

## **Freedom of Information Act 2000 (FOIA) Request 415/18 - Rape police/procedure**

PROCEDURE TITLE: Rape: Investigation and Prosecution

BACKGROUND INFORMATION: This procedure outlines the roles and responsibilities of Northumbria Police staff and officers involved in the investigation of rape and serious sexual assaults against adults. It has some relevance to offences committed against children, however, there are more specific procedures and these are referred to.

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This procedure relates to:

Rape (Sexual Offences Act 2003 sec. 1).

Assault by penetration (Sexual Offences Act 2003 sec.2)

Serious sexual assault where the circumstances of the offence may require similar investigation and prosecution procedures. I.e. sexual assault on an old or vulnerable person, racially motivated sexual offences, or where it is suspected the offence forms part of a series committed by the same offender(s).

Further information and practical check lists are available in Guidance on Investigating and Prosecuting Rape (NPIA 2009). A link for two toolkits have also been created by the National Police Chiefs' Council (NPCC) to assist investigators, supervisors and managers in operating effectively within the field of rape investigation and prosecution. The CPS have written guidance in perverting the course of justice in rape cases [click here for link](#). Specific advice in relation to children is available in Child Abuse Investigation procedure. Further advice is found in the procedure Crime Investigation.

The need for a sensitive and caring approach when dealing with victims of rape and sexual assaults cannot be over-emphasised. The outward, often normal behaviour of such victims can be misleading. All such victims will be suffering from some degree of shock and psychological trauma; particular care should be taken at all stages of police contact if further trauma is to be avoided. Rape Trauma Syndrome

Rape Team - Terms of Reference (This is currently under review)

It is not practicable to schedule in detail every investigation which will be undertaken by PVP staff. Ownership of investigations not falling within the below definitions but which involve safeguarding considerations and require specialist investigative skills will also be assumed by PVP where it is considered appropriate based on a determination of threat, harm and risk to communities and/or the organisation.

1) All offences of rape and attempted rape regardless of age including historic reports. Initial response and SOLO provision will remain the responsibility of Area Commands while investigative activity and victim aftercare will remain PVP responsibility.

2) Other sexual offences which are so serious that they will necessarily attract a commensurate level of investigative resources and skills, will be investigated by Crime Department. It will be agreed on a case by case basis whether PVP is the appropriate team within Crime Department to "own" the investigation, and the vulnerability of the victim will be the determining factor

3) Any further sexual offence committed by a Registered Sex Offender.

Roles and responsibilities of Northumbria Police Staff and Officers;

Role of Communication Staff /Front Office Staff

Role of the First Response Officer(s)

Role of the Uniform Supervisor

Role of the Sexual Offences Liaison Officer (SOLO)

Medical Examination

Role of the Investigating Officer (IO)

Role of the Suspect Interviewer

[Role of the Detective Inspector

Role of Detective Chief Inspector

Role of Communication Staff / Front Office Staff

Presentation at a Police Station

Invite the victim to move from the public to a private area

Inform supervision and control room staff

Obtain where possible the information below

Introduce the first response officer

Report to Police Control Room

An incident log (FWIN) will be created and where possible the following information sought, recorded (verbatim) and disseminated.

Victim/caller - current location, personal details and contact number

A first account of what the victim/caller says has occurred

Victim/caller – establish if they are safe, offer appropriate advice

Establish if they or any one else is in need of medical care

Incident - location and time

Suspect – current location and identity or description

Establish if any weapons have been used or are available to the suspect

If the suspect is known to the victim, any history of violence or sexual offences

Witnesses - current location and identity or description

Establish if any person present under the influence of drink or drugs

Whether any court orders apply

Details of the demeanour of the victim

Whether any children present and if they are safe

Consider any disability or language needs

Use opening incident code CC

Brief details only of the offence should be placed on the FWIN - no graphic descriptions. If the offence has just occurred, or is ongoing, the FWIN should be created high priority and brought to the attention of Communications Centre Supervision.

Role of the First Response Officer(s)

The initial response to a report of rape is fundamental to the investigation. The first response officer is central to making the victim feel safe and starting the investigative process.

