



**Metropolitan Police Authority**

**Domestic Violence Board – 6 February 2007**

**Standard Operating Procedures for the investigation of Rape and Serious Sexual Offences and Domestic Violence.**

**Summary**

Gives members of the MPA Domestic Violence Board information on the review into the Standard Operating Procedures (SOPs) for Rape and how the current SOPs conflict with policy on domestic violence and child abuse investigation. Information is provided on Violent Crime Directorate work on Domestic Rapes and the use of Domestic Violence Risk Assessment Tools including the Form 124D.

**A. RECOMMENDATIONS**

- 1. That the report be noted.**

**B. SUPPORTING INFORMATION**

1. In the past the MPA Domestic Violence Board has raised concerns that the victimless prosecutions of domestic violence cases is not matched by the victim focussed approach to rape investigation.

**Review of Standard Operating Procedures**

2. The Policy set out in “A Standard Operating Procedure (SOPs) for the investigation of Rape and Serious Sexual Offences” (Sapphire SOPs) was published in January 2005 and is due for policy review in December 2007. It has been decided that these Sapphire SOPs will be reviewed earlier than planned, to reflect the work of the Violent Crime Directorate (VCD). The work will also take into consideration ACPO Guidance on Investigating Serious Sexual Offences 2005, The MPS Rape Review of 2005 and the current HMIC/HMCPSI thematic review on rape investigation.
3. The SOPs review is being led VCD Sapphire Team and focuses on the investigation of rape and serious sexual assaults. The process is taking place in consultation with VCD CSU Service Delivery Team and SCD5 Child Abuse Investigation Command (CAIC), Occupational Health, Staff Associations and Department of Professional Standards. Key partners involved in the process are The Sapphire Independent Advisory Group (IAG), Disability IAG, NHS and CPS.

4. The review is in the initial consultation stage. The review team will not be able to draft the SOPs without giving consideration to the findings of the HMIC thematic review, due for publication at the start of 2007. After drafting further consultation will take place. It is anticipated that the new SOPs will be published mid year 2007.
5. The existing SOPs are under constant review. If there is any critical incident or change in policy then this will be notified to relevant staff at the time, without SOPs being re-written. This would be done through e-mail and personal briefings to Team Leaders for Sapphire/CSU/CAIT teams. Examples of this would include the case tracking process and the new requirement for all classifications of "No Crime" to be confirmed by the VCD Sapphire Team.
6. The new SOPs will be applicable for all reported Rape and Serious Sexual Assaults. The SOPs for Domestic Violence were published in December 2004 and are due for review during 2007. This will be completed in consultation with Sapphire and SCD5. Investigations are also supported by specific ACPO Guidance.

#### **Conflict in current SOPs**

7. The current Sapphire SOPs have the primary aims: - *To investigate, identify and prosecute perpetrators to the satisfaction of the victim and community: However, where a criminal prosecution of a perpetrator is not feasible. To identify and pursue alternative courses of action (where appropriate with or by partner agencies) to ensure that victims receive a high standard of support and aftercare regardless of their intention or ability to support a prosecution. These aims are not, however, mutually exclusive. Where appropriate, both objectives should be pursued simultaneously.*
8. Also contained in the SOP is the following principle: - *The victim's wishes on whether a case should proceed may only be overridden in exceptional circumstances (for example, where it is in the public interest to proceed with a case regardless of the wishes of the victim, as is sometimes the case with a linked rape series).*
9. This principle is also supported by ACPO Guidance, which states: - *The Welfare and safety of the victim should take precedence over the investigative issues and officers should ensure that victims feel supported by the police.*
10. There is no conflict with the SCD5 process of investigation of rape and serious sexual assaults. Child Abuse investigations are based on the principle of The Children Act 1989 "The welfare of the child is paramount". SCD5 have adopted the Sapphire SOPs and are involved in the current review.

11. In consultations with the Home Office Police Standards Unit (PSU), ACPO, The NHS and Sapphire IAG there has not been criticism of the general MPS Sapphire Policy. The MPS Policy is accepted as good practice at a national level.
12. The existing Sapphire SOPs acknowledges that the SOPs differ from Domestic Violence positive arrest policy. This is in the area of “victimless prosecutions”. The Domestic Violence policy also accepts that prosecution may not be appropriate in all cases and considers alternative courses of action to protect victims and children.

