suspect should be directed by a Signal DS.

(See [Appendix D](#) –Custody Considerations & Procedures).

Key points to consider:

- Suspects should be placed in a dry cell on arrival at the Custody Suite and be supervised until completion of any forensic examinations (to prevent suspect destroying potential forensic evidence, eg. using bodily fluids to wash their hands)
- Doctor/nurse should be arranged to obtain intimate forensic samples. (in consultation with the Signal Team between 0800-2200)
- Non-intimate samples should be taken and any injuries photographed and body mapped by a medical practitioner
- Clothing should be photographed and seized where relevant
- NCC DS should be consulted during the hours of 2200 to 0800.
- Prior to arrest the investigation team will carry out intelligence checks with PNC and Genie2; and consideration will be given to checking the PND.

#### **4.5.2 Medical Examination - Suspect**

Where possible the Signal Team officer should brief the Forensic Medical Examiner before the suspect examination takes place. To avoid cross-contamination of evidence, officers should ensure that a different Forensic Medical Examiner examines the victim and the suspect. The Forensic Medical Examiner should be accompanied by a police

officer who should make notes throughout the examination. A Sexual Offences Examination Kit should be used. These are available in the Custody Suite.

Even in cases where the victim withdraws the report or decides not to support a prosecution, the Signal Team officer should submit the suspect's DNA to the National DNA Database or ensure that their DNA is confirmed already on the database.

#### **4.5.3 Suspect Interviews**

The Signal Team officers will interview all suspects of rape in consultation with the team's Detective Sergeant and follow the concepts of the College of Policing (CoP) guidance for Investigative Interviewing. This must incorporate questioning around the issue of consent and the suspect's reasonable belief that true consent had been obtained / given from the victim.

Consideration should be given to using sex offender profilers where appropriate. Information and details of such profilers can be obtained by contacting the CoP.

All suspects will be interviewed using audio or audio and video facilities and in line with CoP Investigative Interviewing guidance.

#### **4.5.4 Suspect Management**

Early consideration must be given to the management of suspects that are identified as potentially dangerous offenders. Interim SRO (Sexual Risk Order) or SHPO (Sexual Harm Prevention Order) or Violent Offender Order (VOO) should be sought in consultation and liaison with the MOSOVO Team (Management of Sexual and Violent Offenders) and subsequently MAPPA. This line of risk management should be considered in the early days of the investigation where the suspect may present a risk to the victim or other possible victims.

Decisions in relation to the management of a suspect should be directed by the Signal DS and/or DI.

#### **4.5.5 Bail**

The OIC and DS should consider bail as the default position in cases of sexual offences, as per the force guidance on bail and RUI. Where bail is considered not to be appropriate this must be authorised by an Inspector. Guidance should be adhered to in relation to extensions of bail as per the force guidance on bail, which can be found at Appendix M.

#### **4.5.6 Referrals to the Suspect Sexual Referral Pathway**

Where a positive criminal justice outcome cannot be achieved against the suspect, then consideration should be given to referring the suspect to the MOSOVO team for management under the Suspect Sexual Referral Pathway.

## 4.6 Forensic Evidence

### 4.6.1 Victims

The main opportunities for the gathering of **early evidence** from the victim are as follows:-

- The obtaining of a urine sample
- The obtaining of a mouth swab or mouthwash
- Volunteer DNA kit – Take one Buccal scrape from the inside of each cheek at least 20 mins after the patient has had a drink, food or a cigarette (in cases involving oral sex within 48 hours, take an additional sample at least 2 days after the incident).
- The recovery of the victim's clothing including their underwear and footwear.
- The swabbing of obvious body fluids, bite marks or scratches.
- The photographing of any defensive injuries or injuries inflicted by the suspect.
- All earrings, rings, wristwatches and other jewellery can also be a useful source of evidence.

These samples may be taken in addition to those obtained by the initial Response Officer using the EEK.

The above early evidence samples will **always** be supplemented by samples gathered by the Forensic Medical Examiner, including blood and intimate samples.

#### Body fluids, bite marks or scratches

If this practice is adopted, a control sample must first be obtained and a rough diagram in the Signal Team officer's notes should depict where on the body the samples were obtained from. The control sample should be on an adjacent area, or if more appropriate the equivalent opposite limb. **Officers must not swab intimate areas of the victim, for example the breasts, buttocks, genitalia etc.**

#### Injury/Clothing Photographs

Non-intimate injury photographs should be obtained as soon as practicable. The Crisis workers at Juniper Lodge are able to obtain non-intimate injury photographs, either at the SARC or an external location using the mobile kit, if deployed. This will include non-intimate injuries and the victim wearing clothing worn at the time of the offence (this will only be done if they are still wearing the clothing). If further injury photographs are required the SIGNAL team officer will facilitate this on behalf of the IO. All images will be retained on the Cortexflo photographic equipment and an encrypted disc of the images provided, if required.

### 4.6.2 Suspects

The main opportunities to be considered, for harvesting evidence from the suspect, are as follows:

- Penile swabs – shaft and glans and coronal sulcus.
- Pubic hair combed and cut.

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- Fingernail scrapings and cuttings.
- A K520 Suspect DNA sample.
- Blood sample
- Head Hair combings.
- Swabbing the hands in particular the web in-between the fingers.
- The swabbing of obvious bite marks, body fluids or scratches and control samples (see body fluid, bites or scratches).
- All clothing recovered including underwear and footwear.
- All earrings, rings, wristwatches and other jewellery can also be a useful source of evidence.
- Photographing of injuries that are victim inflicted.

Where a suspect is to be medically examined, a different Forensic Medical Examiner, different officers and a different location must be arranged.

**GREAT CARE SHOULD BE TAKEN IN HANDLING OF EXHIBITS TO ENSURE NO POSSIBILITY OF CROSS-CONTAMINATION ARISES.**

Articles for forensic examination will always be packaged separately. As with victims, delays in carrying out examinations on suspects must be kept to a minimum so as to preserve as much evidence as possible.

**4.6.3 Arrow Centre / i-Submit - Operational Protocol**

The supplier for the Sexual Offences Service is The Arrow Centre on 0115 967 2760.

Officers should make submissions through Niche workflows. Forensic submissions are agreed by e-mail and officers are instructed to take the full forensic submission to FHQ Submissions, where it is despatched to The Arrow Centre.

**4.6.4 Drug Facilitated Sexual Assault – Hair samples**

If a victim reports an offence more than 7 days post offence and the individual feels that they may have been administered a stupefying substance then they should be asked to provide a hair sample for drugs. The hair sample would be provided some 4-6 weeks later.

Advice in relation to the taking of hair samples specifically in relation to drug facilitated sexual assault should be sought from The Arrow Centre (contact telephone numbers listed above).

[\(See Appendix E for guidance notes\)](#)

**4.7 Continuity of Exhibits**

The continuity of exhibits will be considered of paramount importance by all officers involved in the evidence chain thus ensuring integrity.

## 4.8 Intermediaries

A use of an Intermediary is a 'Special Measure' and can be the difference between Vulnerable Witnesses OR suspects communicating their best evidence or not communicating at all. An Intermediary is someone who can help a vulnerable person understand questions they are asked and who can then communicate the responses so that the Court will understand them.

They can help at each stage of the criminal justice process, from police investigations and interviews, through to pre-trial preparations for court and to giving evidence at court itself. Intermediaries perform an important function, helping the most vulnerable members of our society gain equal access to justice. ([See Appendix F – Why use an intermediary?](#))

## 4.9 Cross-border Force Guidance

Where the exact location of the offence is unknown, the investigation should be conducted by the Force where the victim presented, until such time as the location is confirmed.

If a Signal Team officer is appointed and it is subsequently discovered that the offence occurred in another Force area, it is recommended that the original Signal Team Officer remain with the victim throughout the enquiry. **The victim's interests should be paramount.**

When it transpires that the offence has been committed in another Force area it is vital that liaison takes place at the earliest opportunity between Leicestershire Police and the other Force to establish who has primacy for the investigation and who will provide ongoing support to the victim.

It is never appropriate for the victim to be left without Signal Team officer support while negotiation takes place between forces, nor is it acceptable for the investigation to be delayed. In all cases where there is a change of Signal Team officer the handover guidelines set out previously must be followed.

## 4.10 Criminal Investigations involving Licensed Firearm and Shotgun Holders

At the outset of all criminal investigations, investigators must give consideration as to whether any party, including suspects, witnesses, victim's parents, carers or other relatives is the holder of a firearm, shotgun or explosives licence.

Particular care will be required when there is a belief that any party may, as a result of the investigation, intend to harm themselves or there is a danger to the public peace, or information is received to indicate that this may be the case. In these circumstances investigators will undertake a search of the Firearms Licensing Management system and must refer the matter to a supervisory officer. Where any such party is found to be

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a licensed firearm or shotgun holder, this information must be referred to the Manager of the Firearms and Liquor Licensing Department.

