1. About this Procedure

1.1. This procedure sets out how Hampshire Constabulary will respond to and investigate crimes of rape and serious sexual assault. It covers the minimum standards expected in order to ensure that each such incident is recorded immediately (NCRS) and managed professionally, ethically and sensitively.

1.2. Compliance with this procedure will ensure that victims and survivors of sexual violence can have absolute confidence in the police response and that we deliver a highly effective response every time. Universally, victims of rape and sexual violence tell us that they ‘want to be believed’ and it is therefore of paramount importance that our response is swift, professional, supportive and above all, wins their trust and confidence.

1.3. The approved national standards for the investigation of rape and sexual assault are set out fully within the College of Policing Authorised Professional Practice (APP) (link below). All officers and staff within Hampshire Constabulary will therefore use this guidance as the core standard for response and investigation within Hampshire and the Isle of Wight:

- Authorised Professional Practice – Rape and Sexual Offences

2. Risk Assessments / Health and Safety Considerations

2.1. A dynamic risk assessment needs to be conducted by the officer or staff member having first contact with a victim of rape or serious sexual assault. On attendance, officers should consider the need for assistance or support from colleagues. Officers and staff will consider the health and safety implications for the victim, witnesses, and offenders as well as for their own safety.

2.2. Similarly, Specially Trained Officers (STOs) must conduct either a pre-planned and/or dynamic risk assessment in relation to the health and safety implications for the victim, witnesses and offenders as well as for their own safety and welfare.

2.3. STOs, their supervisors and managers, must take into consideration their existing caseload before being deployed in successive rape investigations which could be to the detriment of their own health and welfare and/or the investigation.
3. Procedure

3.1. Case Management and Ownership

3.1.1. The investigative response to offences of rape will be from the following teams, and will be informed by the category of the offence (see 3.2 below);

3.1.2. Operation Amberstone (now enhanced) will investigate rape offences committed against adults and children over the age of 16 on the mainland (unless looked after by the local authority or the offence involves). On the Isle of Wight, these offences will be held within the Police Investigation Centre (PIC).

3.1.3. The Child Abuse Investigation Team (CAIT) will investigate rape offences committed against children below the age of 16, or below 18 in the case of children looked after by the local authority.

3.1.4. Major Crime Support (MCS) will investigate rape offences that require the use of HOLMES to manage the enquiry, or as otherwise directed by the Force.

3.1.5. Certain proactive internet-facilitated offences of rape will be investigated by the Internet Child Abuse Team (ICAT).

3.1.6. For reasons of skills development or where there are other reasons to so, such as if a victim is supporting an investigation into domestic assault, but not into a reported rape, rape offences may be investigated by officers on other units, such as the Police Investigation Centres (PICs) or the Serious Organised Crime Unit (SOCU). Support will still be available to the investigator from Operation Amberstone, particularly if specialist advice is required, and an Operation Amberstone STO will always be deployed.

3.1.7. Non-recent rape offences committed within institutions or involving people of public prominence, or rape in the context of CSE and involving in excess of five victims will be investigated by Operation Marmion.

3.1.8. Additionally, Specially Trained Officers (STO) from within Operation Amberstone (on the mainland) and IOW PIC will be deployed to all Section 1 offences.

3.1.9. The CAIT maintain a cadre of STOs for deployment to child victims of serious sexual offences.

3.1.10. The STO is responsible for supporting the victim through the SARC process, for obtaining witness evidence from the victim, for obtaining a Victim Personal Statement, for providing contact and ongoing support to the point of charge, and for signposting to appropriate support organisations.

3.1.11. All case holders will be qualified to PIP Level 2 or working towards accreditation. This applies equally to officers and Police Staff Investigators.
3.2. **Offence Grading**

3.2.1. The process of grading offences allows the police to assess the number and type of resources that are likely to be required to conduct an investigation.

