



OPCC Performance Paper

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Title:	Child Rape Offences- Data and Performance
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Purpose:	Outline the past and current situation regarding the recording, investigation and prosecution of child rape offences.
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What are the Policing Principles?

Accountability	<input checked="" type="checkbox"/>	Fairness	<input checked="" type="checkbox"/>	Honesty	<input checked="" type="checkbox"/>
Integrity	<input checked="" type="checkbox"/>	Leadership	<input checked="" type="checkbox"/>	Objectivity	<input checked="" type="checkbox"/>
Openness	<input checked="" type="checkbox"/>	Respect	<input checked="" type="checkbox"/>	Selflessness	<input checked="" type="checkbox"/>

1. Background

- 1.1.** On 2nd June 2019 Surrey Police data for 2017/18 was published in the media. The article highlighted that during that time frame rapes against children under 16 increased from 153 to 283, including 100 children under 13. Eight cases proceeded to court.
- 1.2.** Commentary within the media article, albeit generalised to the situation across the country, was provided by the national spokesperson for Rape Crisis England and Wales and the CPS.
- 1.3.** This report provides a summary of the current situation within child rape investigation in Surrey Police, resolution of those offences and context to the official police data.

2. Recording and Resolving offences

- 2.1.** The data referred to in the media report is accurate at the time it is sent to the Home Office as part of our 'fixed results' and subsequently published. This is then subject to slight variation as the classification of some crimes are changed during the investigation. Hence there being minor variation between the reported figures and those in the table below. The article correctly highlighted that 46 of the 283 crimes were still under investigation at the time of publication so their outcome was not known.
- 2.2.** The Home Office Counting Rules (HOCR) dictate how crimes are recorded. In relation to rape, should a victim report that they have been raped 5 times by the same offender, 1 occurrence (crime) of rape is generated. If the report relates to being raped by 3 different people, 3 occurrences are generated.
- 2.3.** The June SCIRG meeting reported that rape recording within Surrey had improved in Q1 of 2019. A formal audit of SOIT crimes concluded a 96% rate of compliance with the HOCR standards.
- 2.4.** The outcome of crime investigation is also categorised via the HOCR under 22 headings. Outcomes range from 'no further action' (NFA) to charge/summons to court. Investigations finalised as NFA may be due to evidential difficulties, absence of support from the victim or a CPS decision based upon a review of the evidence under the Full Code Test. For child rape offences, positive outcomes other than prosecution must be authorised by the Crown Prosecution Service.
- 2.5.** In June 2019, 73 Rape and Serious Sexual Offences were identified as not having an address where they occurred- an anomaly caused when a specific address/road for the location could not be identified and no alternative could be entered into the report. As such, they were not automatically included within force performance data which is predicated upon Borough locations. This has been rectified by RASSO managers, the Force Crime Registrar and Occurrence Management Unit to improve data quality. Fourteen of these offences relate to rape of a child under 16 years of age. All offences were recorded in between January 2018 and March 2019. The appearance of this data in performance products from July 2019 will increase child rape figures but represent a far more accurate picture of rape disclosures to Surrey Police.

3. The current data regarding child rape offences.

- 3.1.** The table below shows that in 2018/19 records of rape of a child under 16 decreased by 10. The only categories subject to increase were Rape of a female aged 13-16 reported 28 days or more after the offence. This reduction is at odds with the overall number of rapes recorded during this period. Surrey saw an 18.6% increase in total rape offences to 861.
- 3.2.** The data should be viewed in the context of other child sexual abuse offences and non-crime matters. This includes child produced indecent imagery, assaults by touching, sexual exploration below the age of 16, inciting a child to commit a sexual act and sexual communications. The first quarter of 2019 saw 159 child RASSO offences being reported, 88 of which are being investigated within the divisional SIU's.