This may be by the group email address "[Explosives and Firearms Licensing](#)" or in urgent cases by telephone to the Manager on Extension 4330.

## **5. Reviews of the Investigation**

Daily morning briefings led by the DI or, if unavailable, the DS will take place for the Signal Team. This briefing will cover key lines of enquiry for emerging or existing investigations including early liaison with Forensic Services regarding scene attendance and forensic strategy.

### **5.1 Recorded 1st Review – on allocation (DS or DI)**

The first recorded review of a rape investigation should be placed on Niche at the time the report is reviewed and allocated by a Signal Team DS or the DI. **In a ‘stranger’ rape investigation, a further review should be undertaken by the Signal DI as soon as possible and within 72 hours.** The DS will review the actions taken so far and will also consider what further steps, if any, are necessary to trace/detain any suspect(s) or to ensure that any person already detained in connection with the report are being dealt with correctly.

They will also consider the following issues:-

- Initial Response
- Scene identification, preservation and examination
- Victim safety, support and the Signal Team response
- Public safety
- Forensic issues
- Offender Management
- Media Appeals
- Searches for suspects
- Searches for witnesses
- House to House Enquiries
- Arrest and Interview Strategies
- Identification Issues
- Lateral evidence such as CCTV
- Community Impact considerations
- Public Confidence issues.

This review must be recorded on Niche as soon as possible after completion and must adhere to the Serious Crime Investigation Standards.

## **5.2 DS 28 Day Review**

The CAID SMT expect that Detective Sergeants will proactively supervise, and ensure that investigations are progressed. For Detective Sergeants this should include monthly face to face reviews with each member of the team. This will enable supervisors to manage the wellbeing of their staff whilst ensuring a consistent and appropriate service to the public.

The most important task for Detective Sergeants is to undertake the face to face crime reviews with staff as frequently as possible but at least every 28 days.

Sergeants may not necessarily review all of the material gathered during an investigation but should ensure that the OIC has pursued all reasonable lines of enquiry, and that they have complied with CPIA in relation to disclosure.

They should undertake the specific supervisory tasks listed in the Serious Crime Investigation Standards document which will manage the officer's wellbeing, crime queue and provide a consistent and appropriate service to the public.

The review should ensure that all investigations have a supervisory footprint. The plan should either be agreed or have a documented rationale for any changes to the original strategy.

The review should ensure that data quality requirements are met as outlined in the guidance document

## **5.3 DI Review**

In line with the Serious Crime Investigation Standards, there should be a DI review within 28 days and thereafter further reviews every 90 days as a maximum for the following:

- Section 1 and Section 2 Sexual Offences where the suspect is a stranger (1) to the victim.
- Offences where either the suspect or victim is a serving police officer or member of police staff.
- Using the THRIVE model, any offences where there is a clearly identified reputational risk to the force.
- Any offences where the profile of the victim or suspect is likely to attract increased scrutiny from the public or media.

The DI should conduct 90 day reviews for suspects on bail and RUI as per the agreed force policy.

## **5.4 Factors to consider on reviews**

The review should focus on actions taken so far and consider what further steps, if any, are necessary to trace/detain any suspect(s) or to ensure that any person(s) already

detained in connection with the report are being dealt with correctly. They will also consider the following issues:

- Scene Strategy
- Victim safety, support and the Signal Team response
- Public Safety
- Suspect Strategy
- Forensic Strategy
- Media Strategy
- Search Strategies
- Arrest and Interview Strategies
- Identification Issues
- Unexplored lateral evidence opportunities
- Offender Management – potential referrals to MOSOVO to be considered
- Community Impact considerations
- Public Confidence issues

## **5.5 Regional Review Unit - 28 Days (Suspect Unidentified)**

In stranger cases where the suspect remains unidentified after 28 days, the Signal DI's and DS's should consider referring to the Regional Review Unit who will carry out a formal review of the enquiry to date. The 28 day period is not fixed, and referral should be considered on a case by case basis.

This does not exclude a request by the Signal Team to review any other type of investigation, or the timing of the request, if it is considered appropriate to do so earlier than 28 days. This request should be directed to the Head of the Regional Review Unit.

In addition to the review process detailed, the Serious Crime DCI will hold monthly meetings to discuss notable cases and investigations, to ensure priority cases/offenders are being identified and managed. Cases of note should be brought to the attention of the CAID SMT on the day they are reported.

**All reviews** will be recorded on Niche including those investigations that have been placed on the HOLMES system.

## **5.6 Procedure Compliance Monitoring**

The Force Compliance Unit will periodically conduct audits to ensure compliance with this procedure.

## **6. Prosecution**

### **6.1 CPS**

Officers investigating serious sexual offences should liaise with the CPS and the Forensic Service Supplier at the earliest opportunity, where appropriate. The



involvement of a Duty Crown Prosecutor (DCP) during the investigative phase is likely to assist in identifying key evidential issues.

Early Advice is available to investigating officers and referrals for advice should be discussed with the Signal Detective Inspector for liaison with the RASSO DCP.

### **6.1.2 Early Advice**

The OIC should at an early stage identify that a referral for Early Advice would add value to the case they are investigating.

Early Advice may be necessary in RASSO cases in which the following legal issues arise:-

- Clarification of issues relating to the investigative digital strategy (including possible reasonable lines of enquiry and parameters for download and review of communications material)
- Third-party material (including medical, educational, local authority, social services and family court records)
- International enquiries relating to material or witnesses
- Case strategy where the case is voluminous, complex or presents an unusual point of law
- High-profile cases (e.g. media interest)
- Large cases involving multiple witnesses or suspects
- Corroboration of evidence
- Capacity issues
- Cases where there are issues around mental health (for either a complainant or suspect)
- Pre-charge duty of engagement with the defence
- Witness issues including section 28, eligibility for special measures and registered intermediaries, and issues relating to particular groups of people
- Challenging perceived weaknesses or rape myths

For further guidance and the submission process, please find further guidance [here](#).

### **6.1.3 Discontinuances**

There are dedicated serious sexual offence prosecutors or rape specialist in every CPS area. Whilst the decision to discontinue a rape offence case remains with CPS, consultation with the Police before discontinuance must also be a consideration.

Discontinuance letters to victims of rape will be written personally and not form part of the standard letter on COMPASS by the CPS. These letters will be hand delivered to victims by the Signal Team officer and an additional copy will be sent to the relevant Area Prosecution Team.

Police officers should take account of *The Code for Crown Prosecutors* when consulting with the CPS. Officers should note that serious sexual offence cases fall within the pre-charge advice scheme, even when a guilty plea is likely.

The website address for the Code for Crown Prosecutors is:

<https://www.cps.gov.uk/publication/code-crown-prosecutors> Officers should make reference to the CPS Protocol between Police and [Crown prosecution Service in the Investigation and prosecution of allegations of Rape](#). This describes the evidential tests used by the CPS in deciding whether to prosecute in rape cases. It also provides an overview of the broader role of the CPS in terms of special measures, accepting pleas, bail issues and sentencing.

#### **6.1.4 Memorandum of Understanding between the Police and the CPS**

The HMCPSI Rape Report 2019 recommended that the CPS and Police improve:-

- Case progression
- Pre-charge communication
- Opportunities for challenge and setting/agreeing actions and their timescales
- Avenues for providing feedback on quality of service provided by the other
- Where feedback identifies improvement required, the CPS and Police should work together to focus on key change and its delivery.

This agreement establishes a common understanding of the roles and responsibilities of the PCS and police in relation to communication and escalation between the parties, such that the recommendations of the Rape Report are met. It also incorporates the principles of DG6 and the AG's Guidelines on disclosure.

The Memorandum of Understanding between the Police and the CPS can be found at Appendix O.

Any issues relating to prosecution matters or pre-charge decisions should be escalated through the Signal DI and Serious Crime DCI for onward liaison with CPS.

## **6.2 Anonymity of victims**

The Sexual Offences (Amendment) Acts of 1976 and 1992 introduced two levels of anonymity for victims of rape and other sexual offences.

The two levels are:

- from the outset of the report, the publication or broadcast of the victim's name, address or likeness is prohibited in England and Wales during that person's lifetime;
- from the time a person is charged with the offence, the publication or broadcasting of any material, which might lead a member of the public to identify the victim, is prohibited. This protection lasts for the lifetime of the victim even if the proceedings are abandoned. The protections can be removed by a court, or if the victim wishes it.

The offences covered by this protection are:

- an offence under any of the provisions of Part 1 of the Sexual Offences Act 2003 which includes rape and serious sexual assault except Section 64, Section 65, Section 69 or Section 71;

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- an attempt to commit any of those offences
- a conspiracy to commit any of those offences
- an incitement of another to commit any of those offences.