3.2.2. Stranger 1 – A sexual offence where the victim does not know the suspect and there has been no contact between them prior to the offence. This is the most serious type of sexual offence, and the investigative response will be significant and robust. The expectation is that an OIC of at least Detective Inspector rank will be appointed as SIO, and the investigation will be conducted in line with MIRSAP principles. It is likely that significant additional resources will be required from the force, and a referral will be made to Major Crime Support for consideration of ownership within that team and the support of HOLMES.

3.2.3. Stranger 2 – A sexual offence where the victim did not know the suspect prior to the offence, but there has been some contact in the lead up to the offence. For an example, in the situation where a victim and perpetrator meet in a licensed premises for the first time on that occasion. Depending on the complexity of the enquiries and the vulnerabilities of the victim, significant additional resources may be required, potentially including the use of HOLMES and referral to Major.

3.2.4. Acquaintance / Domestic Relationship Rape – A sexual offence where both victim and perpetrator are known to each other or are in, or have been in, a relationship whether or not of a sexual nature.

3.2.5. Non-Recent Offences – Defined as those which sexual offences, based on when they are first reported to the police, are outside the ‘forensic window of opportunity’ (7 days).

3.2.6. The above categorisations of rape will not affect either the way in which a report of rape is initially assessed or the quality in which it is dealt with. There is always a requirement to ensure a speedy deployment of first responding officers to secure and preserve evidence and provide an excellent service to the victim. For further guidance please refer to the Victim Matters Intranet Page.

3.3. **First Contact and First Response to Victims of Rape**

3.3.1. Reports of rape are made to the police in a variety of ways, by victims themselves or by third parties acting on behalf of a victim. When a report of rape is made, the Force Control Room (FCR) should be updated as soon as practicable. If the victim is below 13 years of age, a referral will be made to the Multi Agency Safeguarding Hub (MASH) as a matter of urgency by the attending officer. If the victim is 13 years of age or over, the FCR will be responsible for notifying the duty Amberstone Detective Sergeant to deploy a dedicated STO. The Multi-Agency Safeguarding Hub will also be notified if the victim is under the age of 18 years. If an offence of rape is reported between the hours of 22:00 and 07:00, the night duty Detective Sergeant will be contacted at the earliest opportunity to assess whether an Amberstone STO should be called out to manage the response to the victim.
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3.3.2. The significance of both a professional and sensitive first response to a person reporting rape can not be overstated. Never underestimate the importance of your role in giving the victim an excellent level of service through your positive, professional and sensitive approach.

3.3.3. All victims will be dealt with in a professional and compassionate way, having due regard for their needs inclusive of race, gender, disability, sexual orientation or other relevant factors. Staff can seek specific guidance from partner agencies and community contacts, the Black Police Association (BPA), Lesbian and Gay Liaison officers (LAGLOs) and Domestic Violence Co-ordinators (DVC) depending on the circumstances.

3.3.4. FCR staff will often be the point of first contact for a victim of rape. However, it is the responsibility of any member of staff who receives this initial first contact to ensure the following information is captured:

- Is the victim safe? If not, take steps to ensure victim/person reporting is safe.
- What is being reported?
- When did the offence take place? (in order to prioritise deployment)
- Where did the offence occur? (in order to allow early identification of a scene)
- Who was involved? (in order to establish information regarding suspect(s) and/or key witnesses)

3.3.5. Appropriate advice will be given in relation to preserving potential evidence and a dynamic assessment regarding the need to keep the victim/representative on the line will be made. This may be especially necessary for distressed victims. FCR/call taking staff with whom a victim has made first contact will ensure that appropriate resources are deployed. In the first instance this will be a STO who will take responsibility of victim care and management. Where this is not possible, a first responding officer will immediately be deployed, with the exception of non-recent reported cases.

3.3.6. Where reports are made direct to police station front counter staff, the victim should immediately be taken to a private area. This is due to the sensitive nature of the offence which means it unlikely that accurate information will be provided over the counter, especially when other people are also present. Obtain the same key information as outlined above and provide reassurance of the police response to the victim or person reporting. Use of an Early Evidence Kit for the recovery of forensic evidence must be considered at this early stage. The duty Amberstone supervisor should be contacted at the earliest opportunity.