Rape under 16 over the last three rolling years
Split by historic (committed over 28 days before recording) / recent

		May-16 to Apr-17			May-17 to Apr-18			May-18 to Apr-19		
		Crime	Positive outcomes	Positive outcome rate	Crime	Positive outcomes	Positive outcome rate	Crime	Positive outcomes	Positive outcome rate
Historic	Rape of a female child under 13	30	14	46.7%	54	9	16.7%	36	3	8.3%
	Rape of a female child under 16	76	9	11.8%	76	5	6.6%	98	3	3.1%
	Rape of a male child under 13	24	5	20.8%	42	4	9.5%	30	1	3.3%
	Rape of a male child under 16	20	2	10.0%	27	3	11.1%	20		
	Total	150	30	20.0%	199	21	10.6%	184	7	3.8%
Recent	Rape of a female child under 13	3			9	1	11.1%	17		
	Rape of a female child under 16	24	3	12.5%	43	4	9.3%	32	2	6.3%
	Rape of a male child under 13	3			4			12		
	Rape of a male child under 16				2			2		
	Total	30	3	10.0%	58	5	8.6%	63	2	3.2%
Grand Total		180	33	18.3%	257	26	10.1%	247	9	3.6%

- 3.3.** The positive outcomes during the same period decreased to 3.6% from 10.1% the previous year. This decline was in line with other Rape and Serious Sexual Offences and mirrored nationally- total rape positive outcomes reducing in Surrey to 2.7% (23) from 7.4% (54).
- 3.4.** Latest rolling year data (to June 2019) shows 6.8% of 'historic' Rape under 16 and sexual assault under 13 years receiving a positive outcome compared with 2% of Rape over 16 and sexual assault over 13 years.¹
- 3.5.** The vast majority of total RASSO offences over the last 3 years are finalised due to: victim/witness deceased or too ill/named suspect victim supports but evidential difficulties (currently 36.2%) and victim declines/withdraws support- named suspect identified (29.1%).
- 3.6.** Positive outcomes for each financial year are given as a percentage of the *total* offences of that type recorded within the same year- listed as 'crime' within the table. However, many of the investigations that have been successfully charged to court (the likely outcome for child rape) will have been reported to Surrey Police in previous years. This is examined further in 5.6. below.

4. Capacity and Capability.

- 4.1.** Rape offences against a child reported by a victim under 18 are investigated by the three divisional Safeguarding Investigation Units (SIU's). Those reported by a victim now over 18 (truly non-recent/historic offences) may also be investigated by the Force Sexual Offences Investigation Team (SOIT). A necessity of the SIU Detective role is training and accreditation within the College of Policing Specialist Child Abuse Investigators Development Programme (SCADIP). Currently 60 DC's are accredited with a rolling programme of training to combat staff movement.
- 4.2.** In 2018/19 the volume of overall crime being investigated by each SIU increased by an average of 29%. This is hugely disproportionate when compared with the slight reduction in child rape offences indicating that other forms of child, domestic and vulnerable adult abuse are creating increased demand. For example, DA violence saw a 6.4% increase. Total serious sexual offences continue to increase, 7% FYTD.
- 4.3.** Numerous measures have been introduced to maintain the staffing within the core investigative teams. The DC establishment of the teams was primarily agreed in 2015, immediately prior to the substantial increases in RASSO offence reporting. In 2018/19 all SIU's experienced further reduction in Detectives fit to work and permanently posted to these teams. West Surrey being 13 DC's below established strength, North being 25% below and East facing similar until June of this year when they have benefitted from a number of MPS transferees taking them to establishment figures. Detective vacancies are recognised as one of the biggest challenges facing Surrey and Sussex Police and this is also reflected nationally. Police staff Investigating Officers, trained to investigate volume, not serious and complex crime, plus Police Constables backfilling vacancies make up the rest of the SIU teams.