Where the victim is an employee of Leicestershire Police **immediate** steps must be taken to protect their identity from their colleagues. Under **NO** circumstances should their line manager be contacted without their express wish.

Alternatively, Leicestershire Police employees who are victims are reminded of the services offered by Juniper Lodge and that they can self-refer and retain their anonymity.

In such cases involving police employees as victims or witnesses, the crime report must be IMMEDIATELY restricted.

### **6.3 The law on previous sexual history**

The Youth Justice and Criminal Evidence Act 1999 states that no evidence may be adduced or questions asked in cross examination by or on behalf of the accused about any sexual behaviour of the victim **except with the leave of the court (Section 41(1))**.

It is important to stress that the victim should not be asked any questions relating to their previous sexual history unless this is directly relevant to the specific report in question. Officers should explain this legislation to victims (at an appropriate time) to relieve any fears they may have.

However, Signal Team officers and IOs should check current case law relating to this section, for any further clarification.

### **6.4 Bad Character Evidence**

Evidence of a defendant's bad character will play a much greater part in the investigation and prosecution of cases than it did under 'similar fact' legislation. It is likely to form an essential part of the evidence against a defendant because bad character is now not only relevant to credit but also relevant to the issue of guilt.

It can be used to show a propensity to be untruthful and/or a propensity to commit relevant offences. (Evidence to show propensity does not have to be evidence of previous convictions). As to untruthfulness, case law in *Hanson* highlights that a propensity to be untruthful is not intended to be the same as a propensity for dishonesty. This provision is directed towards assessing the probative value of any remarks made by a suspect at interview or in their defence.

Investigating officers will need to obtain details of a suspect's bad character including previous convictions, the facts of those convictions, the nature of any defences used and whether there was a guilty plea or a finding of guilt by the court. Case law in relation to *Hanson* and *Long* should be referred to in relation to evidence required to prove bad character. Evidence of bad character needs to be addressed at interview stage and passed to the prosecutor at the earliest opportunity and preferably at the pre-charge stage.

The Police National Legal Database should be used as reference for most up to date advice on using and presenting bad character evidence.

Investigators must ensure that opportunities for bad character have been properly exploited in every case with recorded rationales for decisions in place.

## **6.5 'Special measures' under the Youth Justice and Criminal Evidence Act 1999**

The Youth Justice and Criminal Evidence Act 1999 Section 16(1) acknowledges that all children under 18 years of age at the time of the hearing are *eligible* for Special Measures to assist them in providing their evidence and having their evidence heard at court.

If over 18 and the court considers that the quality of evidence given by the witness is likely to be diminished by reasons of the following circumstances [Section 16(2)] then these individuals will be *eligible* for special measures:

- Witnesses suffering from a mental disorder as detailed under the Mental Health Act, 1983 [S16. (2)(a)(1)].
- Witnesses significantly impaired in relation to intelligence and social functioning [S16. (2)(a)(ii)]. (Learning disabled witnesses)
- Witnesses who have a physical disability or are suffering from a physical disorder [S16.(2)(b)].

Section 17 concerns witnesses eligible for special measures in criminal proceedings on grounds of fear or distress about testifying.

Sub Section 17(4) states that where the complainant in respect of a sexual offence is a witness in proceedings relating to that offence (or to that offence and any other offence), the witness is *eligible* for special measures in relation to those proceedings unless the witness's wish is not to be so eligible by virtue of this subsection.

The special measures are: screens, evidence by live link, evidence given in private, removal of wigs and gowns, video recorded evidence in chief, video recorded cross examination or re-examination and examination of witness through Intermediary.

Remote video links are available at both Juniper Lodge and Lighthouse to assist in giving evidence at court.

**It is vital that an early strategy meeting takes place between the OIC and the CPS to discuss the Application for Special Measures (MG2) prior to the plea and directions hearing.**

## **6.6 Pre-Trial**

There should be a pre-trial case conference in every prosecution for a serious sexual offence. The OIC, the Prosecuting Lawyer, and Prosecution Counsel should all attend

the conference. Other experts should be invited where appropriate (eg FSS, medical expert).

The purpose of the conference is to ensure that the Prosecution Counsel understands the evidence from the investigation and the OIC understands the prosecution strategy. Any evidential difficulties should be discussed and, where possible, the OIC should endeavour to identify ways of overcoming them. The opportunity should also be taken to ensure that the Prosecuting Counsel is aware of everything that has happened to the victim and any other key witnesses (e.g., the victim may have received counselling or psychotherapy and the potential impact of this on their evidence needs to be considered).

It is good practice for Counsel to be introduced to the victim before the trial. The purpose of this is to establish a link between the CPS and the victim, and to provide the victim with reassurance that their needs will be considered. An explanation of the Court procedure and the roles of the various parties in the trial should also be given.

## **6.7 Victim Support and Welfare Advice**

Whilst the needs of the individual victim may differ in each case, the OIC will maintain contact with the victim throughout the investigation. This should continue after a suspect is charged, through to the Court hearing and beyond, if necessary. The level of support required will depend upon the individual victim and should be supplied in conjunction with appropriate external agencies. The review and offer of support should continue throughout the course of investigation. In particular where a case is proceeding to court and the victim has previously refused an ISVA referral, this should be revisited and a further referral made if necessary.

Where a child victim (under the age of 18 years) of a serious sexual offence is identified then a referral **will** be made to the Force's Child Referral Desk via a PPN. Where any adult vulnerability issues are identified a referral should be made to the Adult Referral Team using the relevant PPN. This applies even if no prosecution ensues, and must be done at the onset of the report. The vulnerability of any victims, witnesses and any other persons connected to the investigation should be under constant review.

Referral to external support agencies will, with the consent of the victim, be done by the Signal Team officers in conjunction with SARC support staff.

The Signal Team officer should also consider if the victim has other needs that may prevent attendance at Court, such as child care issues, transport or direct intimidation factors. Such factors must be recorded on the MG6, and pro-active action taken where witness intimidation is apparent. If any issues and needs of the victim become apparent post charge, then they should be addressed to the case lawyer.

## **7. Crime Recording and Filing Complaints of Rape**

The crime report for a S1 or S2 Sexual Offences Act 2003 offence will be completed by the Signal Team once NCRS standards have been satisfied that an offence has been committed.

Prior to ceasing duty, the relevant Signal Team officer will complete an overview of the incident as part of their handover.

The MO fields will contain the definition of the type of offence from the list below:

## 7.1 Categories of Rape

The category of rape will be identified by the reviewing DS in Signal and recorded in the MO field within NICHE to enable data retrieval.

**Stranger:** Where the offender has had no prior contact with the victim or where the knowledge of the offender is gained by close observation (for example, stalking).

Within the definition of a stranger rape, the following categories will be used to assist the identification of the highest risk offences and resource requirement.

**Stranger 1:** Highest risk, completely unknown suspect with no previous associations with victim, significant amount of work/resources required to identify.

**Stranger 2:** Unknown suspect, no previous association with victim but circumstances suggest some form of interaction or connection with victim or persons associated with victim limited to the period immediately before the incident or where they were briefly known to one another, for example they had a met at a party, club or bar, or had a client/sex worker relationship. Work to identify suspect is still significant but less so than Stranger 1.

**Acquaintance:** Offences where the victim is able to identify the suspect as someone known to them. Examples includes cases where the suspect is a neighbour, friend, social acquaintance or person known through “dating”.

**Intimate:** Where the offender was having, or has had, a previous intimate relationship with the victim. The DA NICL qualifier should also be added.

**Familial:** Offences committed by family members whether directly related or non-intimate, honorary family members, in laws or step family. Where the relationship meets the force definition of DA, the NICL qualifier should also be added.

**Drug Facilitated Serious Sexual Assault (DFSA):** Where alcohol and/or drugs are intentionally administered to the victim before committing a rape, or knowing or believing that a person has ingested sufficient quantities of alcohol or a specific type of drug that will impair their ability to consent and not reasonably believing that the person consented to a sexual act, or offending against an incapacitated victim.

**Group Rape:** Offences which involve or are suspected to involve more than one offender either in the actual offence or in the commission of that offence (also referred to as Multiple Offender Rapes).

**Other:** Where the offender type does not fit into any of the above categories.

**Not Known:** Where sufficient information cannot be obtained to categorise the offender.

## 7.2 N100 Reported Incident of Rape

Home Office Counting Rules state '*All reported incidents of rape must immediately, be either recorded as a confirmed crime or as an N100 record on the force crime system.*'

There will be occasions where a rape is reported to the police by someone other than the victim or a parent, carer or professional 3<sup>rd</sup> party in these circumstances an N100 Reported Incident of Rape will be recorded. This is irrespective of where the crime has occurred.

