

## **Surrey PCC Response to HMICFRS Report: “A joint thematic inspection of the police and Crown Prosecution Service’s response to rape – Phase one: From report to police or CPS decision to take no further action”**

I welcome the HMICFRS report on policing in the pandemic and custody services in a Covid-19 Environment. This has been an extraordinary year for policing and these inspections and recommendations will help ensure the safety of the public and detainees.

I have asked the Chief Constable for his response, particular in relation to the recommendations made in the report. His response is as follows:

*I welcome the HMICFRS’s joint thematic inspection of the police and Crown Prosecution Service’s response to rape – Phase one: From report to police or CPS decision to take no further action.*

*The impact of rape and serious sexual abuse on victims, their families and our communities is significant and must not be underestimated. Although improvements in all areas of RASSO have been made, the report makes clear that more must be done to advance our skills, knowledge and understanding of the offences and those perpetrators who commit them.*

*We are a learning organisation who strive for continual improvement in our approach to policing and serving our communities. The review has made a number of recommendations to guide the force and I am reassured that within Surrey we have already adopted a number of working practices which seek to achieve these.*

*It recognises the value in forces having specialist rape investigation teams. Surrey Police has dedicated units, staffed by specialist investigators and victim support officers, focussing on the investigation of rape and serious sexual offences, domestic abuse and child abuse.*

*We are working in partnership with the South East Crown Prosecution Service to bridge the gap between reported incidents of rape and those cases reaching court. This sees investigators and prosecutors working closer than ever to set joint investigation strategies to maximise evidential opportunities.*

*The lasting impact rape and sexual abuse has upon its victims cannot be overstated which is why we are working closely with local victim support agencies, Independent Sexual Violence Advisors and the Sexual Assault Referral Centre to address victim concerns and improve overall service delivery.*

*During the course of the review the HMICFRS has found evidence of “dedicated professionals across the system who were unwavering in their efforts to do the right thing for victims”. Within Surrey Police we have a significant number officers and staff dedicated to delivering the highest standards of investigation and victim care. We will continue do everything we can to bring cases to court and if the evidence does not allow*

*for a prosecution we will work with other agencies to support victims and take steps to protect the public from dangerous perpetrators.*

*Whilst the review identifies and highlights examples of effective working by professional and dedicated individuals across each force and CPS area, at its heart, it identifies the need for urgent and fundamental change in how rape is investigated and prosecuted. Whilst accepting the common perception that rape investigations are “complex”, evidence gathered during the course of the review shows both the police and CPS apply a far greater degree of caution when dealing with these cases than any other crime type. This degree of caution has led to significant delays in the investigation process, leading in turn to far greater degrees of frustration felt by the victims.*

*In terms of recommendations that relate to Surrey Police at a local level, a response and current progress on each is outlined below.*

***Recommendation 1:***

***Immediately, police forces should ensure information on the protected characteristics of rape victims is accurately and consistently recorded.***

*Surrey Police routinely records the full name, date of birth and gender of a victim as governed by the ‘Rules, Conventions and Data Input Standards for Surrey and Sussex Police Forces’ Niche document.*

*Descriptive details are optional including the subject’s ethnicity. No specific fields within Niche currently exist to record someone’s sexual orientation, disability, religion/belief or marital status. This information may appear within a linked crime report, should one of these protected characteristics feature as part of an investigation.*

*This gap has been recognised and work is already underway to include personal characteristics data as mandated fields within the crime recording system. This information, when available, will assist in our understanding of the prevalence of rape and how we best respond, including providing tailored support to victims.*

***Recommendation 2:***

***Police forces and support services should work together at a local level to better understand each other’s roles. A co-ordinated approach will help make sure that all available and bespoke wrap-around support is offered to the victim throughout every stage of the case. The input of victims and their experiences should play a central role in shaping the support offered.***

*Long-standing professional relationships between Surrey Police and local victim support services exist and are embedded within our strategies tackling Violence Against Women & Girls (VAWG), domestic abuse and rape and serious sexual offences. Regular partnership meetings are held at both a tactical and strategic level to address specific issues and continue to identify and develop better ways of working to provide bespoke support to victims of abuse.*

*In addition to receiving victim feedback via victim support services, in October 2020 Surrey Police launched its victim satisfaction survey for victims of rape and serious sexual assault. Learning from the successful pilot surveying victims of domestic abuse, a process has been adapted and refined to collect feedback directly from victims of rape and sexual abuse in order to identify areas of learning whilst continuing to deliver a high level of victim care and support. Although limited uptake and still in its infancy, initial findings are positive and it is hoped that an annual survey report will be presented later this year.*

