

## **A joint thematic inspection of the police and Crown Prosecution Service's response to rape**

Phase one: From report to police or CPS decision to take no further action

On 16<sup>th</sup> July 2021, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) with Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) published part one of their joint thematic review of the police and Crown Prosecution Service's response to rape. Phase one focused on; from report to police or CPS decision to take no further action.

In recent months we have had a spotlight focus on both national and international policing responses to both Violence Against Women and Girls (VAWG) and in particular sexual assault and abuse including a plethora of national strategy, guidance and direction all indicating a lack of procedural justice for victims of rape.

### Background picture – West Midlands

WMOPCC/WMP created an online public survey; Women and Safety in 2021. 1819 (91%) of 2006 respondents identified as female. In the survey, 80% had experienced sexual harassment in a public place, 49% had experienced sexual harassment, sexual assault or rape in the West Midlands with only 7.5% and 19.4% respectively reporting these crimes. This is in line with national reporting data. For 2020/21, there were 3635 rape reports to WMP and 50 convictions (rape conviction rate of 1.4%).

For Rape, WMP sees 52% victim attrition pre-charge and CPS see 28% victim attrition post charge. The significant timeline delays, intrusiveness of investigations and lack of public confidence in procedural justice lead to reports being closed before any action is taken.

Inclusion of WMP in part one of the thematic rape inspection indeed highlighted several key areas of improvement needed across both RASSO and the force. Early feedback highlighted a lack of experience in trained officers within RASSO teams, a lack of understanding of an ISVA/support services and low levels of communication particularly in the early advice stage from the force to CPS below Detective Inspector (DI) level. There was also some good practice lauded in the region, including the proposed expansion of the DI Gatekeeper role embedding an officer in the CPS to support quality of case files, management of action plans and communication and **joint working between the police and the CPS at every level.**

As part of the joint inspection, the inspectorates met with the OPCC and previous PCC David Jamieson to discuss the recent expansion of policy and multi-agency strategic governance in the RASSO space as part of the Exploitation and Abuse Boards programme.

These areas along with others provided by HMICFRS as part of the "hot debrief" were added to the RASSO delivery plan 2020/21. Since November 2020, the force has been implementing both the feedback from the hot debrief and also the following in the RASSO space –

- A joint multi-agency strategy; the [West Midlands Sexual Assault and Abuse Strategy 2020-2023](#) was launched on 8<sup>th</sup> January 2021 with buy in from both WMP and WMOPCC.
- The Sexual Assault and Abuse Board (formerly RASSO) has been moulded to a multi-agency focus promoting the above agenda through its action plan and work streams. The board which used to be very CJ focused now incorporates representatives from health, third sector and all local authorities with the aim to work towards the national strategy.
- The OPCC are working with the force through their new Sexual Harassment Project lead for the 3 year project to ensure that gender inequality and sexual harassment are addressed appropriately. The Sexual Violence Consortia (specialist third sector providers) are overseeing this project and a specialist support arm has been developed for officers who are victims of sexual assault and abuse to access specialist support.
- We support the work of the RASSO CPS Gatekeeper and the progress they have established since being extended in post. This role has been crucial to supporting the communication between Police and CPS.
- We work with all our commissioned services through the PCC's Victim's Commission to identify and address issues arising and support more victim focused work.
- Key work ongoing with the force are – training for all staff on sexual harassment and exploitation, strengthening the victim's voice within the process through the recommendations of the PCC's [Vulnerable Victim's Review](#).
- In addition a pilot Rape Triage PPU car will be piloted again in a different locality in the next months to look at a better front end offer to victims of RASSO crimes.
- ISVA/DI clinics in each of the RASSO unites **monthly to work with local support services to provide bespoke, wrap-around support for victims at every stage.**
- A 2019/20 Data driven insights report showed that to have the best chance to reduce the length of investigation and enable better engagement/**reduction in attrition for victims/witnesses**, one investigator should hold the case from start to finish and hold a maximum of 6 investigations at any one time (current WMP DC's hold 20-25 cases each). For this **cycle to be broken**, there is a need to invest in resources to fund PPU in terms of staff and digital forensics capacity.

