



**Strategic Policing and Crime Board**

**22 November 2022**

**Police and Crime Plan Priority: RASSO-Tackling sexual violence**

**Title:** Rape and Serious Sexual offences (RASSO)

**Presented by:** ACC Andrew Hill

**Purpose of paper**

1. The purpose of the report is to provide an update on the progress in tackling Rape and Serious Sexual offences (RASSO). This area is a force priority under the crime portfolio strategic objectives of 'protecting vulnerable people' and 'Violence, abuse and intimidation against Women and Girls (VAIWG).
2. This report will demonstrate the high level of demand and complexity within Sexual Abuse investigations and the challenges that this presents in delivering a timely service for victims and the desired level of criminal justice outcomes.
3. The report will also provide an outline on Phase 2 of the Home Office Funded Operation Soteria/Project Bluestone for which West Midlands Police (WMP) were a pilot Force in early 2022.
4. Whilst the report predominantly focuses on adult RASSO (which includes DA related RASSO), it will also briefly highlight the demand of Child Sexual Abuse/Exploitation.

**Governance**

5. The Assistant Chief Constable (ACC) for Crime is responsible for the governance and strategic oversight of sexual abuse. They are supported by a Detective Chief Superintendent (DCSU) as head of the Public Protection Unit (PPU), and a Detective Superintendent (DSU) (PPU) who is the force RASSO lead.

## **Investigation of Sexual Offences**

6. Adult sexual abuse offences are investigated entirely within the PPU.
  - Offences against children (U18) are investigated within the Child Abuse Teams.
  - All adult rape and penetrative offences are investigated within the Adult Complex Teams. These teams also investigate other sexual offences with aggravating factors, such as series linked, position of trust, and registered sex offenders.
  - The Adult Investigation Teams, which are separate to the Complex teams, investigate less complex sexual offences.
  - Historic sexual offences against children (those who are adults at the time of reporting) are also investigated within the Adult Complex Teams.

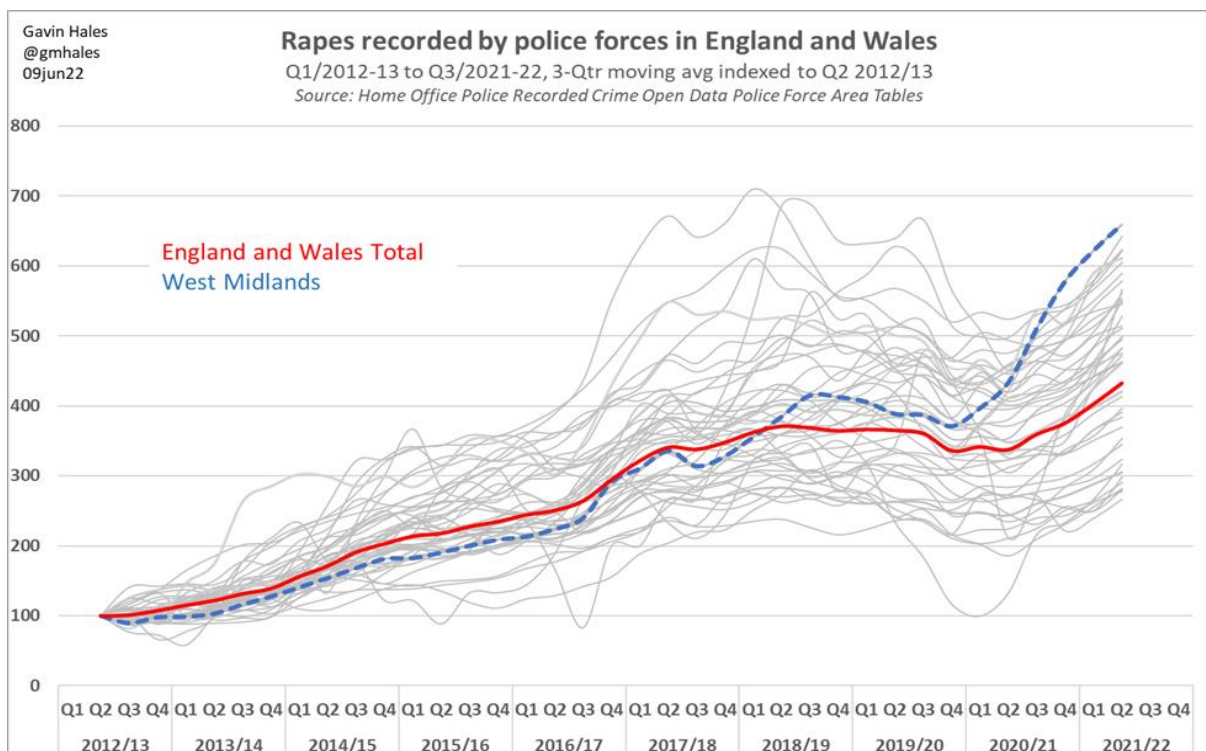
## **Adult Complex Investigation**

7. Over the past five years, the teams responsible for investigating adult RASSO have undergone restructure in line with other areas of investigation. The current remit of Adult Complex Teams is broader than just RASSO, with them carrying responsibility for the investigation of the following offences:
  - Manslaughter
  - Attempt Murder (DA)
  - Forced Marriage (DA)
  - Honor Based Abuse
  - Modern Day Slavery (Sexual Offences)
  - Kidnap
  - Use/Threats of Firearms (DA)
8. This helps retain skills and staff value the variety of investigations.

## **Demand**

9. Nationally significant investigations, media coverage of poor victim service and a sudden fall in conviction rates for RASSO, have all combined to increase public scrutiny on how police and criminal justice services respond to such investigations.
10. In response, the Home Office commenced Operation Soteria in January 2021. This is a Home Office funded police-academic collaborative research and change programme. National Police Chiefs Council (NPCC) led and hosted by Mayors Office for Policing and Crime (MOPAC), the programme seeks to improve the way police and Crown Prosecution Service (CPS) respond to Adult RASSO. WMP were successful in our application for pathfinder status and were reviewed by the academic team in the first quarter of the 2022/23 performance year.