3.3.7. When using Police radios, officers and staff are to be mindful of the terminology they use when referring to rape victims or the circumstances which may cause offence or otherwise undermine the provision of an excellent service.

3.3.8. It is essential that the first responding officer remains with the victim until a STO arrives and takes over the responsibility for victim care and management.

3.3.9. STO will be responsible for providing victims with information about the Criminal Justice System to afford the victim choices regarding their complaint. The STO
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will complete the Vulnerable Witness Assessment Booklet [AD298c] documenting their initial interaction with the victim. All trained officers will have access to these hardcopy documents. For further information please see the Amberstone Intranet page.

3.3.10. If required, an Early Evidence Kit (EEK) will be taken to capture forensic evidence (insert link to EEK). The STO will update the Detective Sergeant for the area of the offence at the earliest opportunity.

3.3.11. If urgent medical attention is needed, an ambulance will be called and the victim will be accompanied to the hospital. South Central Ambulances are issued with pre-prepared kits which contain a Mediwrap cape, couch covers, evidence bags and instructions for the crew. This greatly assists in victim care, prevents potential cross contamination issues and means ambulances themselves do not need to be treated as a forensic scene and taken out of service to facilitate a forensic examination. After use, these items will be packaged, exhibited and handed to the attending police officer. The victim’s immediate needs will be catered for with appropriate sensitivity to age, gender, ethnicity/ cultural background and, if known, their sexual orientation.

3.3.12. The STO will be responsible for contacting:

- Investigation Team Supervisor
- Crime Scene Manager if within forensic window opportunity
- Child Abuse Investigation Unit via Multi Agency Safeguarding Hub (MASH) if appropriate
- SARC

3.3.13. The following principles will always be considered in order to inform the initial police response:

- Preservation of Life
- Preservation of Scene(s)
- Securing of evidence (particularly forensic potential)
- Identifying victim(s) and witnesses
- Identifying suspects(s)
- Establishing the victim’s wishes in line with the Victim Code.
- The wishes of the victim should not detract from our responsibility to provide an excellent service.

3.4. Sexual Assault Referral Centre (SARC):

3.4.1. An integral and critical element of our service to all victims of rape and sexual assault (whether current or non current), is referral to SARC. The SARC provides crucial wrap around services for victims including immediate psychological support; GUM and sexual health treatment, emergency contraception and where appropriate, forensic examination and recovery. The SARC therefore is critical to helping victims start the healing process and a referral will be considered in all cases, irrespective of whether within the ‘forensic window’ or otherwise. The
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SARC also offers paediatric services and support for young children and should be a priority consideration for all STOs and investigators dealing with rape and sexual assault cases. The Hampshire and Isle of Wight SARC is situated at the Treetops Centre, Cosham, provides a 24-7 service and can be contacted at any time (refer to STO/Amberstone for information).

3.5. Local procedures (in addition to APP guidance)

3.6. Crime Recording Integrity

3.6.1. Hampshire Constabulary is committed to improving crime data integrity by ensuring crime recording is timely, accurate and complaint with Home Office Counting Rules (HOCR) and National Crime Recording Standards (NCRS). Please refer to the Crime Recording Golden Principles on the Crime Data Integrity Intranet page.

3.6.2. When a victim reports an offence of rape or serious sexual assault, the offence will be recorded at the earliest opportunity in accordance with national crime recording standards.

3.6.3. Recording crime with integrity is an integral part of the investigation. If we fail to record any crime but in particular rape and sexual offences, the consequences are a loss of trust and confidence in the police service as well as the impact on the victim.

3.6.4. Officers and staff will follow the six golden rules for crime recording:

- The person taking the report will record and classify the crime type;
- If in doubt, record the crime as the victim tells it - unless there is credible evidence that a crime did not occur;
- Record the crime as soon as possible following contact from the victim /representative;
- Always record the reported crime(s) before going off duty;
- The 72 hour rule is only to be breached in exceptional circumstances;

3.6.5. If re-classification from one crime type to another is required following the investigation, this will be completed with justification on a RMS working sheet and approved by a Sergeant (or above).

