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**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Rape Case files**

**Panel Members’ Findings & Feedback**

**March 2021**

# 1.0 Background

In their fourth virtual scrutiny session on the 31st March 2021, Members reviewed the case files of 7 adult rape case files, where the victim had withdrawn their complaint 3-6 months after reporting. Crimes where a victim does not support the investigation will be finalised with one of the following outcomes:

14: suspect not identified; victim does not support further action

16: suspect identified; victim does not support further action

A Detective Superintendent from the Protecting Vulnerable People Department attended part of the meeting in order to give an overview of this area of work and to highlight areas for the Panel to review. It was explained that there is concern regarding the amount of rape victims withdrawing from the investigation 3-6 months after reporting. The Panel were asked to consider the following questions when reviewing the files:

1. Consider why the victim has decided to withdraw from the investigation. Are Dyfed-Powys Police creating any barriers for victims? Is there anything that the Force could do better?
2. Has a Sexual Offences Trained Officer (SOTO) been assigned to the victim?
3. Only a Detective Inspector can decide on the outcome of an investigation. Was this the case for all rape investigations in Dyfed-Powys?
4. Are victims receiving sufficient support to help them through the investigation process? Are they being referred to support agencies?

# 2.0 Findings

Case 1

Overview – The victim had disclosed to officers that her ex-partner had raped her 5 years ago. However, when contacted the next day to discuss further, the victim wished to withdraw the complaint. Outcome 16 applied.

* A temporary Detective Inspector had signed off and closed the investigation, in line with policy.
* The Panel noted that the Sergeant who made contact with the victim was male. The Panel queried whether the female victim would have been more comfortable speaking with a female officer.
* No evidence was recorded within the paperwork that the Sergeant who was deployed was a SOTO. The Panel did acknowledge that this was a non-recent rape investigation and there would be no forensic opportunities.
* Positively the victim was offered support and referred to other agencies.
* The victim was told that she could contact the Police at any time if she wanted to report the crime again. However, the Panel felt it would be beneficial for victims if a simple card/leaflet was available showing the Force’s commitment to addressing sexual crime.  This card/leaflet could provide detail on how to report a sexual offence crime and provide relevant support numbers. The Panel felt that leaving some information with a victim who has withdrawn from a sexual offence investigation may help that individual report the crime again in the future.
* The Panel noted that although a victim engagement contract had been created, the individual was not handed a victim information pack and queried whether this should have been offered despite the individuals wish to withdraw from the investigation.

Case 2

Overview: A female victim had disclosed to officers that she had been raped by a male whilst on public transport. Outcome 16.

* Victim Contract Agreement was created in line with the victim’s wishes.
* A Detective Inspector signed off the investigation as outcome 16.
* It was clear from the crime log that support was offered, although declined by the victim. Support contact details and a letter from officers was also left with the victim should she change her mind about supporting the investigation.
* There is clear evidence within the log that a SOTO was deployed.
* The Panel wished to highlight positively the extensive investigation that officers undertook in order to ensure that the suspect was not a threat to other members of the public due to his position on public transport.

Case 3

Overview: A female victim had reported to officers that she believed she had been raped by her friend in the night. Outcome 14 applied.

* A victim contact agreement was created in line with the victim’s wishes.
* The victim was told that should she change her mind, she was able to re-contact the Police and was left with a reference number.
* A Detective Inspector signed off the investigation as an outcome 14.
* There is clear evidence within the log that a SOTO was deployed.
* The victim was also given the contact details of New Pathways support service via email.
* The victim information pack was unable to be given to the victim due to there being no contact following the initial phone call. The Panel queried whether the pack could be sent to victims via email.
* The Panel highlighted that this log was regularly endorsed by a supervisor, with copies of emails being copied into the log. There were very clear records of efforts made to make contact with the victim.
* The Panel also noted that the victim was contacted mainly by female officers, this was felt to be good practice due to the nature of the crime.
* The Panel queried whether all victims of rape crimes were documented as being vulnerable following the risk assessment.

Case 4

Overview: A third party report had been received that whilst a female was out with an unknown male he has coerced her into having sexual intercourse. Outcome 14 applied.

* A victim contract was not created. However, it was recognised that the victim of this incident did not want anything to do with the investigation.
* A Detective Inspector signed off the investigation as an outcome 14 in line with Policy.
* It was clear from the log that a follow–up letter including support contact numbers was forwarded to the victim in the event that she was to change her mind about reporting the incident. The Panel felt that this was good practice.
* The Panel noted that it was unclear from the log as to whether the officers deployed were sexual offence trained or not. Members stated that it may be beneficial for sexual offence trained officers to identify themselves as such clearly on the log.
* The Panel also queried whether this individual who had a negative view of the Police would have responded better to non-uniformed members of staff. The victim clearly was uncomfortable with the Police and felt that this may have been a barrier for the victim in communicating with the officers.

Case 5

Overview: The victim had disclosed that she was raped by one of her mother’s ex-partners. The victim did not provide any further details of the incident or details of the suspect. Outcome 14 applied.

* The Panel noted that no victim contract was created, however, Victims Code of Practice letters were posted out to the victim.
* The Panel noted that this individual had made multiple reports of sexual assaults to the Police; all crimes were logged and linked clearly on the documentation.
* It was evident from the record that the victim had complex needs, the Panel noted positively that the victim was receiving support from the Crisis Team, New Pathways, Kaleidoscope and a Multi-Agency Referral Form (MARF) had been submitted in order to provide comprehensive support.
* It was found that a Detective Sergeant rather than a Detective Inspector signed off the investigation as an outcome 14.
* The Panel noted that it is unclear from the log as to whether the officers deployed were SOTO.
* The Panel noted positively that the same female officers made contact with the victim on all occasions; it was felt that this was good practice to ensure continuity for the victim.