### **Reasons for conflict in SOPs**

13. Historically these policies have arisen to as a result of public concerns. They are also based on the legal framework set out by the Offences Against The Person Act 1861 and Sexual Offences Act 2003.
14. It is appreciated that a large number of both domestic violence and serious sexual assaults go unreported. The victimless prosecution policy arises from concerns that the police were not taking action towards protecting vulnerable victims who were reporting domestic violence but withdrawing from the criminal justice process. The victim-focussed approach arises from concerns that police were not supportive of victims of rape, did not believe victims and were not focussed on the victim’s needs. This resulted in SOIT training and in recent years the provision of The Havens – Sexual Assault Referral Centre service.
15. A key element in the “victim focussed” approach to rape investigation is the establishment of the three London Havens. The Havens service is accepted as one of the best services available. It allows victims to access medical treatment, forensic examination and support services whilst remaining anonymous. It also allows victims to access MPS Sexual Offence Investigative Techniques (SOIT) officers and seek advice anonymously. Where forensic evidence from anonymous reports is established, victims can be contacted by healthcare professionals informing them that there is corroborative evidence or evidence to link to other offences. This supportive process can lead to prosecutions of cases that would have previously gone unreported. Any breach of this confidential service by the police or Havens would seriously undermine the Havens Service and confidence in the MPS.
16. Victimless prosecutions for domestic violence can be based on a number of factors that are outside a victim’s control or influence. In law a person cannot consent to any assault that amounts to actual bodily harm. Therefore a prosecution can be based on medical evidence, witness testimony and suspect admissions, even if a victim does not give evidence.

17. In a rape trial the key point to prove is that the victim did not consent to sexual intercourse/penetration. Due to the nature of the offence there are rarely witnesses present. In practical terms this will require a victim to give evidence to a court. The CPS Policy for prosecution of rape states, *"If the victim is the only witness to the offence it may be very difficult to satisfy the court that justice is being served when the defence cannot cross-examine the only witness against them"*.
18. Given all of these factors the MPS it is likely that a victim's wishes would only be overridden in exceptional circumstances. Even then it is unlikely that the case could proceed if the defence could not cross-examine the witness.
19. The VCD are taking steps to provide additional support to enable staff to take a more positive approach to domestic rapes. The Rape Review of 2005 showed that there was a high charging rate for domestic rapes, although conviction rates were still low.

### **Current Understanding of SOPs**

20. The current SOPs are published on the corporate policy database. They are also published in Police Notices. It is a requirement for all staff to read Police Notices and comply with them.
21. The Sapphire SOPs are embedded in the Course Notes for Recruit Training on Sexual Offences, guidance on initial victim care and use of early evidence kits (EEK) is included. The main consideration in reports of rape is that the Duty Officer (Inspector), Sapphire Team/CID and SOIT Officers are informed immediately. This ensures that officers with specialist knowledge are involved at an early stage.
22. Recruits are also trained in Domestic Violence, Safeguarding Children and Child Abuse. Guidance is provided on when to complete a Child "Coming To Notice" (CTN) report on the MERLIN system. This is used to notify SCD5.
23. Training sessions have also been delivered to all Safer Schools Officers on The Havens Service and work of the Haven's Young Persons Workers.
24. A training package for Metcall 999 Operators has also been developed by the Sapphire Team and this is currently being delivered.
25. Any changes or updates for SOPs are communicated through regular team leaders meetings with Borough DIs. Sapphire also work with SCD5 on a working group to improve rape investigation. Regular training seminars are held by Sapphire, CSU and SCD5. Staff from all groups are invited to attend these.

26. In addition to this a number of means are used to publicise internally the work of Sapphire, Community Safety Units and SCD5. Articles are published in "The Job" Magazine and on the Intranet Home Page.

### **Current processes for Domestic Violence Rape cases.**

27. The formation of the VCD and the implementation of the MPS Rape Review of 2005 have resulted in new processes to ensure that the management of risk in Domestic Rapes is both monitored and actioned.

28. The VCD Intelligence Unit produces a Daily Intelligence Bulletin. This report identifies a number of key offences including domestic rape. The brief circumstances of the case are outlined together with a summary of previous reports and intelligence on the suspect. The report informs a VCD Daily management meeting where risk assessment, victim care, investigation, offender management and intelligence tasks are actioned.

29. From April 2006 every reported rape in the MPS is being tracked from initial report to case conclusion by the VCD Sapphire Team. As a result of intervention by the case tracker the MPS has a 99% compliance rate in the correct "flagging" of domestic rapes.