11. Despite increased levels of reporting, the last few years have seen a decline in both positive outcomes within WMP and our case referral rate to CPS. This position is not unique to WMP and reflects concerns documented in the NPCC led report entitled “*End-to-End Review of the CJS Response to Rape*” – Prime Minister’s Implementation Unit and a “*Violence Against Women and Girls*” report. These documents acknowledge that increased demand, Home Office Counting Rules (HOOCR) compliance, victim attrition, new disclosure principles, staff capability/capacity and complexities associated with digital media have all contributed to the current national position.
12. *Figure 1* below shows the increase in reporting year on year since 2012/13 until 2021/22. It highlights that WMP recorded rape is higher than the majority of other forces.



*Figure 1 Rapes recorded by Police forces in England and Wales*

13. Figure 2 overleaf shows total recorded Rape from April 2019 to October 2022. It highlights that from 2019, the average monthly rape recorded as 239 per month and we now experience 375 reports per month.
14. Figure 3 and 4 below show the split in total rape of victims under 18 years and over 18 years. This is important as it identifies that both areas are increasing and many of the under 18 offences will be adults reporting when they were children.
15. Figure 4 shows the volume of total rape that are domestic related offences.

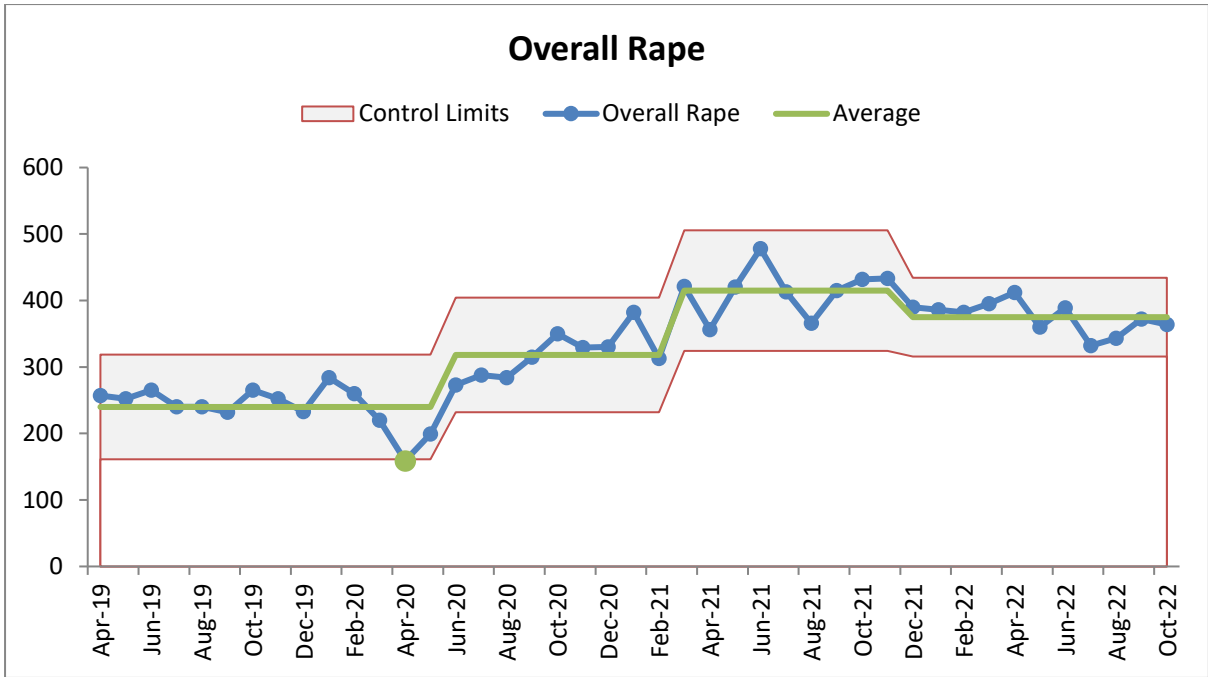


Figure 2 Recorded rape total

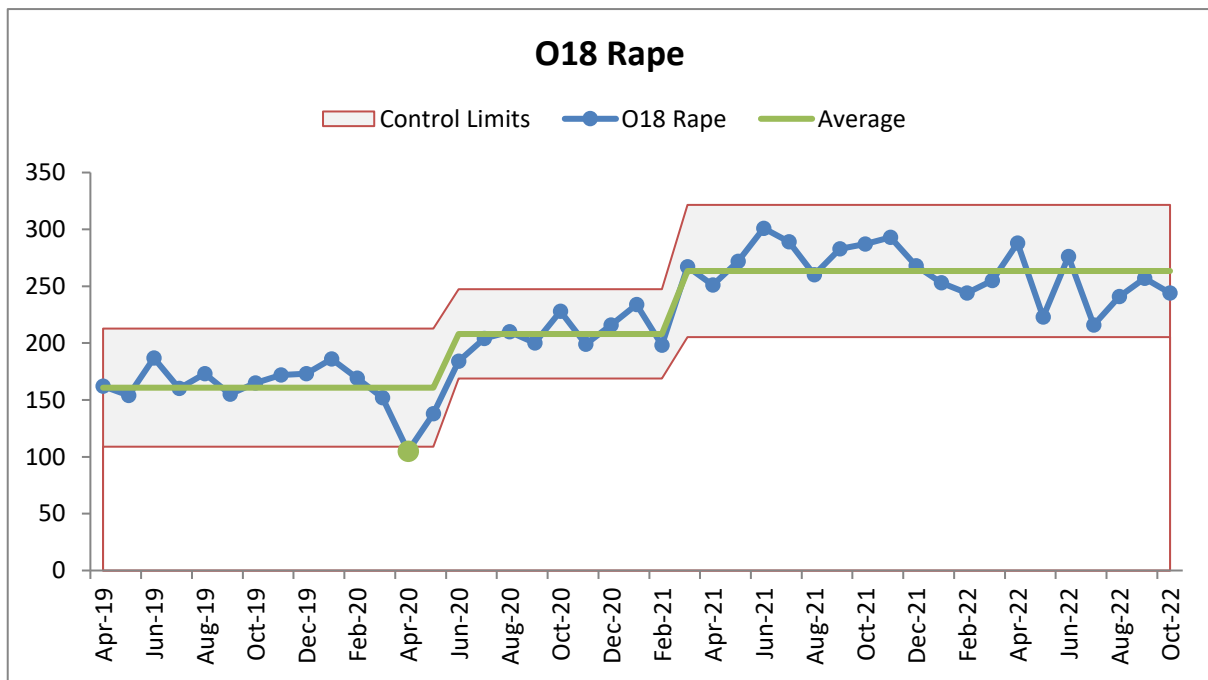


Figure 3 Recorded Rape for victim over 18

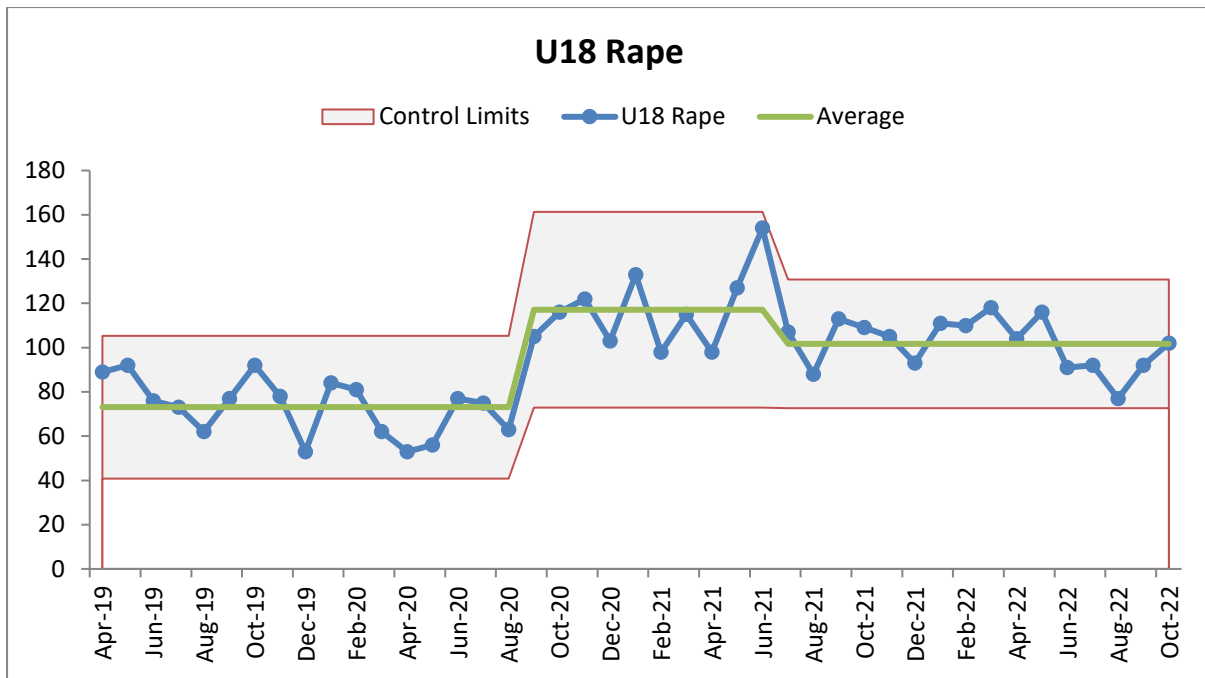


Figure 4 Recorded Rape for victim under 18

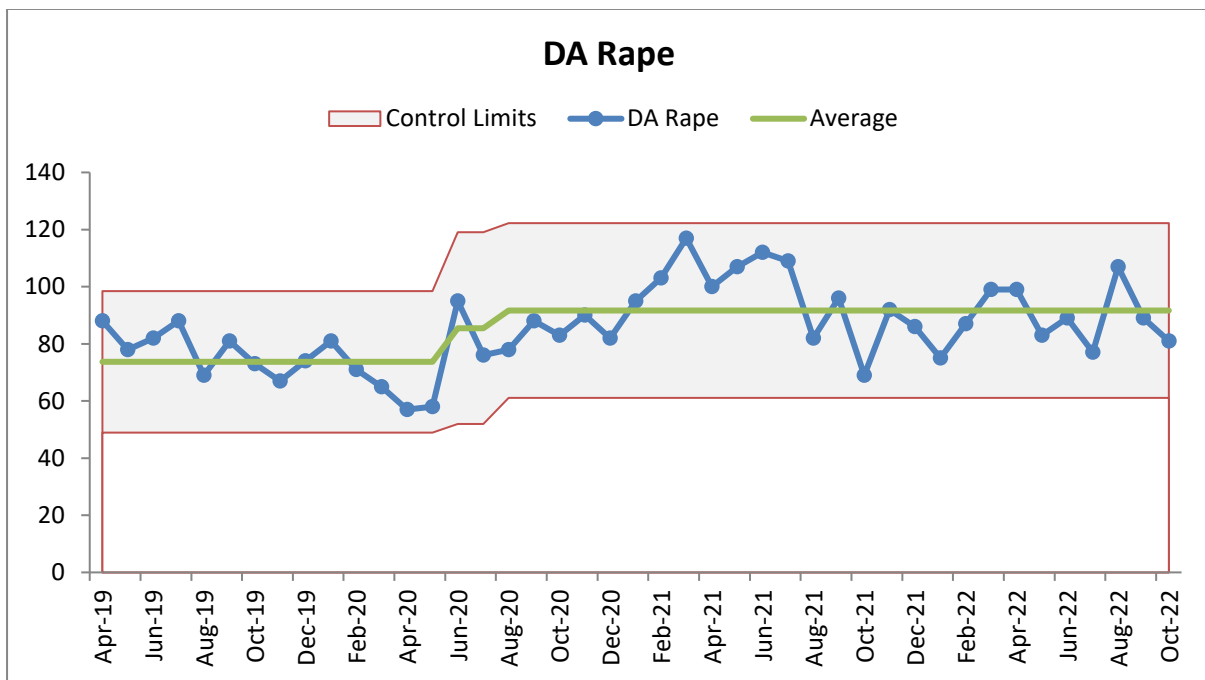


Figure 5 Recorded Rape for Domestic Abuse

**Home office counting rules (HOCR)**

16. One of the reasons for the increase in recording will be the result of compliance with HOCR. WMP were previously graded as inadequate in relation to their effectiveness of crime recording and compliance with the HOCR in 2017. Since then, significant work has been undertaken across the force and within Adult Complex PPU to ensure improved compliance via training inputs, DIP sampling and closer working

relationships with the Force Crime Registrar. A clear directive is that a crime should be generated at the point of the initial call, where sufficient information suggests a crime has been committed.

17. However, this increase in recording has had unintended consequences, with a small number of inappropriate offences being recorded during the call handler stage. Once recorded, any attempt to negate or reclassify a rape offence can be time consuming and involves a series of administrative actions defined by HOCR, such as obtaining detailed statements. This presents a particular challenge if the victim has disengaged or refuses to substantiate a third-party call.