There are 3 different N100 codes:

- N100/1 – reported incident – victim (or third party acting on their behalf) has not confirmed the offence or cannot be traced
- N100/2 – reported incident – credible evidence to the contrary exists
- N100/3 – reported incident – offence committed in another police force area/outside the UK

### **N100/1 – victim (or third party acting on their behalf) has not confirmed the offence or cannot be traced.**

**Example:** Contact Management receive a call reporting a distressed female in the street telling people that she has just been raped. Officers are dispatched to the area but upon there is no trace of the female.

An N100/1 report is required, if the victim cannot be traced / located, this report can be filed by SIGNAL without an outcome being added.

### **N100/2 – reported incident – credible evidence to the contrary exists**

**Example:** Contact Management receive a call from a female reporting she has had a telephone call from her house mate, who was out at a party, saying that she has been raped by someone at the party and was on her way home. Officers attend the address, speak to the victim who confirms that there has been a misunderstanding and that she has not been raped.

An N100/2 report is required, this report can be filed by SIGNAL without an outcome being added.

### **N100/3 – reported incident – offence committed in another police force area/outside the UK**

**Example:** Contact Management take a call from a male reporting that he was raped whilst on holiday in Cornwall. Officers attend the address and speak to the victim an N100/3 report is required, this would then need to be transferred to the relevant police force covering the area for them to record the full offence of rape and provide a crime

[Official]

reference number which must be noted on the Niche report and the victim must be updated and the report filed by SIGNAL with no outcome.

### **7.3 Parent, carer and professional 3rd party reports**

When a report is made by a person acting in a professional capacity e.g. doctors, nurses, social workers, teachers, care home staff, or parents/carers acting as a guardian/responsible adult, on behalf of a child, young person or adult at risk the report should be regarded as being made by the victim and the full offence of rape should be recorded, victim confirmation is not required.

### **7.4 Reports via the SARC**

Reports of rape via a SARC must be recorded as the full offence of rape in the following instances:

- The victim provides personal details and seeks a police investigation; or
- The victim (whether anonymous or not) provides details of the report to be passed to the police but decides not to pursue the case; or
- The victim undergoes a forensic examination with samples submitted to the police for analysis (whether or not personal details are passed to the police); or
- The report is received from a parent, carer or professional third party and there is no reason to doubt the veracity of their report.

Reports of rape via Leicestershire SARC will be recorded as a Reported Incident of Rape (Classification N100) direct onto Niche by Juniper Lodge staff in the following instances:

- The victim does not seek a police investigation but is happy for some depersonalised data to be passed to the police for intelligence purposes; or
- The victim wishes to remain anonymous and does not want details of the report passed to police (if any information at all received by police); or
- The victim undergoes a forensic examination and samples are frozen at the SARC in case the victim decides to pursue the case at a later date (forensic samples are not passed to the police).

These reports will be forwarded to SIGNAL via the NICHE workflow for review and filing.



## 7.5 Crime Allocation

An OIC will be identified by the Signal Team and crimes allocated appropriately within the department. Investigative enquiries and outcomes should be recorded on Niche up to point of charge.

**Statements of retraction, which is where the initial account is false, will only be taken by the case Signal Team officer or, in exceptional circumstances, another Signal Team officer.**

The only complaints of rape that should be recorded on Niche as No Offence Disclosed are those where the complainant admits that the report was false or, on investigation, it is clear that an offence has not been committed.

If a complainant indicates in a statement taken by a Signal Team officer that he/she no longer wishes to pursue the complaint, AND the suspect is known and no danger to the public exists, then the offence should be recorded on Niche – 16 – Suspect Victim Declines.

Forensic samples - particularly DNA - must not be disposed of in such cases without first consulting the SIO or Serious Crime Detective Superintendent. They will decide whether to continue with any analysis, or dispose of such items – check retention guidelines.

## 7.6 Crime Report Filing

When submitting a rape crime report for filing, the OIC must highlight on the concluding working sheet that the crime appears suitable for filing as the investigation has been completed.

This can be completed by providing a full working sheet through to the DS, or a brief final working sheet submitted to DS for ratification with a view to audio recording the final rationale with the DI. In either case, the OIC submits first to the DS and then this goes through to the DI. If a rationale is audio recorded, this is then embedded into the Niche record.

The working sheet should outline the circumstances of the case with what is known to the police. (See [Appendix I](#) for assistance in completing the working sheet for filing purposes).

All rape investigations prior to being submitted for filing will be endorsed with any recommendations by the Detective Inspector (SIO) or Detective Sergeant and will include any considerations for referral to MOSOVO.

Rape investigations are generally categorised by Signal into 4 areas, acquaintance, intimate, stranger and familial.

In the case of acquaintance, intimate and familial rape investigations the Detective Sergeant is to file the investigation.

In the case of stranger rape investigations, the Detective Inspector or above is to file the investigation.

All rape offences that are submitted for 'no crime' status will be reviewed by the Detective Inspector with a recommendation and submitted to a Dedicated Decision Manger to decide on the 'no crime' status of the investigation.

## 7.7 Series of Serious Sexual Assaults

Evidence may come from one or more of the following sources that offences are linked and are being committed by the same perpetrator(s):

- **forensic** (for example, DNA, fingerprints, shoe/tool marks and so on);
- **physical** (for example, suspect description, Vehicle Registration Mark);
- **behavioural** (analysis of the offender's behaviour);
- **other** (suspect arrested at the scene, eyewitness identification).

Where a series or an investigation of significant and/or ongoing risk is identified the Serious Crime Detective Superintendent should be informed.

In consultation the Head of Major Crime EMSOU and Leicestershire Head of Crime will consider whether the investigation should be managed by a Major Investigation Team. This will be assessed on a case by case basis with consideration to the level of risk, available capacity both within EMSOU and Leicestershire, the necessity for HOLMES, and the value of added expertise and resource to manage TIE strategies and other investigative tactics.

## 7.8 Serious Crime Analysis Section (SCAS)

The NCA's Serious Crime Analysis Section (SCAS) works to identify the potential emergence of serial killers and serial rapists at the earliest stage of their offending.

SCAS was developed following the review of the Yorkshire Ripper enquiry which highlighted the need for a national database to hold details of serious sexual offences committed in the UK. This dataset, which includes sexually motivated or motiveless murders, is the only one of its type in the UK.

SCAS receive case files for offences meeting specific criteria from a network of contact officers located in every police force in the UK. This information is then coded onto ViCLAS (Violent Crime Linkage Analysis System), the in-house SCAS database which allows specific details of both the offence and known suspects or offender to be captured.

Cases are then subject to Comparative Case Analysis in order to identify any similar offences held on ViCLAS. Bespoke reports are sent out to forces including details of similar offences or potential suspects identified.

There are currently over 25,000 sexual offence cases held on the SCAS ViCLAS database.

The SPOC for Leicestershire criteria referrals is Mike McCann.

[Official]

E-mail: Michael.McCann@nca.gov.uk

Direct Dial: +44 (0)7545 205381

SCAS Enquiries: +44 (0)345 604 0902

Email to submit SCAS forms: [SCAS.Submissions@nca.gov.uk](mailto:SCAS.Submissions@nca.gov.uk)

[www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)

Material is shared via NICE Investigate, however if this is not possible, hard copies of submissions should be send recorded/special delivery to: SCAS, Sunningdale Park, Larch Avenue, Ascot, Berkshire, SL5 0QE.

## **7.9 Suspect classification**

In cases where a suspect is identified and an interview or arrest is planned the suspect will be recorded as “suspect outstanding”. Once the suspect is interviewed or arrested, the suspect classification will change to “suspect not outstanding”.

In cases where the suspect is identified but a decision is made in line with the guidance within this policy not to arrest or interview the suspect. The suspect will be recorded as “suspect not outstanding”. Careful consideration has been given to this decision with regards the onward impact to DBS checks associated with vetting. The DBS criteria and process includes a safeguard which prevents the sharing of certain information, including unsubstantiated reports. Where there is ambiguity the Vetting Department will contact the OIC for further clarity. At the point of filing, in cases where the suspect will not be informed of the report, a recommendation will be made by the filing sergeant as to whether the report should feature in any future disclosure. Signal sergeants will be provided with the DBS protocol to assist in this recommendation.

## **Appendix A - Post Traumatic Stress Disorder (PTSD)**

### **The Effects of Rape and Serious Sexual Offences**

It is important that staff are aware that victims of rape or serious sexual offences may experience PTSD (formerly referred to as Rape Trauma Syndrome). Immediately after the attack, victims may display any of the following:

- Shock
- Fear/terror
- Vulnerability/disempowerment
- Blame/guilt
- Disbelief/denial
- Anger

As the victim adjusts to what has happened in the weeks/months following the attack, they may experience:

- Prolonged denial
- Sleep disorders
- Flashbacks
- Phobias
- Humiliation
- Rejection
- Loss of control

The effects of rape and serious sexual assault can last for the remainder of the victim's life. They may become:

- Depressed
- Obsessive/compulsive
- Mentally ill
- Suicidal

## **Appendix B - Early Evidence Kits (EEKs)**

An Early Evidence Kit (EEK) is for **use by the first response police officer or member of police staff** who deals with the victim prior to any forensic medical examination.