3.6.6. There is a duty on the investigator to identify and record any additional crimes that are disclosed during the course of the investigation.

3.6.7. Compliance with the requirement to correctly identify and record crimes will be checked by supervisors (see below).

3.6.8. For crime classification, NCRS / HOCR and any other guidance visit the Crime Recording Hub on Crime Standards Hub Intranet page.
3.7. Specially Trained Officers (STOs)

3.7.1. Hampshire Constabulary’s default position is that a STO will be deployed to all victims reporting rape. Only in exceptional cases where a STO is not readily available will a non-specialist first responder be deployed to a victim. STOs (and first responders) will record all details within:

AD298C: Witness Assessment and Interview Booklet – information regarding this booklet can be found on the Amberstone Useful Information Intranet page.

3.7.2. Hampshire Constabulary has a dedicated team of Specially Trained Officers (STOs) within Operation Amberstone who provide 24 hour cover throughout Hampshire and the Isle of Wight. They have a responsibility to respond to victims aged 13 years and over reporting rape and sexual assault by penetration (Victims under the age of 13 years will be referred to Child Abuse Investigation Teams via the Multi Agency Safeguarding Hub (MASH)).

3.7.3. STOs work within each of the three Operation Amberstone hubs, and also with IOW PIC. STO’s will deploy to the initial report of rape or penetrative sexual assault whenever it is appropriate to do so, and will remain as the single point of contact for the victim until the conclusion of the investigation. The duty Amberstone Detective Sergeant has the responsibility for co-ordinating the STO response to victims of rape and sexual assault by penetration.

3.7.4. If offences of rape or penetrative sexual assault are disclosed to a non Specially Trained Officer (STO) then the Amberstone Detective Sergeant is to be contacted at the earliest opportunity to allow for an Amberstone STO to be deployed (08:00 to 22:00 hours) and manage the initial response to the victim. If an offence of rape or penetrative sexual assault is disclosed after 2200 hrs, the night duty Detective Sergeant will be contacted at the earliest opportunity to assess if an Amberstone STO will be called out to manage the response to the victim.

3.7.5. The STO function is co-ordinated from within the Investigations Command. The key responsibilities for a STO are set out within APP guidance and include core responsibilities intended to fully engage, support and maintain routine contact with the victim throughout the entire process.

3.7.6. STO’s are an integral and fundamental part of Hampshire Constabulary’s response to victims reporting rape and assault by penetration. STO’s may be used for other offences at the discretion of the duty Amberstone Supervisor, Area Commanders, Heads of Department, or Duty SIO. If there is a delay in deploying a STO that could adversely affect the safety and wellbeing of the victim or the investigation, a first responding officer will be immediately deployed until a STO is able to attend.

3.7.7. If a STO has to hand over a case to another STO, the reasons for this must be recorded on RMS. The changing of a STO during, or in the course of a case should only take place in exceptional circumstances or where there has been a breakdown in the relationship between the victim and the STO, or when the STO
3.8. Investigation of rape and sexual assault

3.8.1. Additional tactical guidance has also been published by way of a nationally approved Aide Memoir for investigators [AC Martin Hewitt, National Policing Lead for Rape, November 2014]. This guide can be found within Authorised Professional Practice – Rape and Sexual Offences.

3.8.2. This helpful guidance focuses investigators upon the key issues of ‘consent’ and ‘choice’ and encourages investigators to properly explore with suspects these issues rather than allowing the onus for events to be placed upon the victim. Effective rape investigations will place onus upon suspects to demonstrate the steps taken to seek true consent, the extent to which the victim had ‘choice’ in the matter and to probe suspect credibility, behaviour and motive.

3.8.3. Additional guidance for investigators in relation to the issue of true consent and a victim’s capacity to consent are contained within the Guidance Section of the Operation Amberstone intranet page, and should be used when interviewing victims and suspects.