**Other sexual offences**

18. Figure 6 below captures all ‘other’ sexual offences excluding rape/attempt rape over the past 18 months. The recording trend in respect of adult and child victims is almost identical. Once again it should be borne in mind that a significant proportion of the child offences would include historical reports managed by Adult Complex Teams. As can be seen, the overall reporting levels of domestic abuse related sexual offences within this are comparatively low.

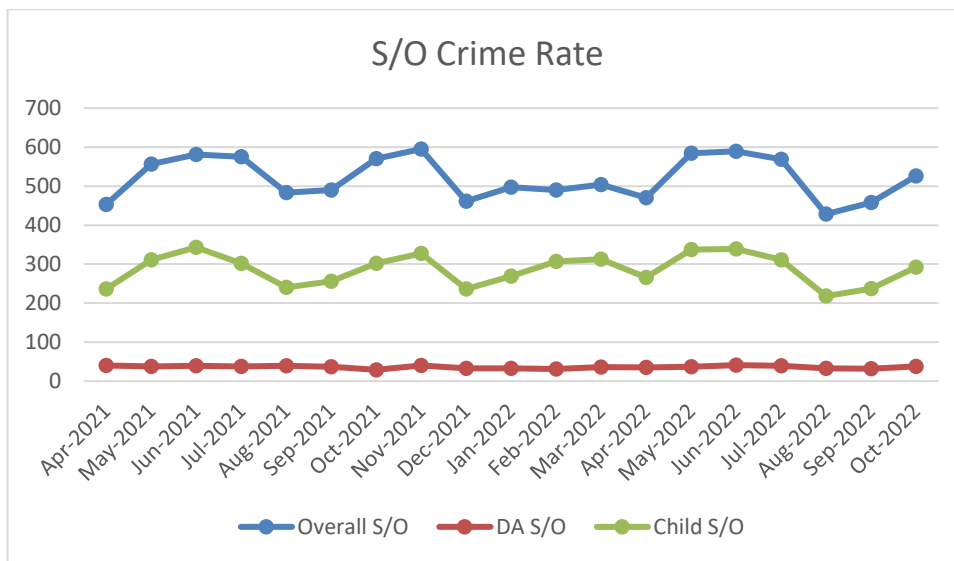


Figure 6 Other sexual offences from April 2021

**Operation Soteria**

19. As described previously, Op Soteria is a Home Office funded police-academic collaborative research and change programme, led by NPCC and hosted by MOPAC. It builds upon a review of Avon & Somerset Constabulary, which was the original pathfinder force in Spring 2021.
20. WMP were one of five deep dive forces: making an important contribution to research findings of Year 1 and the development of the National Operation Model which is due to be published in July 2023. From the theoretical framework, there are six pillars or areas which WMP will focus on to improve RASSO delivery;

- Suspect Focused Investigations
- Repeat Suspects
- Procedural Justice Approach to victim engagement
- Learning Development and officer well-being
- Data and Performance
- Digital Forensics

21. Following a 12-week pathfinder assessment, 62 recommendations were made across the 6 Pillars identified from the Phase 1 research. Numerous tasks and planned activities are being devised within each recommendation. Of note, WMP have selected 15 recommendations for high priority focus and these are being closely tracked through monthly governance meetings. Other RASSO plans (i.e. HMICFRS / Business Transformation / Govt E2E rape review) have been placed onto one project tracker to minimise duplicity and identify interdependencies.
22. Through Operation Soteria, it is accepted that WMP should make significant changes to the way RASSO is managed within the force. The below figure outlines the WMP governance structure with ACC crime setting the strategic direction and supporting the tactical working group. The working group chaired by the Detective Superintendent then manages the six pillar leads who deliver against the recommendations.