30. In the past forensic evidence has often been overlooked in domestic violence rapes. DNA evidence could add little to a case where there had been previous established intimate contact. Forensic evidence is now used to corroborate victim's evidence. Each Borough has dedicated forensic practitioners, who are trained by VCD Staff on the value of forensic evidence in the investigation of sexual offences and domestic violence.

### **Use of Form 124D**

31. It is MPS policy that a Form 124D is completed in every instance of a reported Domestic Violence (DV) incident/crime. The F124D is the MPS' risk assessment, identification and management tool. A recent inspection of all recorded DV crime reports by the VCD CSU Service Delivery Team found that there had been in excess of a 73% completion rate, although it is anticipated that the result has been suppressed by police officers'/police staff members' data entry errors and the limitations of the CRIS system. Nevertheless there appears to be room for improvement.

32. The Form 124D has now also been incorporated into the Sexual Offence Investigative Techniques (SOIT) officers 'contact' log for those occasions when these specialist investigators interact with victims of domestic violence. The senior investigating officer, who has overall responsibility and accountability for the sexual offence investigative strategy, supervises these logs on a regular basis.

33. Every rape case is “tracked” centrally by the VCD Sapphire. One key element of performance is the use of DV Risk Assessment Tools in all cases of domestic rape.
34. In relation to front line staff, once a Form 124D is completed it should be submitted to an officer of at least sergeant rank for supervision. It is the sergeant’s responsibility to ensure that all relevant information and evidence has been garnered, and that an accurate risk assessment level – standard, medium or high - has been reached. An entry should be made on the CRIS record that a F124D has been completed, what the risk assessment level has been determined as, and what action has been taken to manage the risk. The 124D is then submitted to the Community Safety Unit for retention. If the risk is assessed as either medium or high a further review will be conducted by the Community Safety Unit Sergeant i.e. Part II SPECSS+. This involves a more intrusive and detailed review of the risk and is accompanied by a detailed risk management plan with proportionate but effective control measures.
35. Each of the 32 BOCUs has its own performance management regime in place. There is clear evidence that positive action at domestic violence incidents, including the completion of F124D, is a feature of the Daily Management Meetings. In addition there is also evidence that some BOCUs have resorted to management intervention e.g. discipline, where staff members have failed to reach standards set. Furthermore the VCD CSU Service Delivery Team conducts daily interventions in relation to high-risk cases identified by the VCD Intelligence Unit - this review process also assesses whether a 124D has been completed. Contact is made with the relevant CSU Detective Inspector on behalf of the CSU Service Delivery Team Detective Chief Inspector.
36. A further layer of review is offered when the CSU Service Delivery Team conduct performance inspections on boroughs. Performance inspections are either conducted when a borough is performing particularly well, under-performing or as part of the quarterly review process.
37. The MPS is satisfied that the Form 124D is embedded into the day-to-day management of domestic violence and the performance management regime.

### **C. RACE AND EQUALITY IMPACT**

38. Reporting of Rape and Domestic Violence and Rape is shown to disproportionately affect women. The majority of SOIT Officers and Haven Staff are female and offer a service that is sensitive to victim’s needs. Consideration is also given to the issue of male victims of these offences. Investigators and SOITs have been provided with training on

the effects of male rape. Staff have also been trained in understanding disability and improving access to the criminal justice process.

39. Consultation in the completion of the SOPs will include MPS Independent Advisory Groups. Consideration is being given to how we can better improve access to services, through Havens Clinical and Training Groups and service development groups.

#### **D. FINANCIAL IMPLICATIONS**

40. There are no financial implications at this stage. Work on SOPs is core business for the staff involved.

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#### **Background Papers**

None

#### **List of Abbreviations**

ACPO – Association of Chief Police Officers  
CCSM - Crime and Control Strategy Meeting  
CENTREX – Central Police Training and Development Authority  
CPS – Crown Prosecution Service  
CRIS - Crime Reporting Information System  
CSU – Community Safety Unit  
CTN – Child To Notice  
MERLIN – Missing Persons Linked Indices. IT system for recording Missing Persons and Protection of Young People  
MPA – Metropolitan Police Authority  
MPS – Metropolitan Police Service  
SCD5 - CAIC - Serious Crime Directorate Child Abuse Investigation Command  
SOIT – Sexual Offence Investigative Techniques  
SOPs – Standard Operating Procedures  
VCD – Violent Crime Directorate