3.8.4. Action 1 of the joint CPS and Police Action Plan on Rape [2014] seeks to ensure that there is a proper understanding and application of the legislation in relation to the issue of ‘consent’. Its is crucial that proper emphasis within the investigation is directed towards the steps taken by an individual (suspect) to seek true consent before engaging in any sexual activity with another. Furthermore, it is also essential that investigators fully and supportively explore with victims in interview, the extent to which that victim had the true freedom and ‘capacity’ to make a real choice over the sexual activity.

3.8.5. Officers investigating reports of relationship/domestic rape need to take into account the following important additional factors:

- Injuries tend to be more serious. It is significant that three out of five rape victims have made previous reports of domestic abuse to the police.

- Statistics show that often children are also present in the home and witness one in four sexual assaults. Irrespective of whether children actually witness events, all children within the relationship / home concerned must be identified and referred to the MASH by way of a PPN1.

- Officers need to be mindful that the severity of domestic related incidents can escalate rapidly. The fact that an offender is known to a victim poses a real risk to the victim. Where victims are systematically abused and raped, the more likely such violent conduct may further escalate. It is essential, therefore, that offenders are removed from their offending environment and creative safeguarding interventions applied.
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- All victims who report non recent rape and sexual assault to Hampshire Constabulary should be referred to the SARC (and ISVA) for wellbeing and support services notwithstanding that a forensic medical examination may not be required. The SARC provides an important source of therapeutic wellbeing and care to all victims irrespective of the requirement for forensic medical examination.

3.9. Risk Assessment Management – Victims, Suspects and Witnesses

3.9.1. The investigating officer has responsibility, in all rape cases, for the assessment and effective management of risk and for implementing all necessary safeguarding measures around victim, suspect and any other person deemed at risk.

3.9.2. A form has been devised for this purpose, available from the Amberstone Intranet Page. It must be completed at the earliest opportunity, on the facts known at the time, even if the full facts are not yet known. Subsequent reviews may identify new risks, which will require the completion of a new form.

3.9.3. Compliance will feature as part of the supervisory review.

3.9.4. The assessment and risk management plan will be clearly documented on the RMS case record and titled – Risk Management Plan.

3.9.5. Specialist advice and support in relation to risk management and safeguarding is available from Offender Management and Safeguarding Teams and from the Safeguarding Intranet page.

3.9.6. Risk management plans and tactical activity should be regularly reviewed and updated during the lifetime of the case.

3.10. Review and Supervision of Investigations

3.10.1. All investigators are responsible for conducting a thorough and professional investigation. Rape investigations must be regularly reviewed and supervisors are responsible for ensuring that the highest investigative standards are applied and that victims are believed, supported, kept up to date and cared for through effective work with partner organisations.

- The purpose of initial supervisory reviews is to ensure that the investigation is being progressed effectively and appropriately. The initial ‘first line’ (DS) supervisory check will take place within 12 hours of the receipt of the report of rape. This check will include an assessment of risk to all parties and the public, any high priority actions (recovery of evidence) to be completed, safeguarding measures, case specific and public impact and interest issues, as well as resourcing requirements. This check will form the basis of direction to the OIC.

- Additionally, the supervisor will ensure at this stage that all crimes have been correctly identified and recorded, that a Victim Contact Agreement has been
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made, and that an opportunity to record a Victim Personal Statement has been offered.

- A second supervisory review (DS) will be undertaken within 10 days of allocation of the crime for investigation and will incorporate an assessment of key case issues as well as a review of the OIC’s investigation plan, investigative progress, victim code compliance, safeguarding plan and any onward resourcing requirement. It will further check that all crimes disclosed have been identified and correctly recorded.

- Further supervisory reviews will be undertaken on a risk basis, commensurate with the risk and complexity of the case.