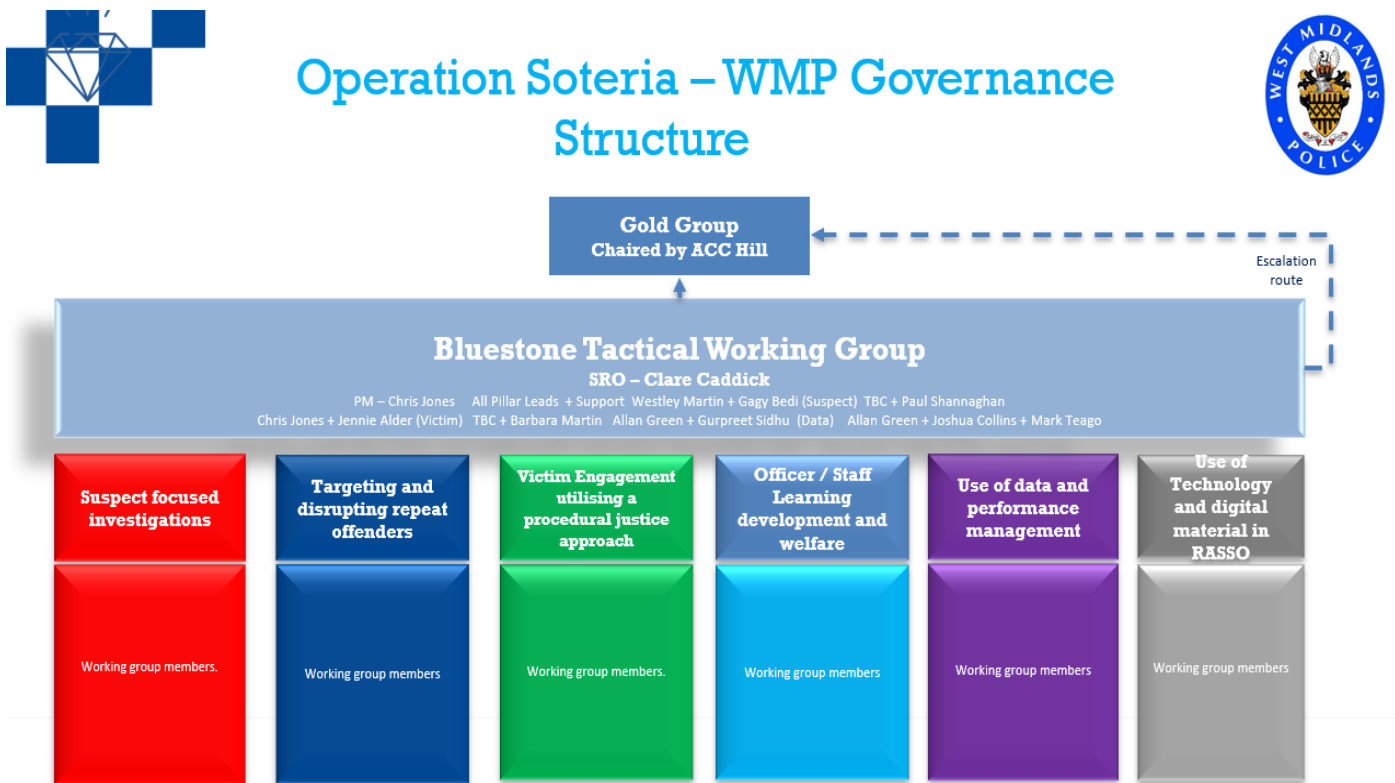


Figure 7 Op Soteria governance structure

## Current RASSO Performance

### Positive Outcomes

23. Positive outcomes for RASSO have steadily increased through 2022. Figure 8 below provides an oversight of year on year outcome levels specifically in relation to adult rape, with a notable rise from August 2022 to date. Figure 9 shows the outcomes for child rape for the same period. The teams have been focused on progressing cases in custody and meeting the CPS charging threshold, hence the adult increase. Child outcomes are often following bailing of the suspect, further investigation and CPS action plans.

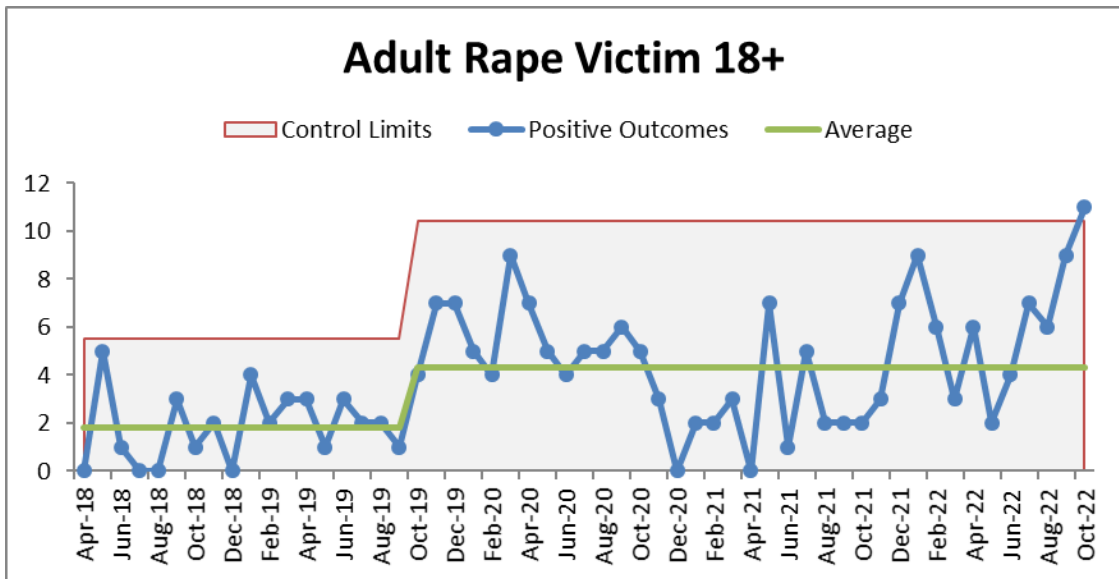


Figure 8 Outcomes for Adult Rape offences

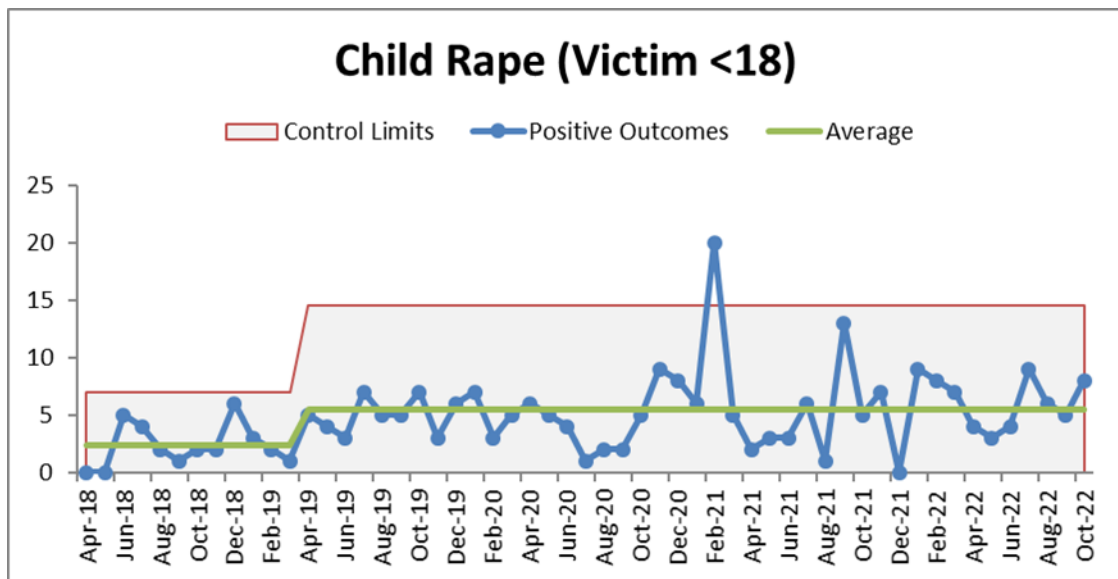


Figure 9 Outcomes for Child rape offences



### Timeliness of investigation

24. Figure 10 below provides details of rape investigations that have been generated since April 2022 and the length of time to finalise the report. It shows that the majority of the filed reports from April were concluded between 3 – 6 months. Overall there remains 1,234 open rape investigation within Adult complex.
25. This highlights that the team are progressing `new` reports which are quickly assessed and reviewed against the evidential opportunities. However, a number of reports will remain open for over 12 months whilst enquires continue, including CPS advice, gathering third party material, digital download and victim and suspect interview. There is a balance for the team between processing more recent work with older reports. These reports are reviewed and prioritised by the team supervisors and Detective Inspectors.