Victim

Establish availability and attendance of the Sexual Offence Liaison Officer (SOLO)

Ensure the safety of the victim and any witnesses, including children

Assess the need for medical assistance

Establish the needs of the victim, i.e. disability, language

Obtain and record verbatim the victim's account in the Serious Sexual Assault Investigation Booklet (SSAIB). Sign, date and time entries

Establish if any weapons were used in the offence

If the suspect is known to the victim, establish if there is a history of physical or sexual violence

At the earliest opportunity consider using an Early Evidence Kit (EEK)

Domestic related cases, complete risk indicator check list, obtain victim's signature. Complete MU15 screen

Child concern or child involved in the incident, submit Child Concern via MU 15 Child Abuse Investigation procedure

Adult in need of safeguarding involved in the incident, submit an Adult Concern via MU 15

Scene

Identify the scene of the offence

Treat the victim and suspect as primary scenes

Establish physical scene parameters, where necessary establish cordons, single point of entry, common approach path and a scene log

Locate, secure and preserve other scenes or any other evidence as they become apparent

Request a Scenes of Crime Officer (SOCO) to attend

Record any actions of the victim or offender following the offence that may provide other forensic opportunities e.g. taxi home

Witnesses

Identify all persons present at the scene and obtain contact details

Identify the first person the victim informed of the incident and obtain contact details

Record any account given by the witness, including children

Consider house to house enquiries; parameters and recording contact/none contact on the incident log

Suspects

Confirm the identity of the suspect (if known) and circulate description if necessary

When the suspect is present, direct other officers to arrest and detain (consider cross-contamination)

Record any account provided by the suspect (significant statements)

Inform the Investigating Officer (IO) of any significant statements made by the offender

Documentation and Liaison

Record information gathered in the SSAIB, sign, date and time entries

Obtain crime details national crime recording standards

Liaise with and brief the SOLO, indicate any issues still to be addressed

Sign and hand over the SSAIB to the SOLO

Update the incident log with actions taken

Brief the IO

Role of the Uniform Supervisor

Assume the Role of the Investigating Officer (IO) and maintain real-time supervision until the investigation is allocated to a Detective Sergeant in the Rape Investigation Team/CID/Child Abuse Investigation Unit.

Role of the Sexual Offences Liaison Officer (SOLO)

A SOLO has received training in relation to rape and other serious sexual offences. They have an understanding of the care and questioning of the victim and the recovery of forensic material. A SOLO of the same gender as the victim will be deployed in the first instance. A victim can request a SOLO of the opposite gender. This SOLO can deal with all matters other than the Forensic Medical Examination (FME) which must be attended by a SOLO of the same gender. A SOLO with additional interview training will obtain the victim's statement; this may be a different SOLO to the one who attends the FME. An interview may be carried out by an officer of a different gender if the victim specifies that they would prefer this.

Initial Contact

Liaise with the first response officer and take possession of the SSAIB

Explain the SOLO role to victim

Ensure the immediate physical, mental and welfare needs of the victim are met

Identify any outstanding issues in relation to the victim, i.e. use of EEK

Secure any forensic material identified by the victim – clothing, tissues, tampons

Liaise with the SOCO re any issues at the scene

Explain to the victim and obtain verbal consent to a FME

Forensic Medical Examination (FME)

Arrange a FME Medical Examination

Discuss with the IO, the facts to be disclosed to Specialist Forensic Medical Examiner (SFME)

Organise fresh clothing for the victim

Consider a friend/family member to accompany the victim

Consider appropriate adult

Accompany the victim to the FME

Brief the SFME on the nature of the complaint and agree the samples to be taken

Secure the forensic samples taken by the SFME

Arrange the taking of photos by SOCO of any injuries identified by the SFME

Complete the documentation for the FME

Brief the IO on the findings from the FME

Victim Care

Provide victims attending REACH with an information pack explaining aftercare services

Arrange a counselling appointment at REACH on behalf of an adult victim

Explain the role of the Independent Sexual Violence Advisor (ISVAS) and Victims First

Agree with the victim on the time and method of future contact and inform the IO

Provide the victim with contact details of the IO or specialist unit dealing with the investigation

Explain the stages of the criminal justice process to the victim

Liaise with the officer identified to conduct the victim interview

Keep the IO updated of any concerns expressed by the victim

Documentation

Record information obtained in the SSAIB; sign, date and time entries

Record and store the forensic samples in the appropriate Property Other than Found Property (POFP) storage facility

Ensure where necessary, a Domestic Violence Risk Assessment, Child Concern or Adult Concern has been submitted

## Victim Interview

Review the SSAIB

Review the initial call and log to the police

Assess the witness for Special Measures

Consider the need for an Intermediary

Agree with the IO, the best method to obtain the victim's account ABE

Identify any exhibits required to be shown to the victim/witness in the course of the interview

Identify any drawings, maps or photos to be used in the interview

All contact with the victim prior to the interview should be recorded in the SSAIB

Plan the interview using the PEACE model in the SSAIB

Offer the victim the opportunity to make a Victim Personal Statement (VPS) victims and witnesses

Record in the POFP any exhibits produced/seized during the course of the interview

Provide the IO with the victim's written statement or video recorded interview and summary

Ensure the victim has contact details for the IO or Specialist Department dealing with the investigation

## Medical Examination

Medical Examinations for Victims 16 years or over - REACH centres

## Role of the Investigating Officer (IO)

The IO is a Detective Sergeant in either the Rape Investigation Team, CID or Child Abuse Investigation Unit.

