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| <b><u>Policy Title</u></b>    | Serious Sexual Assault Investigations |
| <b><u>CCMT Sponsor</u></b>    | ACC Specialist Operations             |
| <b><u>Department/Area</u></b> | HQ Force Crime Management Unit        |
| <b><u>Section/Sector</u></b>  | Crime Support                         |

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## **1.0 Rationale**

- 1.1 This guidance document is in response to the Sexual Offences Act 2003 and the national guidance document on 'Investigating Serious Sexual Offences 2005'. Thames Valley Police is wholly committed to delivering a professional responsive and caring service to the victims of rape and other serious sexual assaults.
- 1.2 All victims of serious sexual offences should receive the appropriate quality of service according to their individual needs. All allegations should be properly investigated and offenders held accountable through the criminal justice system, without discrimination.

## **2.0 Intention**

- 2.1 The intention of this document is to provide policy and guidance to Police Officers, Special Constables and Police Staff, in respect of serious sexual assaults which will result in -
- Improving the investigation of serious sexual offences
  - Improving treatment of victims who make allegations of serious sexual offences
  - Effective action against offenders so that they can be held accountable through the criminal justice system
  - Increase confidence in the criminal justice system and to encourage more victims to report serious sexual offences to the Police
  - Use existing national systems to record information and intelligence that will assist in the identification of linked serious sexual offences
  - Adopt a pro-active multi-agency approach in the development of services to victims

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2.2 To provide improved victim care throughout the investigation process and to fulfil the above priorities, partnership working with criminal justice agencies and other statutory and voluntary sector services is essential.

**3.0 General Principles**

3.1 While it is acknowledged that all sexual offences are serious, serious sexual offences will include –

- Rape (Section 1)
- Assault by penetration (Section 2)
- Sexual assault where the assault is particularly serious or features of the offence are aggravated (Section 3)
- Causing another person to engage in sexual activity without their consent (Section 4)
- Any other offence of a sexual nature deemed especially serious by the Investigating Officer
- An attempt to commit any of the above offences

3.2 Some sexual offences may be deemed as serious sexual offences because of the circumstances of the offence, such as an indecent assault on an old or vulnerable person or a child, racially-motivated offences, or where it is suspected that the offence is part of a series of offences committed by the same offender or offenders.

3.3 The requirement for **positive action** in serious sexual offence cases incurs obligations at every stage of the police response. These obligations extend from initial deployment to the response of the first officer on the scene, through the whole process of investigation and the protection and care of victims. Action taken at all stages of the police response should ensure the protection of victims while allowing the criminal justice system to hold the offender to account. An effective and proactive investigation should be completed in all cases where a serious sexual offence is reported.

3.4 Officers and police staff should present a **positive** and **supportive** attitude to victims and others reporting serious sexual offences. All action taken to investigate offences should include reassurance to the victim, the victim's family and witnesses about the police handling of the case. On first contact, the police should present a sympathetic approach to the victim or witness and use every investigative opportunity to secure evidence. The officer to whom the incident is reported should then assume the role of Investigating Officer until the incident is allocated to a Specially Trained Officer and an Investigating Officer is appointed.

3.5 Victims who are particularly vulnerable may be victimised a number of times on separate occasions and possibly by different offenders. Officers should not doubt such reports on the basis that the victim has made previous allegations as there is evidence that sex offenders target certain types of victims whom they regard as vulnerable.

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- 3.6 Officers should thoroughly investigate all reports of serious sexual assaults. They should follow the premise that victim reports are accurate unless the victim informs them otherwise, or unless an officer uncovers information that contradicts the victim's account
- 3.7 Officers should take steps to ensure that the medical needs of the victim are assessed and met. In cases where the victim states that they do not require medical assistance, officers should make a judgement of the victim's ability to make this decision at the time. In cases where immediate medical assistance is refused officers should discuss further options with the victim. These options may include contacting a General Practitioner (GP) or obtaining out-of-hours telephone advice.
- 3.8 The welfare and safety of the victim should take precedence over investigative issues and officers should ensure that victims feel supported by the police response.
- 3.9 Close liaison must be maintained with Domestic Violence Units and Child Abuse Investigation Units across the Force when the offence is either domestic related or involves children. Liaison is also required with Adult Protection Co-ordinators, within the BCU Public Protection Units, where the offence involves adult abuse.
- 3.10 Where the victim is under 18 years of age and the suspect is a family member then the case will be dealt with as child abuse by the 'Child Abuse Investigation Unit (CAIU).
- 3.11 Where the victim is under 18 years of age and the suspect is NOT a family member and the case falls outside of the 'CAIU' remit, then the 'CAIU' will deal with the victim only.
- 3.12 The 'duty on-call' Detective Inspector **must** be informed of any serious sexual assault and take the lead in the investigation.
- 3.13 If the offence is deemed to be a 'stranger rape' i.e. no prior contact between the victim and offender and the offender is not known in any way to the victim, this will initially be referred to the duty Detective Inspector who will liaise with the duty Major Crime SIO and agree how the investigation will be taken forward. With series offences or complex investigations the likelihood will be that these offences will be dealt with by Major Crime.
- 3.14 The force will maintain a number of officers as 'Specially Trained Officers' (STOs) whose role will be to facilitate the care of victims from the initial report, through medical examination and subsequent investigation. The 'STOs' will also form a vital link to the Investigation Team and the SIO.