**Recommendation 3:**

***Police forces should collect data to record the different stages when, and reasons why, a victim may withdraw support for a case. The Home Office should review the available outcome codes so that the data gathered can help target necessary remedial action and improve victim care.***

*Outcome data recorded on Surrey Police's crime recording system, Niche, remains under the direction of the Home Office and therefore cannot be amended or sub-categorised to enrich data quality. However, manual searches of those cases where a victim has withdrawn their support can be carried out to understand the rationale to support learning and victim support in the future. To date, Surrey Police currently record that 52.5% of victims reporting an offence of rape withdraw their support during the course of an investigation. Common reasons identified by crime audits and victim feedback show that poor mental health or the victim not wishing to go through the criminal justice process are contributing factors to these decisions.*

*In April 2019, the OPCC supported the creation of a team of victim focused investigating officers, using money from the council tax precept increase. The SOLOs are victim focussed Investigating Officers, collecting the victim's evidence and acting as their single point of contact for the duration of an investigation through to trial. This provides improved victim care, standard of evidence obtained and maintains consistent victim support and interaction throughout the investigation and any subsequent trial. It is believed that early victim engagement by a SOLO will provide information and reassurance that will ensure that any decision to disengage from the investigation process is an informed one.*

**Recommendation 4:**

***Immediately, police forces and CPS Areas should work together at a local level to prioritise action to improve the effectiveness of case strategies and action plans, with rigorous target and review dates and a clear escalation and performance management process. The NPCC lead for adult sexual offences and the CPS lead should provide a national framework to help embed this activity.***

*Working with the Crown Prosecution Service as part of a prosecution team is essential. Effective collaboration between investigators and prosecutors at the outset of an investigation ensures that the right evidence is recovered, proportionate and targeted digital opportunities are considered and complex disclosure issues are managed.*

*Since 2017 Surrey Police and the South East Crown Prosecution Service RASSO Unit have been working in partnership with the aim of reducing the disparity between the number of rapes and serious sexual offences reported and those convicted. We have invested in a dedicated RASSO Liaison Officer (RLO) embedded between both the police and CPS to improve the quality of file submissions and deliver RASSO case building training.*

*On 21 October 2020 the Rape Improvement Group was established in partnership with South East Crown Prosecution Service, Surrey Police, Sussex Police and Kent Police with the aim of achieving the following agreed objectives:*

- To work collaboratively to improve performance by narrowing the disparity between rape reports and criminal justice outcomes.*
- To reduce delay between report of case to the police and charge through early engagement between investigators and prosecutors and thereafter effective police governance of the timely progression of the investigation and CPS governance of the timely progression of prosecution.*
- To increase the number of Code-compliant rape cases submitted to the CPS for a charging decision.*
- To reduce the number of Full Code Test pre-charge consultations per individual case through effective pre-submission police reviews, pre-charge case progression clinics and Early Advice.*
- To monitor and measure progress and outcomes by ensuring that the appropriate governance and reporting arrangements are in place.*
- By working collaboratively, it is intended that public confidence, particularly around the reporting, investigation and prosecution of rape cases will be improved.*

*To achieve these, a suite of measures have been introduced including Early Advice, Pre-Charge Case Progression Clinics, NFA Scrutiny Panels and CPS Action Plan Reviews. The Rape Improvement Plan Group meet on a monthly basis and report to the commissioners on progress, identified issues, solutions sought and outcomes on a quarterly basis.*

***Recommendation 5:***

***Police forces and the CPS should work together at a local level to introduce appropriate ways to build a cohesive and seamless approach. This should improve relationships, communication and understanding of the roles of each organisation.***

*As a minimum, the following should be included:*

- considering early investigative advice in every case and recording reasons for not seeking it;*
- the investigator and the reviewing prosecutor including their direct telephone and email contact details in all written communication;*

- *in cases referred to the CPS, a face-to-face meeting (virtual or in person) between the investigator and prosecutor before deciding to take no further action; and*
- *a clear escalation pathway available to both the police and the CPS in cases where the parties don't agree with decisions, subject to regular reviews to check effectiveness, and local results.*

*Early Advice (EA) is being sought for all rape investigations falling in line with the criteria as outlined in the Rape Improvement Group Memorandum of Understanding. Initial referral numbers are lower than anticipated, however this is partly down to the 28-42 day submission deadline applied by the South East CPS area as opposed to unlimited time being applied nationally. This is further impacted upon by the reduction in detective resources across all RASSO departments.*

*Within the SOIT 'Operation Resilience' has been launched which has introduced a number of temporary measures to support the investigation of rape and serious sexual offences including the recruitment of 5 Investigating Officers using Government surge funding following the impact of Covid-19. Longer term resilience plans are in place to address low detectives numbers including external recruitment and the development of trainee Detective Constables under the close supervision of RASSO specialist coaches. However, it is acknowledged that the pathway to resourcing with specialist officers within each of the RASSO departments will be, long term, challenging and impact RASSO performance at every level.*