They are intended to ensure the effective recovery of non-intimate forensic samples that are affected by the passage of time, such as urine samples where drugs and/or alcohol analysis is required and any sample relating to an incidence where a penis has been inserted into the victim's mouth. They are particularly useful where the victim wishes to use the toilet or brush their teeth. Apart from giving a urine sample, victims should be discouraged from handling any other sample themselves. This is because they may be carrying the DNA of the suspect on their hands and there is a risk of cross-contamination.

An EEK should be used as soon as a complaint is received, at the first point of contact if practicable, if the alleged offence has occurred within seven days of being reported.

EEKs must be kept in operational police vehicles and at front offices of all police stations. They are also available at Juniper Lodge and the Signal Team Office at Keyham Lane Police Station.

The EEK contains a single mouth swab and a container for taking urine. If other samples are required e.g. (faeces in the case of an anal rape, or sanitary wear) then these samples need to be taken using modules from other EEKs or a suitable alternative container.

The victim should be afforded some privacy in providing the sample either at their home address or at Juniper Lodge or some other suitable place. Officers should not ask to witness urination. The sample will then be refrigerated.

The urine sample is the victim's exhibit and is to be entered onto KIM or onto a Major Crime Incident/HOLMES property register as appropriate. Advise the victim not to wash their hands after urination, especially if there is a possibility of forensic evidence on their hands.

The mouth swab is important in gathering early evidence where semen may be present after oral penetration. The mouth swab **should not be taken by the victim** but by the first response police officer or member of police staff who deals with the victim prior to any forensic medical examination.

The mouth swab should be taken in every case as victims are sometimes embarrassed to mention oral penetration until much later when vital evidence may have been lost. The mouth swab will then be frozen.

The mouth swab is the officer's exhibit and is to be entered onto KIM or onto a Major Crime Incident/HOLMES property register as appropriate.

**The fact that an EEK has been used must be recorded on the Niche record along with the property reference numbers.**

## **Appendix C - Juniper Lodge Step-by-Step Guide for Police Officers**

### **Contact details**

Juniper Lodge business line – 0116 248 4708

Helpline – 0116 2733330

Website – [www.juniperlodge.org.uk](http://www.juniperlodge.org.uk)

### **Police Cars**

Where possible, marked vehicles should not be taken to Juniper Lodge (to maintain the anonymity of the facility). If absolutely necessary, park away from the building.

### **Access to the facility**

The front and rear doors are fitted with an automatic card swipe access using the Force Warrant Card or Staff ID card, as with all Force buildings. Please remember there may be other people using the facility.

### **The Alarm**

Core working hours for Juniper Lodge are 0800 to 2000 Mon to Sat; and closed on Sunday. If accessed outside these hours, the alarm will need to be deactivated. Once the door is opened the alarm will beep, the control panel is located by the front door and is disarmed by holding a Force Warrant Card or Staff ID Card against the box. If the premises are also exited outside the core hours, then the alarm must be reactivated, again by swiping a Force Warrant Card or Staff ID Card against the control box.

### **Signing in**

You must sign in and out when entering or leaving the building.

### **Personal Attack Alarms**

The VRI rooms and Counselling Rooms at the SARC are equipped with panic alarms located on the wall. There are also three hand held panic alarms, located in the Main Office, for use in other rooms if staff have concerns when dealing with a victim or witness.

### **Refreshments**

The facility's staff will maintain these stocks.  
Please leave the kitchen space in a clean and tidy condition.

### **The Medical Suites**

There are three medical suites at Juniper Lodge each comprising of a forensic waiting area, shower room and medical room. There is a signing in sheet at the entrance to each suite that needs to be completed with details of who has entered. Victim initial only, but full details of supporters and staff.

### **Video Interview Suites**

There are three VRI suites at Juniper Lodge. These can be booked via Outlook for specified time slots

## **Appendix D - Custody Considerations and Procedures**

When detaining a suspect for a serious sexual offence, custody staff should:

- Consider whether to deny or delay the suspect's right to a phone call due to the potential for them to harass and intimidate the victim or witnesses and/or to arrange for the destruction of evidence (S56 PACE);
- Ensure that any permitted phone calls are supervised as appropriate and the necessary action taken if the suspect is intimidating or harassing a witness, or arranging for the destruction of evidence;
- Record significant statements on the custody record and invite the suspect to sign and verify them;
- Record any injuries to the suspect when they present at the custody suite;
- Supervise the suspect at all times prior to their medical examination (particularly to prevent them washing their hands) and place in a dry cell;
- Arrange for the Forensic Physician to examine the suspect as soon as practicable, take samples as necessary (with the appropriate authority) and record any injuries noted on the custody record;
- Document on the custody record any intimidating, aggressive or threatening behaviour exhibited by the suspect;
- Ensure that evidence identified which is not contained within a scene preservation, (e.g. mobile phone) is seized appropriately (avoiding cross-contamination), is taken to the custody suite with the suspect and recorded on the custody record;
- Notify the Inspector regarding the authority to take intimate samples should they be necessary. Consult Signal DS;
- Ensure that any evidence of injuries is brought to the attention of the custody officer and Signal DS so that medical treatment and body mapping can be considered;
- Ensure that photographs of the suspect are obtained, including any clothing, footwear or jewellery that may have inflicted a specific injury to the victim.

## **Appendix E - Hair Sampling Notes**

In cases where the subject has no head hair then other hair types can be used, notably the pubic or chest hair. Axillary hair (armpit) should not be used unless no other site is available. Interpretation in terms of the extent of the drug use and time frame is not always possible in these alternative sites.

Interpretation of the results of hair analysis can be complicated by surface contamination. Thus, if there is a risk of this having occurred (e.g. the donor is a drug dealer) then the lab should be advised. In some instances, the presence of metabolites may exclude contamination. If this is an issue, then it would be best discussed with the lab.

Contrary to popular belief, drugs can be washed out of hair as a result of normal hygiene thus it is best if the hair can be obtained as soon as practicable after the 4 weeks required to permit growth above the scalp.

Permed, bleached or coloured hair is particularly porous and thus more prone to contamination and also to loss of drugs (please advise if the subject has such chemically treated hair).

Some drugs are poorly incorporated into hair thus, even though the person may use the drug, it may not be detected in subsequent analysis.

It is possible to look for 'date rape' drugs in hair but it must be noted that a single exposure to flunitrazepam (Rohypnol) may not be detected and GHB can occur naturally. **Also, it is important that the hair is not obtained until around 4 weeks after the alleged ingestion but preferably not more than 12 weeks later.** For GHB analysis, multiple segments moving down the shaft, need to be analysed.

Sectional analysis can be undertaken to demonstrate a pattern of drug taking but it cannot show dates for that exposure. If this type of work is required the hair should be obtained from the posterior vertex (back of the crown).



## **Appendix F - Why use an intermediary?**

As well as improving access to justice for vulnerable people under the Youth Justice and Criminal Evidence Act 1999, Intermediaries also help criminal justice practitioners.

Intermediaries can:

- improve decision making by providing practical information about a witness's needs;
- make investigative interviews and court testimony more productive; and
- improve the prospect that a case will have a positive outcome in court.

### **Who can get help from an intermediary?**

All witnesses who are considered 'vulnerable' can get help from an intermediary.

Under Section 16 of the Youth Justice and Criminal Evidence Act 1999, a vulnerable witness is someone:

- less than 18 years old; or
- whose evidence would be diminished in quality because they have a:
  - mental disorder (within the meaning of the Mental Health Act 1983); or
  - learning disability (significant impairment of intelligence and social functioning); or
  - physical disability or physical disorder.

Children don't need to have a disability or disorder to get help from an intermediary. They may just need help understanding the questions – according to a survey by the NSPCC, half of all children who went to court didn't understand at least some of the questions that lawyers asked them.

### **Who qualifies as an Intermediary?**

Intermediaries come from a range of professional backgrounds, including speech and language therapy, occupational therapy, psychology, education and social work.

Registered intermediaries have successfully completed a rigorous assessment process and agreed to abide by a Code of Ethics. They are re-assessed periodically to make sure they continue to meet the required standards.

Registered intermediaries are almost always used in preference to an unregistered person.

When an Intermediary is requested, the Witness Intermediary Service (WIS) will match the skills of an intermediary with the needs of the vulnerable witness via a 'Request for Service' (RFS).

Ultimately, intermediaries are sanctioned by the courts and their personal expertise and conduct will be open to legal challenge.