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- 3.15 'STOs' will be Police Officers who have completed their probationary period and who have received specialist training in order to provide a dedicated response to the needs of victims of rape and serious sexual assault.
- 3.16 STOs will be accommodated within the Public Protection Units and line managed within the Basic Command Unit. They will have responsibility for effectively maintaining the various examination suites across the force, promoting the use of Early Evidence Kits and providing a twenty four hour response to reports of serious sexual assault.
- 3.17 There will be two STO Sergeants who will be line managed by the PPU Detective Inspector within the Force Crime Management Unit. They will be located at suitable locations within the force as agreed with the FCMU Detective Inspector.
- 3.18 The STO Sergeants will assist the FCMU PPU Detective Inspector in having a strategic overview of the force response to reports of serious sexual assault and ensure that policy and guidance is complied with.
- 3.19 All reported incidents will be recorded in line with the 'National Crime Recording Standards' onto the 'Cedar' database.
- 3.20 Information and intelligence should provide background material from which victims, potential victims and suspects can be identified. Information about sexual offences comes to the police from a number of sources and it is essential that it is identified, assessed, analysed, disseminated, stored and retained. Information should be examined regularly, using the National Intelligence Model, to identify trends, linked incidents and vulnerable locations at the earliest opportunity.

**4.0 Challenges & Representations**

- 4.1 Any person directly affected by this policy may make representations in relation to this document and / or any decision in consequence of it to:-

Detective Superintendent  
Force Crime Management Unit  
Thames Valley Police Headquarters  
Oxford Road  
Kidlington  
Oxfordshire  
OX5 2NX

- 4.2 Any complaint against an individual officer's conduct should be progressed through the Complaints against Police Procedures.
- 4.3 The areas covered by this policy are open to scrutiny by HM Inspector of Constabulary during Official Inspections.

**5.0 Guidance, Procedures & Tactics**

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- 5.1 Appendix 'A' - Thames Valley Police Guidance Document for dealing with Serious Sexual Assaults. This procedural guidance is closely linked to the national guidance document on 'Investigating Serious Sexual Offences 2005'. The document is split into operational sections for ease of reference as follows:-

Initial Report and Recording

Deployment

Fast-track Responses

Specially Trained Officers

Investigating Officer

Investigative Support

Suspect Management

Other Agencies

The various 'checklists' shown in the above documents are taken from the national guidance document on 'Investigating Serious Sexual Offences 2005' and are included to assist officers and staff during the investigation of such crimes.

Appendix 'B' – Police and Crown Prosecution Service joint working protocol

Appendix 'C' – Sexual Assault Referral Centres

**6.0 Communication**

- 6.1 Links to Police National Legal Database

- 6.2 Link to the following relevant policies, documents and Intranet Sites:

- Serious Sexual Offences Intranet Site
- Public Protection Unit Intranet Site
- Force Policy on Domestic Violence
- Force Policy on Missing Persons
- Force Policy on Child Rescue Alert.
- Child Abuse Investigation Unit Intranet Site
- NCPE Guidance Document – Investigating Serious Sexual Offences 2005.
- Adult Protection
- Standard Operating Procedure for Serious Sexual Offences

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6.3 The intention is to communicate the needs of this policy to the appropriate levels through use of the 'Intranet', 'Street Craft', and other Force publications.