***Recommendation 6:***

***The police and the CPS, in consultation with commissioned and non-commissioned services and advocates, and victims, should review the current process for communicating to victims the fact that a decision to take no further action has been made. They should implement any changes needed so that these difficult messages are conveyed in a timely way that best suits the victims' needs.***

*Surrey Police currently seek to communicate with victims of rape and serious sexual abuse in person where a decision has been made to take no further action. This is done in coordination with any support services already engaged with the victim including their Independent Sexual Violence Advisor (ISVA).*

*As outlined in 'Recommendation 4', Surrey Police's Sexual Offence Investigation Team have dedicated victim focused investigating officers. They provide support to the victim during the life of the investigation and are vital to communicating finalisation decisions to victims at the conclusion of an investigation. Time is spent explaining the rationale for the decision, addressing any questions and discussing any ongoing safeguarding concerns.*

*Follow up communication is provided in writing with details of support services and a link to the 'Victim's Right to Review' scheme.*

*A national pilot, 'Operation Soteria', is currently being rolled out across five other forces. This seeks to produce an evidence based blueprint with which all forces can restructure their response to rape and serious sexual offences. Tools are being produced and*

*published for national use including a standardised 'No Further Action' letter which is provided to the victim at the point of notification. Surrey Police are in the process of exploring the use of this document in support of its finalisation process, however feedback already received from local victim support services suggests that this should remain at the request of the victim as opposed to a mandatory process.*

**Recommendation 7:**

***Police forces should ensure investigators understand that victims are entitled to have police decisions not to charge reviewed under the Victims' Right to Review scheme and should periodically review levels of take-up.***

*As outlined in 'Recommendation 4', Surrey Police's Sexual Offence Investigation Team have dedicated victim focused investigating officers. 'Face to face' meetings are the preferred method to deliver and explain the decision to take no further action, however this is coordinated with both the victim and their ISVA and is in line with their wishes. Follow up communication is provided in writing with details of support services and a link to the 'Victim's Right to Review' scheme.*

*Surrey Police record and track all requests under the Victims' Right to Review (VRR) scheme. Reviews are carried out by senior investigating officers and the process administered on each Division or Command.*

*Rape investigations that have been subject of review under VRR feature periodically within the Rape NFA Scrutiny Panels carried out bi-monthly as part of the South East Rape Improvement Group plan. A review of 5 cases completed in 2020 revealed that both the initial decision to take no further action and the subsequent review by a senior officer was both rationalised and appropriate.*

**Recommendation 12:**

***The College of Policing and NPCC lead for adult sexual offences should work together to review the current training on rape, including the Specialist Sexual Assault Investigators Development Programme (SSAIDP), to make sure that there is appropriate training available to build capability and expertise. This should promote continuous professional development and provide investigators with the right skills and knowledge to deal with reports of rape. Forces should then publish annual SSAIDP attendance figures, and information on their numbers of current qualified RASSO investigators.***

*Surrey Police continue to support the need for specialist RASSO investigators and have developed the Serious Sexual Assault Investigator's Development Programme (SSAIDP) in partnership with the College of Policing. Although delayed during 2020 as a result of the pandemic, this course has returned in 2021 and is a requirement for all RASSO investigators to attend. Focussing on both a trauma-informed approach to victims and suspect centric approach to the investigation, the course seeks to re-focus traditional investigative practices towards the latest evidence-based structure.*

*This course is a requirement for all those investigators working within the rape and serious sexual offence investigation sphere. However, with the adjustments made to rape investigation allocations following the Investigation Structure Review (ISR) it is acknowledged that a number of staff are now responsible for this investigation type having not undertaken the SSAIDP. A further review of the investigation structure around these offences is due to take place and efforts are to be made to enrol all investigators on the development programme over the next two years. Those supervising rape and serious sexual offence investigations will be prioritised to ensure professional oversight is maintained until all officers have completed the course.*

*A training register is maintained within Learning and Development which will allow for the provision of producing annual SSAIDP attendance figures when required.*

The Chief Constable has provided a full response to the recommendations made and I am confident that Surrey Police is fully engaged in improving the response for victims of rape. My office works closely with Surrey Police in this area and commissions service to support victims of rape, as well as carrying out focus groups with victims to understand their experiences of the CJS. There is still much to be done in this area and outcomes of investigations are not at the level that I would wish to see. This will form part of my priorities for my forthcoming Police and Crime Plan and will be a key focus for me and my team over the coming years.

**Lisa Townsend, Police and Crime Commissioner for Surrey  
June 2021**