¹ Performance and Consultation Unit. Surrey RASSO profile June 18 to May 19. Page 5

- 4.4. SIU's received an increase to their DC establishment as part of the OPCC precept increase in April 2019 with the majority of posts expanding the Child Exploitation and Missing Units (CEMU's).
- 4.5. SOIT has seen a 4% increase in workload FYTD and the team is currently operating with 19 out of 26 detectives. Individual DC's are having to manage individual workloads of between 16 and 20 serious sexual offences, the optimum being 10. Previous recruitment has brought four MPS transferees into the team and developed uniformed Police Constables through the Detective programme. Due to the current embargo on movement of uniform/NPT constables, there is not the ability to repeat this. There are currently 2 vacancies for full time police staff Investigating Officers.
- 4.6. The PCC agreed SOIT funding for 10 additional police staff Investigating Officers in April this year to form a victim focussed liaison officer team. These recruits are anticipated to arrive in autumn '19 and will support the detective leading an investigation by acting as the single point of contact for a victim of rape, from report to conclusion. Although the criteria is yet to be agreed, it is suggested that due to volume, adults reporting rape will initially be supported by these officers. There is potential in the future to expand the service to children as the larger team in Sussex services child aged 14 and above.

5. Improving Investigative Standards

5.1. 2017 and 2018 saw an undeniable pause in the investigation and prosecution of RASSO offences due to national issues largely relating to criminal disclosure and digital media. To improve standards and compliance a number of measures have been introduced at a regional and national level that have impacted upon timelines for rape investigations and subsequent prosecutions. These include:

- The creation of a more detailed MG3 case summary document.
- The scheduling of material for the purposes of disclosure.
- Greater requirements for communications data to be fully explored and strategised.
- The mandatory requirement for Early Investigative Advice to be sought from the CPS.

This was accompanied by a force-wide disclosure training package with enhanced inputs provided by barristers for serious and complex crime investigators. Also further CPD relating to the psychology of sex offenders and victims.

5.2. The impact of this delay is that numbers of cases being submitted to the CPS reduced considerably. This has had a knock on effect upon charges being authorised and subsequent Crown Court trials. In May this year there were no rape trials at Guildford Crown Court reflecting the low charging rates at the end of 2018/beginning of 2019.

5.3. Further measures to increase RASSO case file quality have been reported to the PCC (dated 17/06/2019).²

5.4. A comparison of investigations into non-recent child RASSO investigations has been commissioned from the Public Protection Support Unit by the Senior Management Team. These are to cover current investigations and those undertaken in 2016/17. Early indication is that a high number of non-recent/'historic' investigations are being undertaken with inherent difficulties in reaching Full Code Test to refer to the CPS. There is a lower level of experience within current Detectives and their Supervisors and this is evidenced within direction of the investigation and timeliness.

5.5. Analysis of the perpetrators linked to child rape positive outcomes over this 3 year period has also been undertaken. This was to identify any patterns of repeat offending against different victims (i.e. a serial familial abuser) that may impact upon the data- both the higher volume and higher outcomes in the earlier years. In 2016/17 four perpetrators were each linked to 2 child rape offences. Two perpetrators were each linked to 3 offences. In 2017/18 two perpetrators were each linked to 2 offences. There were no repeat perpetrators in 2018/19. In summary, 14 of the 33 offences 'detected' in 2016/17 were committed by 8 perpetrators. An additional 6 offences for this cohort which amounts to 18% of the total outcomes and 3.3% of the recorded offences that year.

5.6. It is also relevant to highlight that the offences *committed/recorded* in a year are often different ones to those *detected* (subject to positive outcome). Three crimes of rape attributed to one offender (referred to

² OPCC Report RASSO File Improvement 170619 V3. Author DCI 2276 Harris.

in 5.5) were actually reported/recorded in 2003 and 2008. 2016/17 also saw reports of rape originating in 2009, 2013 and seven from 2014 being charged to court. This demonstrates the longevity of rape investigations and also supports the hypothesis that having more than one child disclosing rape against the same perpetrator increases the opportunity to achieve criminal justice outcomes i.e. the 14 offences referred to in 5.5 above. In 2018/19, the smaller number of offences charged to court were reported/recorded between 2016 and 2018. The offences subject to positive outcome so far in 2019/20 were all recorded in 2017 apart from one in 2016.