**7.0 Human Rights Certification****7.1(i) Legal Basis**

The legal basis for this document is derived from:

- Children and Young Person's Act 1933
- The Child Abduction Act 1984
- The Children Act 1989
- Youth Justice and Criminal Evidence Act 1999
- Criminal Procedure and Investigations Act 1996
- Data Protection Act 1998
- Crime and Disorder Act 1998
- Children's Act 2004
- Sexual Offences Act 2003

This list is not exhaustive.

**7.1(ii) Human Rights Articles Engaged**

Victims have a right to protection from all forms of violence, sexual abuse and exploitation and to expect that the police will protect and help them. It is acknowledged that this policy has the potential to engage the following Articles:-

- Article 2 Right to Life
- Article 5 Right to Liberty and Security
- Article 6 Right to a Fair Trial
- Article 8 Right to Respect for Private & Family Life

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is provided within the text of the Articles. Any interference should be in accordance with the law and be necessary and proportionate.

- Article 2 Right to Life. The Police Service has a positive obligation to its own staff and the public under Article 2, Right to Life, in which:

*'the duty to take reasonable measures to protect life includes a duty to put in place effective criminal law provisions to deter the commission of offences against the person, backed up by law enforcement machinery for the prevention, suppression and*

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*sanctioning of breaches of such provisions, it may also include, in certain well defined circumstances a positive obligation on the authorities to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual'*

- Article 5 Right to Liberty and Security. Article 5 (b) allows for *'the lawful arrest or detention of a person in order to secure the fulfilment of any obligation prescribed by law'*
- Article 5 (3) (c) also provides that this right can be interfered with, *'the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing having done so'*.
- Article 6 Right to a Fair Trial. It applies in its entirety when a person is detained/arrested/charged.
- Article 8 Right to Respect for Private and Family Life. A public authority may interfere with the exercise of this right in accordance with the law and as is necessary in a democratic society in the interests of:
  - National security.
  - Public safety or the economic well-being of the country.
  - The prevention of disorder or crime.
  - The protection of health or morals.
  - The protection of rights and freedom of others.

**7.1(iii) Prohibition of Discrimination**

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the Convention. The enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard to natural justice and human rights.

**7.2 Diversity Impact Assessment**

A diversity impact assessment has been undertaken and this policy has been assessed as having a 'LOW' impact on the six strands of diversity.

### 7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

### 7.4 Data Protection

Personal data processed as a result of this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that 'sensitive personal data' may be processed and this data will be protected in accordance with the requirements of the Act.

### 7.5 Freedom of Information Act

This policy will be publicly available except for Section 5 and Appendices, which contain details of Police tactics. (Exemption 31.1(a) FOIA 2000) It may be published on the Freedom of Information Internet site.

### 7.6 Protective Markings

This policy has been assessed as **NOT PROTECTIVELY MARKED**

### 7.7 Health and Safety and Welfare at Work

This policy is to be read in conjunction with the Force Health and Safety Manual, which sets out the requirement for documented risk assessment by a competent person, when exposure to a particular hazard arising from workplace or pre-planned Policing work activity can be said to be reasonably foreseeable.

There are a number of Health, Safety and Welfare issues connected with this policy. They include:

- The need for supervisors to closely monitor their staff and ensure they are supported.
- The need for supervisors to monitor their staff for stress arising from the nature of the work, and to ensure that appropriate and where required by the staff member, confidential counselling is available for them.
- Where staff are called out to an incident, the need for secondary investigation on the victim and where known the suspect, to be instigated by the HBI and the appropriate briefing and back up arranged for the specialist officer.

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- The need for supervisors to conduct risk assessments to be conducted in respect of suspect arrests, victim interviews and transport, warrants to be executed, officers on call out rota.
- For staff to comply with health and safety requirements in respect of maintaining examination suites and the taking, storing, submitting and disposal of medical exhibits.

**8. Monitoring and review****8.1 Links to Best Value review/PPAF/Priorities/Performance Indicators**

This policy has been drafted incorporating the requirements of the National Guidance Document on 'Investigating Serious Sexual Offences 2005'.

**8.2 Review Process**

The areas covered by this policy are open to scrutiny by H.M. Inspector of Constabulary at any time. This policy document will be reviewed annually or sooner if an operational need arises.

The review will take into account the following criteria:

- Changes in legislation.
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations.
- Changes in the Home Office Circulars.
- Developments with ACPO Policy Unit.
- Representatives made by individuals and relevant organisations.
- Relevant diversity data

**FOR USE BY THE POLICY MANAGEMENT UNIT ONLY****Policy Authorisation**

**Policy signed off by:**

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**ACC Specialist Operations**

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**Date**