## How to get an intermediary

**Step 1:** Police officers should obtain as much information about the witness's requirements as possible. The officer should then complete the [RFS](#) (Request for Service) form. This is accessed via the hyperlink above or through the CAID Internal Web site – Document Library – Intermediary Request Form and accompanying guidance). This should then be submitted via email to the NCA at [MCIS@nca.gov.uk](mailto:MCIS@nca.gov.uk). (A copy of the form must also be e-mailed through to Finance Operations - [Finop@leics.police.uk](mailto:Finop@leics.police.uk) to ensure payment will be authorised).

The witness's views should be considered and discussions between the police and CPS to agree the way forward should take place as early as possible.

**Step 2:** The Matching service at the NCA will contact potential Intermediaries to establish availability and suitability.

The matching service will then produce and send via e-mail a combined letter of engagement/request for service to the potential Intermediary for consideration.

**Step 3:** The Intermediary may decline to take up this service in which case it will be referred back to the NCA to find an alternative Intermediary.

If the Intermediary accepts the case they will inform the Officer and a plan and timetable should be agreed for meeting and interviewing the witness.

Full guidance on the use of intermediaries, the Request for Service Form, consultation requirements and payment processes can be accessed [here](#) or can be found on the CAID internal website – Document Library – Intermediary Request Form and accompanying guidance.

## **Appendix G - Filing Template for Crimes**

*Officers can use this sheet as a template for the final working sheet prior to submitting any S1 or S2 investigation to the Signal Team Detective Inspector*

*It is suggested that the below is copied and pasted onto the working sheets and **the bold sections are left on the working sheet** using the italic text to help fill in that section. Then delete the italics prior to finalising the working sheet. (This is easier done in Word and then pasted whole onto the working sheets and it allows you to work on the final working sheet in more than one sitting).*

-----  
*Offences which are detected can be submitted with a short summary, but must detail the support offered to the victim and the offender management. Additionally, state whether they will accept a 'victim call back'*

***Copy and paste from here down***

### **Sexual offences enquiry completed final working sheet from the OIC**

#### **THE FULL CIRCUMSTANCES OF WHAT HAS OCCURRED AS KNOWN TO THE POLICE FOLLOWING THE INVESTIGATION APPEAR TO BE AS FOLLOWS:**

*Please detail the initial account and subsequent enquiries in a chronological order. It is appreciated that some of this will be in other working sheets but generally not in order and often disjointed with other irrelevant details included.*

*It is needed to put onto one working sheet together with all the other information and detail that is within the OIC's knowledge that "makes the Story Flow"*

#### **ALL PEOPLE INVOLVED IN THE INCIDENT HAVE BEEN IDENTIFIED:**

*All people involved in this enquiry have been identified (list others here who can cast light on what may or may not have happened only if they do not fall in the headings below).*

### **VICTIM**

#### **VICTIM ACCOUNT**

*Précis of the victim's account.*

*Consent: The complainant should be asked what they did to make the suspect aware that they did not consent. Consider the Sexual Offences Act 2003, Consent (S.74), Evidential Presumptions (S.75) and Conclusive Presumptions (S.76).*

#### **VICTIMOLOGY**

*Victim background and history. Are they particularly vulnerable to this type of offence? Previous reports and complaints need to be covered along with the circumstances and*

*outcomes. These prompts are not designed to undermine their credibility; they are to establish facts which should be reported honestly and impartially.*

## **SUSPECT**

### **LOCATING SUSPECT**

*Show what has been done to identify, locate and interview the suspect **EVEN** when the complainant will not co-operate or withdraws their complaint. Minor sexual offending can be a pre-cursor to or form part of more serious sexual offending and reasonable enquiries must be done to identify the suspect.*

### **SUSPECT IDENTIFIED**

*Where a suspect has been identified usually the most appropriate course of action is to arrest, so an effective investigation can take place in relation to interview and evidence recovery, including the recording of any injuries the suspect may have. Importantly the arrest process allows the taking of a DNA sample for speculative search. If for some reason arrest and interview of the suspect is not appropriate it needs to be established whether the suspect is already DNA confirmed and on the National Database. It is not appropriate in relation to sexual offences to file a crime with a named suspect if the suspect has not been made aware of the report and had an opportunity to give their account.*

### **ACCOUNT**

*Précis of the suspect's account?*

*CONSENT –In consent cases the suspect must have a 'reasonable belief' that the complainant consented and therefore should be asked what steps they took to satisfy themselves of this. Consider the Sexual Offences Act 2003, Consent (S.74), Evidential Presumptions (S.75) and Conclusive Presumptions (S.76).*

*Please ensure that all the suspect details are entered onto the crime report. Where the crime is to be deleted ensure that suspect page is **NOT** removed.*

### **SUSPECT BACKGROUND**

*Suspect's background and history. Is the suspect vulnerable? Previous offending history and any previous reports made against the suspect whether prosecuted or not. Any information pertinent to the enquiry. Any outstanding suspects?*

### **WITNESSES**

*All witnesses involved in the incident have been identified and interviewed and statements obtained where we can. A very brief summary of what they each say*

*E.g. Susan the cleaner saw suspect touch I/P on breast.*

*Susan friend of Victim saw the Victim and the suspect leave together.*

*Highlight any inconsistencies in the evidence of witnesses and the Victim*

## **SAFEGUARDING**

*Safeguarding considerations, risk assessments and actions for all parties.*

## **MATERIAL EVIDENCE**

*What evidence has been gathered that corroborates or undermines either account of what has happened.*

*Incorporate CCTV evidence, outcome of forensic submissions and any outstanding or unidentified forensics, injuries to any party etc.*

## **STRENGTHS**

## **WEAKNESSES**

## **CONCLUSION**

### **SUBMITTED WITH RESPECT FOR CONSIDERATION OF FILING UNDETECTED:**

*All enquiries are now complete I am as happy as I can be that we have done everything in relation to this matter as the ..... please list the reasons why we want to submit this crime to be filed undetected.*

*Please also list any enquiries that you have considered but not carried out and state the reason why they have not been carried out.*

*Please also list any forensic opportunities we have looked at but not taken and the reasons why we have not done so.*

*Please also list safeguarding considerations and actions.*

**NOTE:** *Where the intention is to submit the crime report with a request to **Delete No Crime**, the suspect page **MUST** remain and **NOT** be deleted.*

## **CPS SPECIALIST ADVICE / INVOLVEMENT (RATIONALE)**

*Please cut and paste the CPS advice into this space and ensure the advice is scanned onto the document viewer of the relevant crime.*

## **INTELLIGENCE**

*Ensure that relevant intelligence is submitted on Niche in relation to the suspect, victim and the overall investigation. This should constitute information that is not readily available on other systems that would be useful to Operational Officers in the future when they are dealing with the same parties.*

## **Appendix H - SCAS Case Criteria (England, Wales & PSNI)**

### **Where the relationship between the offender and victim is unknown or a stranger:**

- All murders with a sexual motive
- Murders with an unknown motive, in consultation with SCAS management
- All Rapes (as defined under Sex Offences Act 2003)
- All other sexual offences<sup>1</sup> with aggravating factors:
  - Use of a weapon
  - Excessive violence
  - Penetration of any victim orifice with a foreign object (not digital)
  - Burglary
  - Multiple offenders

Other aggravating factors, e.g., victim age, will be considered on a case by case basis in consultation with a member of the SCAS management team

- Sexual offences that are part of a series where there is evidence of progression or a serious attempt is made at penetration
- Abductions or attempt abductions where any part of the offence is of a sexual nature

### **Where the victim and offender have (or have previously had) a sexual relationship:**

- All murders, rapes or other sexual offences where there is a strong fantasy element, role playing, victim drugged by the offender or the victim is subjected to a level of violence resulting in hospitalisation
- All murders, rape or other sexual offences where there is intelligence to suggest that the offender is sexually offending outside of the relationship

### **Where the victim and offender are known to each other, but they have not had a previous sexual relationship:**

- All murders with a sexual element
- All rapes or other sexual offences<sup>1</sup> with aggravating factors:
  - Use of a weapon
  - Excessive violence
  - Penetration of the victim's orifice with a foreign object
  - Burglary

---

<sup>1</sup> There needs to be a level of sexual activity within the offence that is indicative of intent to commit a serious sexual assault. All offence types include attempts

- Multiple offenders

### **What is meant by ‘Stranger’ in relation to SCAS Criteria?**

There will always be a degree of subjectivity in interpreting the term ‘stranger’ in relation to SCAS criteria and liaison with the relevant SCAS assistant analyst in relation to specific cases is encouraged. As guidance the following definition and examples may be helpful: Stranger offences would be those where there has been no previous (or) limited peripheral contact between the victim and the suspect/offender.