- 5.7.** Similar to their activity within the SOIT in 2018, PPSU review officers have been deployed within SIU's to support supervisors and investigators with improving investigation strategies and decision making.
- 5.8.** The progress of investigations deemed to have sufficient evidence to support a prosecution is monitored by the RASSO Liaison Officer, DI Simon Turner, and a fortnightly force management meeting. The RLO role has been made a permanent post as a consequence of the PCC April precept funding.
- 5.9.** Child rape is incorporated into the force and regional RASSO improvement plan. RASSO performance is a standing item at the Force Performance Board and further subject to the scrutiny of PPSMT and Monthly Performance Meetings and the Surrey Criminal Justice Board.
- 5.10.** RLO data already indicates an improvement in case file standards and positive outcomes. Out of 10 rapes that have received CPS charging authority this financial year, 7 relate to child victims. This is 5 more than in 2018/19 and only 1 less than the 2017/18 data subject to the aforementioned media reports. Notably one has resulted in the offender pleading guilty prior to trial, a significant achievement, negating the need for young victims and witnesses to be exposed within the court process. The average time from start of investigation to charging decision was 467 days with a range between 2 and 865. Six of the seven rape cases this FYTD were first submitted to the RLO and CPS this year. Only one has taken more than 6 months of development before CPS authority to charge has been given.

6. Alternatives to charging as a positive outcome.

- 6.1.** It is highly likely due to the indictable nature of the rape offence that perpetrators enter the court system. However this is not absolute. There is a greater likelihood that the perpetrator may also be a child, in which case a public interest decision will be made by the CPS, following Child Services consultation and an AIM assessment in such cases identifies ongoing risk posed by a child offender to influence this decision. Although rare for rape, this could result in a caution being offered or no further action being taken at all.
- 6.2.** In cases where criminal justice outcome cannot be achieved it is important that a safety plan and support is in place for the victim in association with them, their parents/guardians and children's services. A key element of this is ensuring they have health and psychological support- the main point of entry for such being the Surrey Sexual Assault Referral Centre (SARC). A project to increase the referral of children to the SARC has been ongoing this year within the Sexual Assault Delivery Group, ensuring that (a) SARC practitioners are involved in any S.47 Strategy Discussions and (b) that the child is referred to the SARC for medical screening and therapeutic support (often via STARS) as a result.
- 6.3.** In the same vein the force is reviewing cases where a suspect has been subject to no further action in relation to child sexual abuse offences. Under the banner of Op Denver, investigation teams are provided with intelligence to support further preventative action such as court orders or enhanced policing tactics.

7. Conclusions

- 7.1.** After the above reported data, performance in the specific field of child rape decreased in 2018/19 alongside slightly reduced recording. Due to corrections to 'occurrence addresses' on the Niche recording system, 14 additional offences have been identified that were recorded in 2018 and 2019 but omitted from performance data.
- 7.2.** The volume of a variety of serious sexual and physical abuse offences being investigated by SIU is reducing their capacity to effectively and efficiently investigate all offences, including child rape.
- 7.3.** The lack of detectives present within both SIU and SOIT is having the same impact.

- 7.4.** Despite the above restrictions, other measures are in place or being implemented to improve the quality of child rape investigation and subsequent case files for trial.
- 7.5.** Four months into this financial year the child rape performance has increased beyond the whole of 2018/19. Investigations that commenced in 2016 and 2017 have passed the Full Code Test in 2019 and received CPS charging authority. There is a high likelihood these investigations were impacted by the 'pause' in RASSO investigations during 2018 alongside adult offences. This indicates delay and backlog in child rape investigations is now easing however such cases are now being presented to the CPS, pre-charge, with far more disclosure detail and third party material considerations.

8. Decision[s] Required

- 8.1.** The PCC is asked to note the content of this report and continue to support the improvements including the ongoing recruitment of detectives into these specialist roles.