Apr 22 - Oct 22		
Filed - Length of Rape Investigation		
Under 1 Month	129	6.74%
1-3 Months	489	25.54%
3-6 Months	823	42.98%
6-9 Months	474	24.75%
9+ Months	0	0.00%
Total	1915	

Figure 10 Length of rape investigations filed

### Other Outcome breakdown

26. Within WMP Rape investigations, a large proportion are filed utilising the Outcome Code 16; this is where an **'offender is identified but the victim will not engage in investigation'**. WMP's use of Outcome Code 16 is higher than the national average and reported on via the Criminal Justice System (CJS) Scorecards. The below figure shows that nearly two thirds of adult rape cases managed by WMP are filed as the victim has disengaged. This is important as initial victim engagement supports the final outcome rate.

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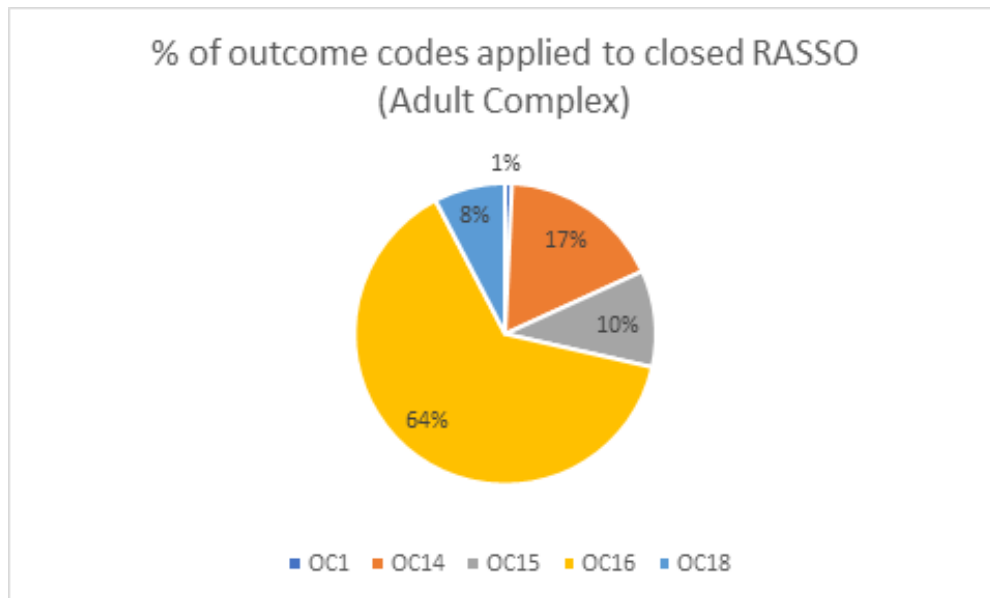


Figure 11 % of Outcome codes

27. To help understand when and why RASSO victims become disengaged from a criminal investigation, WMP have piloted a system of sub coding within rape offences. Academics from Operation Soteria noted this research as particularly innovative and are looking at how it can be shared with other forces. The pilot aimed to better understand the reasons why a victim may disengage, the timing of this disengagement and whether investigators had any reasonable lines of enquiry following withdrawal of support. The sub codes are defined as follows:

- **OC16A** - Not supportive of police action at any point following the recording of this crime. The complainant's main focus was another crime/incident and this report was generated to comply with HOCR.
- **OC16B** - Not supportive of police action at any point following the recording of this crime. This was generated following a 3<sup>rd</sup> party report.
- **OC16C** - The complainant was supportive of police action at some point during the investigation but no longer wants the suspect prosecuted. They appear satisfied with the police investigation and support given.
- **OC16D** - The complainant was supportive of police action at some point during the investigation but no longer feel emotionally able to proceed with a prosecution. They appear satisfied with the police investigation and support given.
- **OC16E** - The complainant was supportive of police action at some point during the investigation. They complainant is not satisfied with the service provided by the police, CPS and/or courts.
- **OC16F** - The complainant has retracted their complaint and now states that this did not occur as originally suggested.

28. The findings from a 6-month review reveal that in 65% of cases where the sub codes were applied, either the rape report was made by a third party and not supported by the victim, or, the victim disengaged immediately after reporting to WMP. Academics from Operation Soteria term this phenomenon as victims ‘telling’ the police rather than wishing to engage in formal ‘reporting’. HOCR allows no such distinction and a rape offence must be recorded by WMP. Without an engaged victim and with regard to their wishes, there are clear limitations on how far an investigation can be progressed by officers. The below figure shows the breakdown of applied sub codes.