Examples of the coding of ‘stranger’ include:

- Where the suspect was the brother of the victim’s friend and they met for the first time on the day of the offence
- Where the suspect and victim were briefly known to each other e.g. the offender chatted the victim up in a bar immediately prior to the offence
- The victim had no prior knowledge of the suspect and they had not met before the offence
- Where the suspect is a client of a prostitute (and there has been limited previous interaction between the two)
- Where there had been no face-to-face contact prior to the offence e.g. instances of internet or telephone communication
- Where the suspect is familiar with the victim but this is not necessarily reciprocated and the victim is unlikely to know anything but the most basic personal information about the suspect e.g. paper boy, bar person, postal worker, youth worker, shop

[Official]

## **Appendix I Serious Crime Investigation Standards**

Serious Crime Investigation Standards can be found [here](#)



## **Appendix J Signal 28 day Review Template**

Brief circumstances of case to date

Suspect status (to include bail date/time RUI)

Review VCOP

Review safeguarding measures to include ISVA referral

Suitability for early advice – assessment of evidence

Actions Required. (Target Date)

## **Appendix K**



# **Memorandum of understanding in relation to communication concerns between the Crown Prosecution Service East Midlands RASSO team and Derbyshire, Leicestershire Lincolnshire, Northamptonshire and Nottinghamshire Police Forces.**

## **1. Introduction**

1.1 This memorandum of understanding (MoU) sets out an agreement between the Crown Prosecution Service East Midlands Rape and Serious Sexual Offences (RASSO) Team (CPS), and the relevant departments from Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire police forces. This MoU is not exhaustive and is designed to incorporate common concerns.

## **2. Purpose of this agreement**

2.1 The HMCPSI Rape Report 2019 recommended that the CPS and Police improve case progression (recommendation 1), pre-charge communication (recommendation 2), opportunities for challenge and setting/agreeing actions and their timescales (recommendation 4) and avenues for providing feedback on quality of service provided by the other, (recommendation 6). Where feedback identifies improvement required, the CPS and Police should work together to focus on key change and its delivery, (recommendation 7).

This agreement establishes a common understanding of the roles and responsibilities of the CPS and police in relation to communication and escalation between the parties, such that the recommendations of the Rape Report, as set out above, are met. It also incorporates principles of DG6 and the AG's Guidelines on disclosure.

2.2 The document details:

- the roles and responsibilities of the CPS and police in relation to communication and escalation, providing a structured and clear process both pre and post charge.
- In built monitoring and escalation processes to ensure compliance and oversight by police and CPS managers for pre and post charge cases.

## **3. Roles and responsibilities**

### ***The Crown Prosecution Service EM RASSO team***

3.1 When the threshold is met for referring cases to the CPS by the police (DG6), the CPS is responsible for applying the Code for Crown Prosecutors and determining whether a suspect should be charged and if so, the offences to be prosecuted. Although the CPS works closely with the police and other investigators, it is independent of them. The remit of an investigation lies at the discretion of the investigating body, however, the CPS will offer advice in accordance with the Code for Crown Prosecutors, paying particular attention to identifying reasonable lines of enquiry to the police.

***The Police sexual offence investigation teams (for all cases to be referred to the RASSO Unit)***

3.2 The police will conduct a fair investigation, applying the CPIA 1996 and practice direction 2020 and following all reasonable lines of enquiry. The police will ensure that victims are well supported and that safeguarding occurs. This information will be communicated to the CPS, upon referral for advice by the police, to ensure that proper support is provided by both organisations.

## **4. Key Communication Concerns**

***Circulation of CPS and police contact details for all staff and supervisors***

4.1 To aid effective communication, every month the CPS will send to the DCIs, DIs and Heads of Prosecution the duty rota\* and up-to-date contact details of the CPS lawyers and supervisors, including telephone numbers and email addresses. This will include details of any lawyers on long term sickness absence and the District Crown Prosecutor (DCP) to contact in their absence. \*The duty rota relates to the CPS EM RASSO Team daytime charging for threshold test (TT) decisions, operating between the hours of 9am and 5pm Monday to Friday. Outside of these hours CPSD should be contacted for RASSO TT decisions.

4.2 The DCIs and DIs will disseminate the CPS contact details to their teams within 48 hours of receipt.

4.3 Every month the police will provide updated copies of their team's contact details to the DCPs for the RASSO team. This will include details of any officers on long term sickness absence and the relevant supervisor to contact in their absence.

4.4 The DCPs will disseminate the police contact details to their teams within 48 hours of receipt.

4.5 CPS and Police managers will escalate any issues regarding contact/communication immediately to their counterpart for resolution, for example, when a complaint is made that a lawyer or officer does not answer phone calls or emails. All parties recognise that improvements will not be made unless clear avenues for feedback are identified and used. Managers will review the feedback provided and identify individual and team training needs required and action them.

***Early discussions between lawyers and police at a pre-charge stage.***

4.6 The police will ensure that investigations are conducted in a timely and efficient manner, demonstrating due diligence and expedition. Investigations will not stall due to officer long term absence or abstractions, and proper systems for monitoring the

progress of investigations will be employed by police managers. Supervisors will agree reasonable lines of enquiry with investigators early in cases and cases will not be submitted to the CPS for FCT advice until reasonable lines of enquiry have been completed (DG6 para. 3.1). Cases submitted for advice by the police will meet the national file standard and the RASSO checklist will be completed in a manner that clearly identifies to the lawyer the investigative approach and outcomes. Police supervisors will ensure that advice files are clearly presented, exhibits are legible and their significance explained and the case and investigative strategy has been communicated; files that do not meet this standard will not be provided to the CPS, as it is accepted that quality advice and precise action plans will not flow from poorly prepared police submissions. Material will be submitted via the digital interface on one occasion and not drip fed. In order to support this the CPS will use staged action plans such that the police know which actions to prioritise. Actions listed under 'pre-charge' will be those completed by the police at a pre-charge stage. This is essential to ensure that timescales around advice are maintained and to reduce delay in investigations.

4.7 Investigators and supervisors will highlight cases to Inspectors that would benefit from early advice (EA) to agree reasonable lines of enquiry, (Directors Guidance 6 is a guide for the types of cases that would benefit from EA, please see Annex A below). After Inspector review, suitable cases for EA will be identified by the Inspector to the appropriate RASSO DCP. If the DCP accepts the case for EA, the police/CJ must submit the case material via the digital interface on one occasion (i.e. not drip fed) to the CPS, as per the agreed EA SOP. It must include an MG3 that highlights that EA is sought. The police/CJ must notify the EA SPOC for RASSO, the RASSO Paralegal Business Manager (see RASSO contact sheet), once the items have been transmitted and that will ensure urgent allocation to a lawyer, as EA must be provided within 5 working days of receipt.

4.8 Whenever the CPS provides advice that results in an action plan or charge, whether that advice is through EA, TT or FCT application, the police must provide the CPS with a case outcome within the timescales specified, (this means confirmation of charge or the police decision to NFA), as per DG6 para 3.1. Failure to provide an outcome within the agreed timescale (as noted on the action plan by the CPS lawyer) will result in escalation, unless the officer, or CJ, contacts the lawyer to advise of the delay and agree new timescales. If a new timescale is agreed, the lawyer will update the CPS Charging Team accordingly and send a memo to the OIC and CJ to confirm the change, (please see 4.14 below for the escalation process). If the deadline to complete the advice has been reached, the lawyer will send the advice to the officer and CJ, (to clear the task) and indicate within it the new deadline that has been agreed. The CPS will not finalise cases without a case outcome from the police, as there is a victim and a defendant at the heart of all RASSO cases.

4.9 Every MG3 submitted by the police will contain a contact telephone number and email address for the officer in charge (OIC) of the investigation and their supervisor. For police teams where charging is managed by a CJ File preparation team, their contact details will also be included. Lawyers MUST return the action plan to the CJ team as well as the Officer.

4.10 When a lawyer sets an action plan, before it is sent to the police, the lawyer will make reasonable efforts to arrange a discussion with the OIC that will be conducted via the telephone or MS Teams; the lawyer will contact the OIC using the email or telephone number provided in the MG3 submitted. The OIC will be able to make representations about reasonable lines of enquiry and work already done that may negate the need for some of the actions. The reasons for the actions/justification for them linked to the issue in the case – evidential, case progression or sentence, will be explained in the action

plan in clear terms (DG6 para. 3.2) and timescales for completing the reasonable lines of enquiry will be agreed between lawyer and OIC and noted on the MG3. Agreed timescales will allow the proper management and monitoring of cases by Police and CPS managers through PTPM. As lawyers must complete their advice within 28 days (maximum) from allocation, if the lawyer cannot make contact with the OIC following reasonable efforts, the MG3 and action plan will be set in order to comply with the 28-day charging timescales. If the lawyer and OIC have a conversation about the case outside of CMS subsequent to the CPS MG3/action being sent, and this alters the actions sent in the MG3 or the timescale for completion, the lawyer will send a memo to the OIC/CJ, to confirm these changes via CMS. A further action plan will not be sent in these circumstances.