At an appropriate time in the investigation, the Detective Sergeant will allocate the enquiry to a Detective Constable who will continue the role of the IO under the supervision of the Detective Sergeant.

The IO should, where possible, establish real-time supervision of the incident.

In each case the IO should refer to Management of Sexual, Violent and Dangerous Persons under multi agency public protection arrangements (MAPPAs) and of potentially dangerous persons (PDPs) to assist with developing strategies to safeguard the public.

## Victim

### Initial contact

Ensure an officer is allocated to attend to the victim

Ensure EEK are used by first officer attending or SOLO

Ensure a SOLO is allocated to the victim. An incident should not be delayed awaiting the allocation of a SOLO, best practice is to facilitate two SOLO officers attending the medical examination

Consider liaison with a Forensic Science provider for advice.

## FME

Discuss with the SOLO the facts to be given to the SFME, and agree the samples to be obtained

Consider a case discussion with the SFME where it is believed full disclosure has not yet been given by the victim

Debrief the SOLO following the FME

Identify samples for early scientific examination

## Victim Care

Liaise with the SOLO and arrange to visit the victim

Explain your role as the IO

Inform the victim how they will be kept informed of the progress of the investigation

Ensure all contact with the victim is recorded on the CI screen of the crime

Ensure a Domestic Violence record is created where the sexual assault occurs in a domestic relationship Investigation of domestic abuse

Ensure a Child Concern record is completed for any victim under 18 yrs or, where appropriate, any other child encountered in the investigation, refer to when to create a child concern

Assess any emerging concerns or support needs identified by the victim

Identify any risks posed by the offender to the victim and document a plan to reduce the risk

Coordinate pre trial support e.g. Sexual Violence Advisors (SVA), REACH, Witness care

Arrange timely return of property to the victim

Develop an exit strategy for the single point of contact, i.e. SOLO, SVA

Upon conviction, make a referral to Probation Victim Liaison Unit

Assist with Criminal Injuries Claim

## Documentation

Obtain FME documentation and Serious Sexual Assault Book (SSAB) from the SOLO

## Interview

Identify a victim interview strategy

Appoint an interviewing team; give consideration to the needs of the victim and the information required in the interview

Agree with the interviewer the best method to obtain the victim's account

Consider remote monitoring of the witness interview

Consider the need for an Intermediary

Debrief the interviewing officer

#### Scene

Assume the role of Crime Scene Manager until the arrival of SOCO

Identify, assess and priorities scenes

Coordinate search of scenes

Define the search area for outdoor or complex scenes

Ensure officers attending comply with guidelines relevant to crime scene management

Explain the nature of the complaint to the SOCO and agree samples and photographs to be taken

Explain the objectives of any search to the officers undertaking it

Consider liaison with a Police Search Advisor (POLSA)

#### Witnesses

Identify the parameters of any house to house enquiries

State the information to be given and sought from house to house enquiries

Inform officers to identify and obtain details of potential witnesses/vehicles at the scene

Coordinate collation/identification of technical evidence, i.e. phones, computers

Identify any CCTV sites and arrange for its securing or seizing

#### Suspect

#### Arrest

Plan and coordinate the arrest of the suspect

Develop and instigate a custody plan, i.e. suspect is forensically examined, photographed, monitored

Consider search of suspect's home address, place of work, vehicles used

Establish if an identification procedure is required

#### FME

Brief the SFME prior to the suspect examination and agree the samples to be obtained

Arrange SOCO to photograph any marks or injuries identified by the SFME

Seize clothing/footwear where appropriate

#### Documentation

Ensure significant statements are recorded

Obtain FME documentation



## Interview

Identify an interview team; consider the SOLO as second interviewer Role of the Suspect Interviewer

Consider the use of an interview adviser

Prepare a disclosure strategy

Review the suspect interview plan

Role of the Suspect Interviewer

Use a CID 5 to plan the interview

Record disclosure in the pre-interview disclosure log

Identify any exhibits, maps or photographs to be used in the interview

Ensure consent is fully covered, i.e. age, capacity (consider alcohol consumption), reasonable belief, steps taken by the offender to obtain consent

Review the custody record

Identify any significant statements made by the offender

Consider Special Warnings

Obtain clarification from the suspect regarding words/terms used to describe sexual acts/body parts

Plan and structure the challenges for the suspect

Consider Bad Character Evidence bad character

Debrief the IO following the interview

Identify actions resulting from the interview

## Bail

If domestic related consider Domestic Violence Abuse Protection Order.