In presenting the findings of the inspection to the multi-agency strategic West Midlands Sexual Assault and Abuse Board in July 2021, RASSO Lead Superintendent Anastasia Miller (AM) shared that the pandemic, Criminal justice process and backlog has not helped but there is a clear need to **put the victim at the centre** and provide support through the whole process. There is an acknowledgement for the previous **disproportionate focus on victim credibility** and want to move towards a suspect based focus – not an easy transition. Returning of phones and digital software to victims within 24 hours should also be done. AM highlighted the need for the priorities reflected in the review to be featured in the Board and Action Plan and this will be progressed.

In addition there is work planned to focus on communication of the force through to victims/witnesses and ISVA/advocacy services to –

- Provide what victim's need/want – simple and practical but they are not getting them - Empathy, better communication, explanation of what happens next.

- Work together better with CPS by uplifting the Gatekeeper capacity on rape cases to **build trust and secure justice** and improve **ineffective joint working** between the police and prosecutors.
- Further focus on **attrition** within the CJS and reasoning's behind this to support and engage victims/witnesses better.

WMP are one of four pilot forces joining the Home Office's Operation Soterio pilot which is the roll out of the action plan for a deep dive review into RASSO as modelled in Avon and Somerset Police by academics following a five pillared approach to follow the directions of the Government's End to End Rape Review. With the academic pilot starting in West Midlands in April 2022, planning is underway to prepare and use the delivery plan above to increase progress towards both the recommendations above and the wider national and regional targets to improve the criminal justice response to rape and sexual offences. Working towards the recommendations above and within the End to End Rape Review will be successful when working together in partnership, with the right legacy funding/provision to uplift all parts of the CJS to be able to investigate rape and sexual offences in a timely, efficient, procedural and effective manner.

### **Recommendation 1**

Immediately, police forces should ensure information on the protected characteristics of rape victims is accurately and consistently recorded.

### **Recommendation 2**

Police forces and support services should work together at a local level to better understand each other's roles. A co-ordinated approach will help make sure that all available and bespoke wrap-around support is offered to the victim throughout every stage of the case. The input of victims and their experiences should play a central role in shaping the support offered

### **Recommendation 3**

Police forces should collect data to record the different stages when, and reasons why, a victim may withdraw support for a case. The Home Office should review the available outcome codes so that the data gathered can help target necessary remedial action and improve victim care

### **Recommendation 4**

Immediately, police forces and CPS Areas should work together at a local level to prioritise action to improve the effectiveness of case strategies and action plans, with rigorous target and review dates and a clear escalation and performance management process. The NPCC lead for adult sexual offences and the CPS lead should provide a national framework to help embed this activity.

### **Recommendation 5**

Police forces and the CPS should work together at a local level to introduce appropriate ways to build a cohesive and seamless approach. This should improve relationships, communication and understanding of the roles of each organisation.

As a minimum, the following should be included:

- considering early investigative advice in every case and recording reasons for not seeking it;
- the investigator and the reviewing prosecutor including their direct telephone and email contact details in all written communication;
- in cases referred to the CPS, a face-to-face meeting (virtual or in person) between the investigator and prosecutor before deciding to take no further action; and
- a clear escalation pathway available to both the police and the CPS in cases where the parties don't agree with decisions, subject to regular reviews to check effectiveness, and local results.

### **Recommendation 6**

The police and the CPS, in consultation with commissioned and non-commissioned services and advocates, and victims, should review the current process for communicating to victims the fact that a decision to take no further action has been made. They should implement any changes needed so that these difficult messages are conveyed in a timely way that best suits the victims' needs.

## **Recommendation 7**

Police forces should ensure investigators understand that victims are entitled to have police decisions not to charge reviewed under the Victims' Right to Review scheme and should periodically review levels of take-up.

## **Recommendation 12**

The College of Policing and NPCC lead for adult sexual offences should work together to review the current training on rape, including the Specialist Sexual Assault Investigators Development Programme (SSAIDP), to make sure that there is appropriate training available to build capability and expertise. This should promote continuous professional development and provide investigators with the right skills and knowledge to deal with reports of rape. Forces should then publish annual SSAIDP attendance figures, and information on their numbers of current qualified RASSO investigators.