### ***Escalation processes for POST-CHARGE casework issues***

4.11 Care must be exercised in using direct contact between the OIC and CPS; sending documents via the digital interface and file preparation units ensures an audit trail of all actions completed on the case and prevents important communications, evidence and unused material being lost/missed in individual staff mailboxes. Nothing within this memorandum sanctions officers and lawyers sending this type of communication between their personal mail accounts.

4.12 In the event of the OIC requiring a response to a quick enquiry, (not constituting formal advice), the OIC is encouraged to call the lawyer to discuss. If there is no answer, an email requesting the lawyer contact the OIC, together with the OIC's upcoming shift pattern, ought to be sent to the lawyer. Should an out of office reveal the lawyer is away for a period, and a response is required prior to their return, the OIC ought to make similar contact with the DCP responsible for that lawyer, or their appointed contact if out of office also.

4.13 Should the lawyer not respond to the OIC within 7 days, the OIC must raise this with their Inspector, who will consider whether it is appropriate to direct the query to the DCP. If so, the Inspector will contact the DCP and request a response within 7 days. If the request is marked as URGENT, the lawyer and DCP will be included in the first communication and a response will be required within 24 hours. If a response is not received within the timescales specified in this memorandum, escalation to the next level of manager will occur until a response is received.

4.14 Any request made by the CPS of the OIC will have a reasonable timeframe attached to it, whether that is in an action plan or other request. If the timeframe is unrealistic, or there is an issue regarding the request, the OIC must contact the lawyer and explain the reasons within 7 days of receipt. If the OIC does not communicate their concerns regarding the CPS request, the request should be completed in full and according to the original timescales. Failure to complete an action in these circumstances will result in escalation through the police management structure and CJ after the deadline is passed. Escalation through the police management structure and CJ will fall into 2 categories, 'URGENT' and 'CASE CRITICAL'. If the CPS request is marked as URGENT, the OIC and DI and CJ will be included in the first communication and a response will be required within 5 days of receipt. If a response is not received within the timescales specified, escalation to the next level of manager will occur until a response is received. Escalation that is marked as 'CASE CRITICAL' refers to actions that must be completed within 24 hours of receipt. These escalations will be sent straight to an officer of rank DCI or above and CJ, due to their serious and urgent nature.

4.15 The result of any communication/agreement regarding actions and timescales that is not transmitted through the digital interface, must be immediately logged on police and CPS systems by the parties involved, such that there is a clear audit trail and so that escalations through line managers and CJ remain effective. This will be done by the lawyer sending a memo to the officer, copying in the CJ, or by the officer sending an MG6 advising of the agreement/change; they will agree on who is best to action in the circumstances.

4.16 All lawyers should manage their work such that they anticipate if delays are likely to occur in the provision of advice. If delay cannot be avoided, they will explain the delay and provide an updated deadline to the police, copying in the officer's CJ, (before the deadline expires), such that the OIC can immediately update the defendant and victim. This is crucial as victims and defendants are at the heart of every charging decision and awaiting an outcome. If the deadline passes and no update is provided, the OIC must contact the lawyer on the day of their next shift following that deadline and enquire as to when the advice will be provided, or this can be completed by the CJ. The escalation process will be followed if contact cannot be made with the lawyer. The 'URGENT' and 'CASE CRITICAL' escalation process applies equally to the CPS as it does to the police. 'URGENT' escalations will be sent to the DCP and lawyer first and 'CASE CRITICAL' escalations will be sent to the DCP and SDCP. These emails must be added to Niche Case file for the police and CMS for the CPS.

### ***Second-plus action plan reviews***

4.17 DCPs will review all second-plus action plans before they are transmitted to the police. This category of action plans must be brought to the attention of the DCP by the lawyer prior to the action plan being sent to the police. The DCP will ensure that the action plan is reasonable and proportionate/contains reasonable lines of enquiry specific to the case and issue. Appropriate action plans headed 'pre-charge actions' that have been resubmitted by the police and not fully completed will be escalated as per 4.14 above. All parties appreciate that the practice of resubmitting advice files with incomplete action plans undermines the proper functioning of the police/CPS charging process. Lawyers are then engaged in providing a further MG3 and repeated action plan, thus duplicating work. The CPS is not lawyer-resourced on this basis and this impacts on the provision of other advice work. The Police will ensure that proper review and compliance measures are in place to ensure that advice files are not returned to the CPS before action plans are completed. If through further enquiries the officer believes that one or more of the actions should not, or cannot be completed, he must inform his supervisor in the first instance. If his supervisor agrees the approach, he will contact the CPS via the digital interface (MG6) (he/she may use the CJ department for this), requesting a conversation with the lawyer regarding the action plan and what the outstanding issues(s) are. The outcome of that discussion will be sent via memo from the lawyer to the OIC/CJ via the digital interface. Upon completion of the action plan, the police will ensure that the investigator's response sets out precisely how each point on the action plan has been completed and the outcome. Transmission of the response will occur on one occasion and will not be drip fed. The police will only respond to those actions under the heading 'pre-charge' at the pre-charge stage.

4.18 Where appropriate the lawyer will attempt to contact the OIC about the second-plus action plan, as per 4.10 (above).

4.19 In the event the DCP is not made aware of a second-plus action plan, this will be captured by monthly checks conducted by the DCPs in all second-plus action plan cases.

## **5. Conferences and Special Measures Meetings**

5.1 Conferences are to be held between the OIC and lawyer in all cases charged on the threshold test. Both parties are responsible for contacting each other to arrange the conference. The lawyer and OIC must discuss the case prior to first hearing in the Crown Court, so that the lawyer is apprised of the developments with the investigation/action plan and can update counsel accordingly. This 'mini-conference/phone discussion' will also allow the lawyer to provide further advice/actions as a result of any evidence or information provided post-charge.

5.2 Formal Conferences are to be held between the OIC, lawyer and counsel following a not guilty plea at PTPH. Any conference ought to be organised within 2 weeks of the not guilty plea but may take place outside of those 2 weeks to fit with availability. Consideration should be given to inviting the forensic analyst in appropriate cases. The lawyer and OIC are both jointly responsible for ensuring that a conference occurs, but it is the task of the CPS Paralegal Officer to start this process and make the formal arrangements for a conference. Compliance checks for conferences will be conducted by the CPS PBM. A further conference will be held in the same manner as above following receipt of a defence statement.

5.3 These conferences do not have to be in person and are unlikely to be appropriate in this format in a COVID-19 landscape. The use of audio or video-calling facilities is encouraged.

5.4 A special measures meeting must be offered in all RASSO cases. The OIC and lawyer are jointly responsible for this. The OIC, lawyer, PO, counsel and victim should be in attendance and invitation of the ISVA/CHISVA is strongly encouraged. The meeting should take place within 1 month of a NG plea at PTPH and act as an opportunity to update the victim as to progress, discuss special measures options again/confirm those wanted by the victim and appropriately prepare the victim for trial as per the Speaking to Witnesses at Court guidance. The CPS PBM will monitor compliance from a CPS perspective and the police should have similar monitoring in place.

## **6. Prosecution Team Performance Meetings (PTPM) and the East Midlands Joint CPS/Police RASSO Working Group**

6.1 PTPM is held monthly; one for the south region and one for the north in accordance with the agreed TOR.

6.2 If the police or CPS are aware of a theme that is causing issues with any stage of case progression, it is to be raised at PTPM level in the first instance in order to try to resolve. If, through joint working, the PTPM is unable to overcome the concern then it is to be escalated to the joint area working group for resolution. If further escalation is required, the issue will be raised with the Public Protection Unit Heads by the area working group and/or through Strategic PTPM, as per its TOR.

**Annex A: Types of cases where CPS early advice is recommended (source: DG 6 and the Protocol between the Police Service and Crown Prosecution Service in the Investigation and Prosecution of Rape)**

The provision of early advice is strongly recommended in the following specific case types:

- rape or other serious sexual offences; where legal advice is sought on a particular feature or features of the case. Early advice is not to be used to determine whether the case meets the threshold for referral to the CPS by the police;
- modern Slavery and Human Trafficking including cases involving exploitation where charges under the Modern Slavery Act 2015 are under consideration;
- investigation of an institution with multiple victims and/or suspects
- where the issues or scale of material make it likely that a prosecutor's review would be significantly over 90 minutes;
- multiple suspects so that consideration is likely to be significantly over 90 minutes;
- requests for International Letters of Request and other Mutual Legal Assistance;
- extensive volumes of electronic data, multi-media evidence, or third-party material;

Depending on the issues in the following types of cases early advice may not be required but it is important that the relevant CPS Area or Casework Division is contacted to discuss referral arrangements, particularly if an immediate charging decision is needed and early advice was not obtained:

- vulnerable victims who may require the support of intermediaries;
- a significantly complex legal element;
- highly sensitive cases including Social Media cases that must be referred to CPS HQ;115
- cases where witnesses are eligible for the special measure under Section 28 YJCEA 1999, involving early visually recorded cross-examination in the Crown Court.