- Second line managers are expected to be aware of rape investigations being owned and conducted by their teams. They should satisfy themselves that these cases are being gripped and progressed effectively. In particular, second line managers are expected to identify and actively manage cases of significant risk or complexity such as stranger rapes or cases where there is particularly high risk to a victim, multiple victims, or the wider community.

3.10.2. All supervisory and/or managerial reviews will include an assessment of:

- Victim safeguarding and care including adherence to Victims Code and multi agency information sharing as appropriate. For further guidance please refer to the Victim Matters Intranet Page

- SIO policy and decisions

- Key lines of enquiry

- Resourcing

- Safeguarding and Community Impact Assessment

- Crime Data Integrity

3.10.3. All reviews will be entitled either “DS Review” or “DI Review” and recorded on an RMS OEL.

3.11. Interviewing in Rape Investigations – Victim

3.11.1. When interviewing rape victims, STO’s will use the interview facilities within either the SARC or one of the force Vulnerable Witness Interview Rooms depending on whether or not there are forensic considerations to take into account.

3.11.2. Interviewing in Rape Investigations will be conducted in line with Authorised Professional Practice (APP) issued by the College of Policing and Achieving Best Evidence (ABE).
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3.11.3. In relation to the interviewing of victims and suspects Investigators should refer to the Aide Memoire for Investigators contained within Authorised Professional Practice – Rape and Sexual Offences.

3.12. Interviewing in Rape Investigations – Suspect

3.12.1. Interviewing in Rape Investigations will be conducted in line with Authorised Professional Practice (APP) issued by the College of Policing. Investigators should also refer to the Aide Memoire. This guide can be found within Authorised Professional Practice – Rape and Sexual Offences.

3.12.2. Additional guidance in relation to the specific issue of interviewing of suspects and the necessary focus upon understanding of ‘consent’ and ‘reasonable belief/behaviour of suspect is contained within Aide Memoire for Investigators contained within APP.

3.12.3. In relation to the interviewing of victims and suspects Investigators should refer to the Aide Memoire for Investigators contained within APP.

3.13. CPS RASSO Advice

3.13.1. The early engagement of a CPS RASSO Specialist Prosecutor must be considered when investigating offences of rape. Investigators should seek an Early Investigative Advice (EIA) appointment with CPS RASSO particularly in high profile or more complex cases. EIA can assist the investigator in identifying legal issues, additional lines of enquiry, and the scope and relevance of third party material to be considered.

3.13.2. After a thorough investigation, whenever the available evidence supports a prosecution, the advice of a CPS Specialist Rape Prosecutor within the Wessex Rape and Serious Sexual Offences Unit (RASSO) will be sought.

3.13.3. The officer responsible for managing a rape investigation (Detective Inspector or above) will determine whether or not there is sufficient available evidence for an advice file to be submitted to CPS Specialist Rape Prosecutor within the RASSO Unit. The test is for such a referral for charging decision is that the DI considers that case reaches, (or would do with further identified enquiry) the full code test.

3.13.4. Officers should remind themselves of the arrangements under the Director’s Guidance (DPP) on Charging 5th Edition, paragraphs 2, 4 and 8. Cases which do not meet the ‘full code’ test should not be submitted to CPS RASSO. Robust and justifiable NFA decision making by Detective Inspector’s is the requirement in such cases.

3.13.5. All files submitted to CPS for a charging advice or decision should include the approved check list and a MG3 with full case details and supporting comment by
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the supervisory officer (not OIC). This will ensure that a CPS decision is made on first submission wherever possible.

3.13.6. File submissions will be routed through the RASSO Charging Mailbox. This will allow the organisation to track cases through RASSO, and identify issues in the quality of submissions. It is the responsibility of the Detective Inspector managing the investigation to check the quality of the submission to the mailbox before allowing it to proceed to CPS.

3.13.7. An ‘SSO Quality Assurance and Shared Learning Panel’ chaired by the Force Lead, and comprised of senior officers with responsibility for rape investigations, and members of the Silver SSO Improvement group (including CPS) will convene at intervals in order to review the standard of investigations and to share any relevant learning.