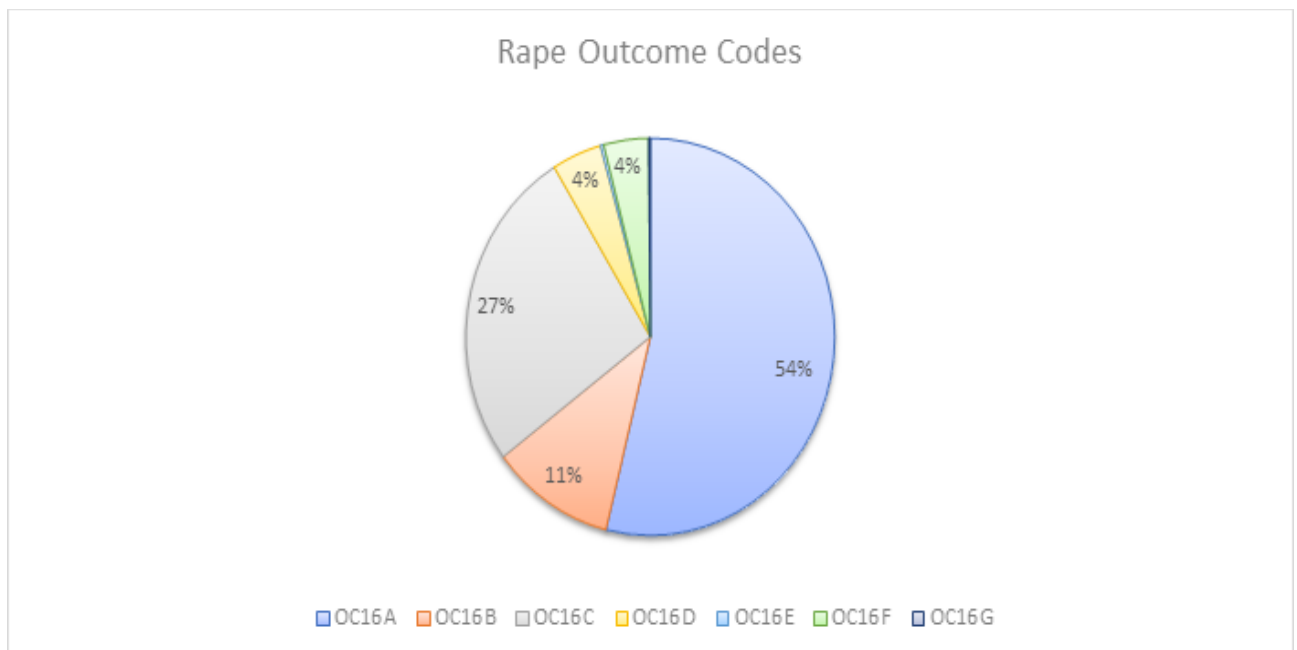


Figure 12 Rape outcomes by sub code

**CPS Gatekeeper & Early Advice**

29. Nationally, significant work is taking place to improve Police access to CPS at a much earlier point within rape investigations. Between 01/11/21 – 01/03/22, adult Complex Teams submitted a limited number of RASSO cases to the CPS for early investigative advice (EA). It was evident that officers lacked confidence and knowledge around the EA process. As a result, the PPU embedded a Detective Inspector gatekeeper as a link between investigation and CPS. A second member of staff is currently being recruited to support this on-going work as it expands. This gatekeeper will support both officers and the CPS in ensuring our cases are ready for presentation to CPS for advice.
30. Over the past 6 months under Operation Soteria and with the support of the gatekeeper, WMP have successfully uplifted EA rape submissions to 56 cases. WMP have strived to improve relationships and communication at every level with CPS RASSO prosecutors. The scope of the pilot has now been extended to include

cases which are 3-6 months old. CPS prosecutors meet in person and virtually with officers. This will be monitored through joint CPS and police governance structures.

### ***Victim Attrition***

31. Victim attrition relates to when a victim disengages from a criminal investigation prior to the point of charge or post charge before criminal trial. This is evident in the aforementioned application of outcome code 16. Victim attrition is of particular significance within offences of rape. There are many factors and challenges which lead to victim disengagement including length of investigations, victims feeling scrutinised and delays in digital forensics. In conjunction with the Outcome Code Pilot, in an effort to reduce rates of attrition, WMP have undertaken the following initiatives:

- A voice of the victim forum whereby all key stakeholders across the region come together to advocate for victims and drive change. This initiative was supported by PWC and highlighted by Operation Soteria as good practice.
- A victim survey in conjunction with academic leads of Operation Soteria. Feedback will look to enable continuous improvement and reduce attrition.
- Obtained funding and delivered external victim trauma training to all complex officers in March 22 together with vicarious trauma training for staff to improve victim attrition.
- WMP have supported partners in engaging victims from underrepresented groups. This includes work with Universities across WMP and Sex Workers. Of note, WMP have supporting the 'Walk in my shoes' sex worker training video which has been adopted regionally as best practice.
- The terms of reference for the DA/RASSO sub-group is being reviewed to focus on the victim experience at the point of contact i.e. call handlers and primary investigation with an aim to reduce victim attrition.
- The 'whole story' approach as part of Phase 2 – Operation Soteria. This requires a cultural shift when engaging victims, suspects and reviewing the evidence on a case by case basis.
- Independent Sexual Violence Advisors (ISVA' are now part of Rape Scrutiny Panels, Co-location of ISVA's at police stations and trials deploying ISVA's jointly with first response officers. This places the ISVA at the beginning of the victim journey.

## Resources

32. Operation Soteria has highlighted that officers are dealing with high levels of demand which has increased over recent years. The academic review as part of Operation Soteria drew comparisons with other pathfinder forces, including the MET and Avon & Somerset and stated that not only was the level of pressure and officer fatigue higher in WMP, but it was higher than the pressure experienced by front line medical professionals working during the peak of the Covid 19 pandemic.
33. The wellbeing of officers and staff has been prioritised under Pillar 4 of the second phase of Operation Soteria. A bespoke business case has been submitted for increased provision of clinical supervision for frontline investigators, together with other initiatives such as mental health first aider training. Through the people and progression board, wellbeing champions and a range of dedicated care and support programmes are being rolled out.
34. The build of Adult Complex consists of 96 PC/DC's, 5 police staff, 15 DS's, 5 DI's, 2 DCI's and 1 Supt (124 in total). This staffing allocation has remained the same since the teams were created in 2019. It is worth noting that at the time of inception, all officers had to either be accredited Detectives or working towards detective status. Over recent years, this requirement has been diluted and Adult Complex Teams are now partially reliant on seconded student officers to ensure they remain at minimum staffing. This supports the resourcing of the teams, but also ensures the students gain valuable insight into the department whilst completing their competencies.
  - At the time of writing there are 14 vacancies within Adult Complex Teams. The process of recruitment has been through the PPU workforce group to address this issue.
  - Each PC/DC, on average, is currently carrying around 20 Serious and Complex Investigations, in addition to 10 court cases. This is in contrast to an average of 10 investigations and 5 court cases per officer head in 2018.
  - 41/96 PC/DC's are accredited detectives or working towards their accreditation, this equates to 43 % of the establishment.
35. A survey was undertaken in May 2022, since which time a number of experienced staff have moved out of the department and have been replaced by student officers. The intention is to undertake this survey again in December 2022 and it is anticipated that the skills gap may have widened over the past 6 months. The clear gaps in investigator knowledge and confidence are being addressed via phase 2 of Operation Soteria.
36. Since the introduction of the Adult Complex teams in 2019, RASSO investigators moved to a 3 x 3 x 3 shift pattern offering equal coverage 7 days a week between 0700-2200. The pattern does not allow time for non-duty days or training inputs. A new shift pattern will be implemented in November 2022 to improve opportunities

for professional development of staff and allow non-duty time to pursue investigations.