Identify any risks associated with the offender

Identify any previous history of offending by the offender towards the victim

Research intelligence to identify any issues that raise concern for the victim's safety

Consult, where possible, with the victim prior to a decision about police bail

Ensure bail conditions sought aim to maximise the protection of the victim

Inform the victim when the suspect is charged and/or released on bail together with date of next appearance

Attend court and liaise with the Crown Prosecution Service (CPS) where a remand in custody is sought

Consider an immediate appeal by CPS if Magistrates grant bail where a remand is sought

Where applicable use the VPS in any bail proceedings

Update the suspect's IS with bail and details of conditions

Intelligence

Identify actionable intelligence from victims, witnesses, suspects and other lines of investigation, e.g. crime scene, phones, forensic examination

Record intelligence via the appropriate submission of form A and IS updates

Ensure the final case review examines, extracts and records all information and intelligence

Case Building

Discuss Forensic Strategy with CSM Scientific Support.

Ensure that timescales are met in relation to forensic submissions

Consult with the Rape Specialist Prosecutor regarding:

Media strategies to identify witnesses, publicise an investigation, or provide crime prevention advice

To identify key evidential issues

A pretrial witness interview where it will assist in the assessment of the witnesses evidence, understanding of complex evidence or the witnesses understanding of court procedures.

An Early Special Measures meeting to discuss the needs of any vulnerable or intimidates witnesses

Record on the MG 6 the existence of any therapy, counselling, or medical records that have been made following the incident Disclosure of counselling records

Consider anniversary visits to identify witnesses

Assess the need to collate financial information

Ensure a VPS is completed. Indicate on the MG6 where/if this is part of the visually recorded evidence

Submit a request for special measures at the earliest file submission

Complete and submit the MG 13s with the first file; liaise with MAPPA for correct wording

Submit a statement from the victim outlining the reasons for any special measures request

Prepare requested file of evidence file preparation

Obtain a receipt for copies of visually recorded evidence handed to CPS

Liaise with the Detective Inspector where alternate charges to rape are proposed

Engage the services of an Intermediary where it is identified their services will assist the victim in court

Attend a pretrial case conference

Discuss with the Barrister, the preparation and delivery of a full bundle of evidence for reviewing by the SFME, who may wish to provide a supplementary statement

Ensure the victim and any witnesses are offered a pre court visit

Documentation/liaison/resources

Assess resources requirements, i.e. SOLO, search teams, incident room

Inform supervision where the incident meets the criteria for a critical incident or requires a community impact assessment

Ensure the incident is crimed computerised crime recording

Ensure the CI screen on the crime is updated

Brief and debrief all staff involved to ensure lines of investigation are clear and opportunities for securing evidence are maximised

Ensure any Domestic Violence, Child Concern or Vulnerable Adult referrals are completed

Debrief the Detective Inspector upon conclusion of the investigation, and also post trial

Role of the Detective Inspector

At the earliest opportunity review the initial policy and direction of the investigation

Advise regarding the conduct of the investigation

Assess resources requirements, e.g. search teams, incident room

Ensure in cases identified as a series of offences, all undetected cases are reviewed and eliminated from the enquiry

Act as the review officer and every 7 days, conduct a review where the offender is unknown

Ensure a closing report is completed in all cases and all paperwork is filed together

Ensure a written assessment is completed if the incident is identified as a critical incident or requires a community impact assessment

Consider the welfare of all staff and ensure awareness of the services provided by the Force Occupational Health Unit

Consider a single debrief for all parties in a case, to ensure all available evidence is pooled

Files will only be finalised on the authority of the Detective Inspector

Role of the Detective Chief Inspector

Periodically dip sample cases that have been discontinued or 'no crimed'

This instruction is designed to avoid discrimination and in accordance with the Human Rights Act 1998 and its underlying principles.

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CRITERIA: To achieve improved and consistent performance in the investigation of rape and serious sexual assault.

ACCESS AND DISCLOSURE RESTRICTIONS: All staff

FORMAL TRAINING REQUIREMENTS: No

IS A LOCAL PROCEDURE REQUIRED IN SUPPORT OF THIS DOCUMENT: No