Case 6

Overview: The victim stated that she has had sexual intercourse with the alleged offender whilst under duress on two occasions. Outcome 16 applied.

* The Panel noted that no victim contract was created.
* The Panel felt that the Police did all they could to support the victim respecting her Islamic culture and Sharia Law.
* It was felt that action was taken swiftly to protect and relocate the victim and appropriate female officers were tasked to interview.
* It was noted that the victim was given a SOTO, a Domestic Abuse Officer; a place at a refuge, support from a Syrian Support Group and a MARF (Multi-Agency Referral Form) was submitted in order to help safeguard both herself and her children.
* In line with policy a Detective Inspector had signed off the investigation as an outcome 16.
* It was felt that “no” was recorded against some of the questions within the risk assessment, when these should have been recorded as “yes” for example, “Has harm been caused and is further risk likely?”
* It was felt that it was unclear from the log as to how the victim was notified of the outcome of the investigation and whether she was left with any documentation to help her in the future should she wish to re-contact the Police regarding the crime.

Case 7

Overview: The victim had allegedly been raped and also slapped and grabbed which resulted in some bruising and concussion. Outcome 16 applied.

* The Panel noted that no victim contract was created.
* It was felt that action was taken to protect and relocate the victim as they were taken to a refuge and signposted to relevant support.
* It was noted that the victim was given a SOTO and this was clearly documented within the records.
* In line with policy, a Detective Inspector had signed off the investigation as an outcome 16.
* It was felt that it was unclear from the log as to how and when the victim was notified of the outcome of the investigation and whether she was left with any documentation to help her in the future should she wish to re-contact the Police regarding the crime in the future.

# 3.0 Summary:

The Panel wished to highlight that many of the cases demonstrated that the Police went to great efforts to identify the suspects and safeguard the victims. In answer to the questions posed by the Detective Superintendent:

1. Are Dyfed-Powys Police creating any barriers for victims? Is there anything that the Force could do better?
	1. The Panel noted positively that for the majority of the cases a female officer had made contact with the female victims. It was felt that this was good practice and should be offered to all victims where possible as individuals may feel more comfortable talking about a rape incident with a member of the same sex.
	2. A victim contact agreement was created for 4 of the 7 cases.
2. Has a Sexual Offences Trained Officer (SOTO) been assigned to the victim?
	1. It was clear for 4/7 cases that a SOTO had been deployed. It was unclear for the remaining three cases as to whether the officers deployed were specially trained.
3. Did a Detective Inspector decide on the outcome of the investigation?
	1. The Panel found that 6/7 cases had been signed off by a Detective Inspector. The remaining case was signed off by a Detective Sergeant.
4. Were victims provided with sufficient support to help them through the investigation process? Were they referred to support agencies?
	1. Positively, all victims were found to have been given appropriate support whilst Officers were dealing with the investigation. However, it was unclear in two of the cases whether a victim information pack was given.
	2. It was unclear in two of the cases as to how and when the victim was notified of the outcome of the investigation. Positively, three of the 7 victims were sent a letter with support contact numbers and information on how to contact the police again in the future.
	3. It was felt it would be beneficial for officers to leave a card or leaflet with all victims who withdraw from an investigation, explaining how their investigation was finalised and how to access further support or report again in the future.

# 4.0 Observations

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| **Observations** | **Force Response** |
| It was felt it would be beneficial for officers to leave a card/leaflet with all victims who withdraw from an investigation. This card/leaflet could provide detail on how to report a sexual offence crime and provide relevant support numbers should the victim ever change their mind in the future. Letters sent in cases 2 and 4 were highlighted as good practice. | Victim leaflet to explain what happens when victim withdraws support - There is a focus group in June looking at a Thames Valley Police “investigation and support timeline” with a view to introducing this in force for every victim.This timeline will breakdown the investigation process into “chunks” and explain each stage of the investigation. It will also explain what to do if the victim withdraws and changes their mind after intially supporting the case. The leaflet will also icnlude details of all support agencies for the victim to contact should they like some additional support- this features on the local Joint National Action Plan for the Police and CPS.  |
| The Panel felt that should a card, leaflet or letter be designed in the future in relation to the above observation, that victims of rape should be contacted (through the Victim Engagement Forum or Goleudy) to seek their views on what would be beneficial to include.  |
| The Panel queried whether all victims, regardless of the outcome, should be given a victim information pack. |
| All SOTO’s should identify themselves clearly on the crime inquiry log.  | The allocation of SOTO has not been consistent in force due to the limited number of trained officers and the increase in the reporting of offences, particulary historic. The SOTO’s are trained for the medical examination element and should be utilised in every acute case where forensic is a consideration, however, for historic cases (and due to the increase number of reports) a SOTO is not always available and necessary. It is felt in these incidents a Level 2 witness interviewer would be appropriate to respond – the Policy will be reviewed to reflect this. |
| The Panel queried whether all victims of rape crimes were documented as being vulnerable following the risk assessment. | All rape victims will be categorised as Intimidated witnesses (those whose evidence is likely to be diminished by reason of fear or distress), as defined by section 17 of the Youth Justice and Criminal Evidence Act. Victims in cases of sexual assault are defined as falling into this category as per section 17(4) of the Act and are entitled to have their evidence video recorded and submitted as evidence.Therefore, by category and nature of the offence all rape victims would be deemed vulnerable. |
| The Panel queried whether there was scope to further consider the officers deployed. For example the same gender / non-uniform officers may encourage victims to support investigations.Case 5 was highlighted as doing this exceptionally well by contact always being made by the same female officers. | Same gender officers to be allocated  and offered to all victims – this should be supported in all circumstances and the victim should be offered their preferred option.   |