37. The definition of non-recent is the same as that adopted by the national co-ordinating group, Operation Hydrant- “any investigation where the offence occurred over one year before it was reported”. Between November 2015 and February 2019, WMP formed small teams at Central and Western hubs with officers ringfenced to investigate non-recent sexual abuse. As a consequence of having defined officers, positive outcome rates achieved for non-recent abuse were close to 25% which presents a significant improvement.
38. These small teams were well regarded and staffed with dedicated officers. There was good engagement with partner and third sector agencies, meaning cases were progressed efficiently and victims received an enhanced quality of service. Victims reported increased confidence and the professional, timely and bespoke response they received meant a reduced risk of victim attrition through disengagement. The team was ultimately dissolved as part of a Public Protection re-structure in 2019.
39. With no specific non-recent provision, cases have been deprioritised due to competing high workloads, live demand and managing current threats e.g. attempt murders, honour-based violence etc.
40. In order to remediate the above, a newly formed non-recent team has been created and will be implemented in February 2022. This will be owned by Adult Complex Supt. This newly created team is an uplift in overall establishment as follows: 1 DI, 3 DS's and 21 PC/DC's. This will provide enhanced capability and capacity and will alleviate some of the current demand pressures. It is anticipated that the team will also enable WMP to move into a prevention, intervention and disruption space tackling repeat and risky offenders.

### **Digital disclosure**

41. Previous Rape cases heard at court have been instrumental in elevating issues associated with digital media, and the necessity to consider the relevance of digital communications in cases of sexual violence. In particular, this heightened the need to consider whether or not a victim/third party device was relevant as a reasonable line of enquiry. Work has been on-going nationally and CPS guidance is clear that searches of digital devices should not be pursued as a matter of course in every case. The introduction of disclosure privacy notices has professionalised the policing response to obtaining and searching digital data, avoiding unnecessary intrusion into a complainant's personal life.
42. A number of ongoing initiatives are underway within WMP as part of Pillar 6 of Operation Soteria, this includes:
  - A target of completing victim phone downloads and the return of handsets within a 24-hour period.

- A review of equipment and software for staff to enable effective downloads and subsequent interpretation of data.
  - Mobile Kiosks to enable mobile, efficient and secure downloading of victim's phones.
  - Implementing a new 'review' tool across Adult Complex officers and increasing access to Cellebrite readers (to view and report on mobile phone data).
  - Additional training plans to upskill officers in the area of digital forensics.
43. Whilst these initiatives prioritise victim phone downloads, it is worth noting that RASSO offences can often be delayed due to requirements relating to the examination of phones and devices belonging to suspects. E-forensics have established a service level agreement (SLA) that aims to complete priority downloads of suspect handsets within 90 days and standard submissions within 150 days. This supports the national target of 12 months for case submissions to the CPS.

### ***Registered Sex Offenders***

44. Conviction may lead to an offender being listed as a Registered Sex Offender (RSO). There are currently 4331 RSOs within the West Midlands, 956 of whom are in prison. Offenders are managed by Sex Offender Managers (SOM's), the latter forming part of the Integrated Offender Management Teams. The function is corporately led by Local Policing. Those RSOs who are in custody and reactively managed are owned by the Central IOM Department and those RSOs who are out in the community are aligned to Integrated Offender Management team boundaries.

### **Prevention and Intervention**

45. A positive CJS outcome is not always possible despite the best attempts by police and the CPS. RASSO cases that are closed with no further action by police have historically seen minimal intervention to prevent future offences being committed by the offender. Civil orders have generally been achieved post-conviction for an applicable offence under Schedule 3 or 5 Sexual Offences Act 2003. This means a number of high risk offenders, including repeat perpetrators have not been considered for pro-active civil orders prior to conviction e.g. Sexual Risk Orders (SRO).
46. During Operation Soteria less than 5 cases were found to have been considered for a Sexual Risk Order across a DIP sample of over 100 cases. Issues relating to officer capacity and/or capability will have impacted the number of orders applied for. Work is now ongoing to ensure that perpetrators who have not been convicted or cautioned for RASSO, but nevertheless are thought to pose a risk of sexual harm are considered for such orders. Initiatives include:

- Business case (October 22) for PCC funding to recruit a 'Sexual Offences Civil Order Investigator'. This SOCO will co locate with the PPU civil injunction team, but will be aligned solely to Adult RASSO. Orders will be applied for proactively during the prosecution phase.
- Delivery of SRO CPD events during Summer 22 by the central IOM team and Legal Services to all sex offender managers within WMP. This raised awareness and knowledge, supporting investigators in their application for SRO's.
- Go-to-Guides developed for all investigators and a refreshed RASSO policy containing guidance on applying for SRO's.
- Training inputs to be delivered as part of Phase 2 – Operation Soteria to newly seconded staff.

### **Safeguarding**

47. Safeguarding is a key element of responding to sexual abuse. The response will vary dependent upon the age of the victim and potentially the crime type. Adult victims will always be offered referral into an ISVA, with provision across each local authority area. There is regular dialogue with providers to ensure that optimum use is being made of the service. In addition, consideration will be given to referral into Adult Social Care, with further support provision to certain domestic abuse victims via the Multi-Agency Risk Assessment Conference (MARAC) arrangements.
48. The statutory framework within multi-agency public protection arrangements (MAPPA), whilst being offender centric, does consider safeguarding and the prevention of recidivism as a key objective.
49. Work is ongoing as part of Pillar 3 of Operation Soteria to develop and grow multi-agency forums with newly established partnerships to improve the safety of victims. This includes a programme of rolling training and provision of guidance for safeguarding in RASSO.

### **Partnership Working**

50. WMP works with an array of partners in tackling issues associated with sexual abuse. Much of the work is geared around the safeguarding provision (MASH, ISVA, MARAC, MAPPA), and support offered during the criminal justice process (ISVA). In addition, strategic arrangements allow for collaborative working to improve the provision of victim services (Sexual Assault Referral Centres), whilst also looking to improve the broader victim journey. MAPPA also provides avenues for enhanced partnership work, whilst the WMP Rape Scrutiny Panel allows police, partners and CPS to examine the investigation of and supervisory decision making with regards to rape.



51. As part of Operation Soteria, Pillar 3 (Victim Strand) focuses heavily on partnership working. On-going activity during phase 2 of the project will include:

- The development and growth of multi-agency forums.
- A review of the Voice of the Victim Forum (identified as good practice by the academics).
- Victim experience survey to be introduced and shared at partnership meetings.
- Joint training with ISVA's and other key stakeholders (as seen recently with a joint training video in relation to sex workers with Coventry Turnaround).

### **Next Steps**

52. The board is asked to note the contents of this report.