3.14. No Further Action Process

3.14.1. If the Detective Inspector responsible for managing or providing oversight to a rape investigation considers that all lines of investigation have been fully completed and there is insufficient evidence upon which to proceed, a decision to NFA the case without referral to CPS should be taken. The rationale and justification for this decision will be fully recorded within the RMS record by the Detective Inspector.

3.14.2. Detective Inspectors responsible for the management and oversight of rape investigations have a duty to ensure that all evidence has been recovered, investigations fully resolved and that appropriate and justifiable decisions are taken in relation to NFA of the case or, to proceed to charge. They are also responsible for ensuring that cases are fully and appropriately finalised on completion.

3.14.3. In all NFA cases, the decision and rationale will be fully endorsed within the RMS record by the Detective Inspector. A communications strategy and risk assessment will be fully implemented with both the victim and the suspect in which both are appraised of the decision, understand it, offer any views they may have and any risks of harm are identified and managed by the investigator (or through safeguarding referral). Again, all of this information will, be fully and clearly recorded within the RMS record.

3.14.4. Decisions to NFA rape cases will form part of the agenda of the SSO Quality Assurance and Shared Learning Panel.

3.15. Retraction statements

3.15.1. If a retraction statement is to be taken from a victim of rape in any circumstances, it will be taken by the STO, who may be accompanied by a member of the investigation team. The method used for capturing the victim’s evidence in chief should also be used for the retraction statement wherever possible. It is not sufficient to simply record that a report is ‘incorrect’ or perhaps ‘made up’ and investigators should probe and seek as much information as possible. For
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guidance on retraction statements, refer to Authorised Professional Practice (APP).

3.16. Cancelled Crime Process

3.16.1. There are few more serious and traumatic crimes than rape and it is of crucial importance that victims and survivors of these appalling crimes have every confidence that we believe them, will record and investigate accurately and will bring offenders to justice.

3.16.2. Hampshire Constabulary will only consider cancelling recorded crimes when there is clear and unambiguous evidence to charging standard that a crime did not occur. This measure will be adopted in order to exclude the disparate and subjective individual decision making previously being adopted around interpretation of Additional Verifiable Information (AVI) in rape cases.

3.16.3. The routine ‘closure’ of cases which do not proceed to CPS RASSO or prosecution will be as outlined with the NFA Process above. Crime classification will remain as ‘rape’.

3.16.4. In exceptional circumstances however, it may be wholly justified and appropriate that a crime report is cancelled, and the process to be followed is as follows:

  • Cases identified and agreed with CPS i.e. a case where evidence has been fully documented proving to charging standard that offence of rape did not occur. Such ‘exceptional circumstances’ are only likely to occur in cases where, in conjunction with CPS RASSO, authority has been provided to pursue a case of ‘perverting the course of justice’ or ‘wasting police time’.

  • Circumstances in which a Detective Inspector is satisfied beyond doubt that a rape did not occur. A full file is then submitted for consideration by the Operation Amberstone Detective Chief Inspector. Prior to referring the case to the DCI, the Detective Inspector will contact the victim directly in order to advise that the case is being reviewed for potential cancellation and to seek the victim’s view (and any further case information). This information will be added to the file on being passed to the DCI.

  • DCI will review full file of evidence and note any comment by victim, and, if satisfied that the circumstances and evidence on file proves beyond doubt that no rape occurred, will refer to the Force Crime and Incident Registrar (FCIR).

  • The FCIR will review the full circumstances of the case and will either decline to cancel the crime, or refer the file for independent scrutiny and final decision by ACC Crime & Criminal Justice and the Independent Scrutiny Panel.

  • ACC Crime & Criminal Justice (ACC C & CJ) will review all such referrals at a routine independent scrutiny panel chaired by ACC C & CJ and comprising independent victim advocates, the lead for CPS RASSO, the force Lead for
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Rape and the FCIR. The panel will confirm the cancellation, or, reject the recommendation, provide feedback and identify learning.

- Victims and suspects in all such cases will be fully updated a full risk assessment incorporating any necessary safeguarding measures will be implemented by the investigating officer.

- At each stage of the process, the relevant case RMS record will be fully updated with clearly titled individual OEL entries in order to provide integrity and audit trail.

- In cases where the ACC Crime & Criminal Justice independent scrutiny panel confirm a decision to cancel a rape report, all relevant parties will be updated in line with normal case closure policy. It should never be the case that the victim of a rape is unaware that their crime has been cancelled.

- In cases where a decision to cancel is upheld, the person previously recorded within the RMS record as ‘Suspect’ will have their record within RMS amended from ‘Suspect’ to ‘Subject’. They should be advised accordingly by the investigating officer when finalising the case.

3.17. Perverting the Course of Justice and Wasting Police Time

3.17.1. Only in truly exceptional circumstances and where the case has been referred to and fully reviewed by CPS RASSO will an investigation into suspected ‘perverting the course of justice’ or ‘wasting police time’ incident be commenced.

3.17.2. All such cases will require a full file of evidence is submitted to CPS RASSO for the available evidence to be considered and for an appropriate evidential and public interest policy decision to be recorded.

3.17.3. Investigators will not embark upon any such investigation without full case review by Detective Inspector and without full agreement and strategy decision with CPS RASSO.

3.17.4. Under no circumstances will victims of rape or persons reporting rape and sexual violence to Hampshire Constabulary ever be issued with a Penalty Notice for ‘wasting police time’. This is wholly unacceptable and breaches DPP requirement that all such cases in which police may wish to consider action against such persons are referred to CPS RASSO for legal review and decision. For guidance on retraction statements, refer to Authorised Professional Practice (APP).

3.17.5. Very careful consideration should be given to the potential for adverse publicity in the media and from other partner agencies in cases where proven false and/or malicious reports are prosecuted. This stems from concern in general amongst genuine rape victims that they will not be believed if and when they report the matter to the police.

3.17.6. CPS will be consulted and agreement reached before any action is considered in relation to victims following proven false and/or malicious reports of rape.
3.18. Filing Rape Investigations

3.18.1. At the conclusion of all rape investigations, a detailed closing report will be complied and posted on the RMS case record. This report will include confirmation that victim, suspect and other relevant parties have been fully updated, a summary of all evidence witness updates and a risk management plan around victim, suspect and other relevant persons. Importantly, the case closing report should clearly confirm that the victim (and suspect) have been updated, all outstanding case issues resolved and that an appropriate risk management and safeguarding plan for both is in place or has been considered. File material must be managed in accordance with APP Information Management guidance for retention, review and disposal.

3.18.2. Additionally, the crime classification will be confirmed as accurate and compliant with HOCR and NCRS on RMS by the investigating officer before the investigation is submitted for filing.

4. Roles and Responsibilities

4.1. As described in procedure above.

5. Administration

5.1. As described in procedure above.

6. Monitoring and Evaluation

6.1. The adherence to and ongoing effectiveness of this procedure will be monitored by the Force Lead for Rape Investigations, coupled with relevant internal and external inspections.

7. Review

7.1. This procedure will be reviewed on an annual basis, or sooner if legislative or local practices are changed.

8. Other Related Procedures, Policies and Information Sources

8.1. Related Policies

8.1.1. 01800 – Policy - Crime Recording
8.1.2. 10400 – Policy - Sexual Offences Investigation
8.2. Related Procedures

8.2.1. 10405 – Procedure - Use of Early Evidence Kits

8.3. Information Sources

8.3.1. College of Policing – APP Rape and Sexual Offences, Domestic Violence, Investigative Interviewing, Retraction Statements

8.3.2. Amberstone - Useful Information Intranet Page

8.3.3. APP Major Investigation and Public Protection – Rape and Sexual Offences

8.3.4. Toolkit guidance – What is Consent?

8.3.5. The Treetops Centre (SARC)

8.3.6. AD203 Equality Impact Assessment

Origin: Scientific Services