

Serious Sexual Offences

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Policy Statement

Summary

West Yorkshire Police, as an exemplar Force leading in Violence Against Women and Girls (VAWG) will:

- Provide the best quality of service for victims of crime;
- Provide the highest standard of investigation; and
- Take effective action against perpetrators.

The aims of this policy are to explain:

- The role and the responsibilities of police officers and police staff;
 - West Yorkshire Police's expectations regarding the service given to victims; and
 - How perpetrator risk can be managed.
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Scope

This policy applies to all police officers and police staff, particularly those involved in investigating sexual offences.

Principles

General

West Yorkshire Police will:

- Ensure that the Standard Operating Procedures (SOPs) are followed.
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Victim

West Yorkshire Police will:

- Ensure that the victim is at the centre of each investigation and the Victims and Witnesses policy is the foundation for support so that they understand and keep them informed of any developments.
- Maximise victim support and ensure that a district Sexual Offences Liaison Officer (SOLO) is deployed to work with the victim to maintain the required level of victim engagement, obtain consent and organise (with district SGU staff if appropriate) any required medical examinations and maximise the chances of the investigation reaching a successful conclusion.
- Where possible, give the victim a choice as to the gender of the officer attending. If this is not possible within a reasonable timescale, individuals must inform the victim, but the unavailability of an officer of the appropriate training/gender must not delay the police response unnecessarily.
- Ensure that, if any child victim has sufficient awareness of the nature of a medical examination and a personal ability to give consent, the parent or guardian does not authorise a medical examination against the child's will.
- In normal circumstances, ensure the examination is carried out at the Sexual Assault Referral Centre (SARC). However, if immediate medical

treatment is required, it may be appropriate for the medical to take place at a hospital with the Forensic Medical Examiner (FME)/Forensic Nurse Examiner (FNE) working with hospital staff.

- Where a medical is conducted, ensure the SARC discusses any follow up healthcare and support needs with the victim and makes referrals to Independent Sexual Violence Advisor (ISVA) Services.
- Investigate allegations of historic sexual offences by adopting the same principles as those applied to current cases and ensure that the victim is informed of support services and make the necessary referrals on their behalf.
- Mitigate the risk of harm to victims or the wider public by using physical protective measures (alarms, forensic marking, target hardening etc.) or proactive offender management.
- Reconsider cases of child sexual abuse which were finalised as no further action by the police or CPS prior to 5th June 2013 when a victim has requested such a review in line with the Child Sexual Abuse Referral Panel guidance. See supporting information for further information.
- For cases of child sexual abuse which were finalised as no further action by the police or CPS from 5th June 2013 any request to review the finalisation decision must be considered in line with current Force procedure.
- Obtain the advice of an SGU officer, if appropriate, in order to ensure the correct procedures are followed.
- Consider the risks of honour-based abuse (HBA) and forced marriage when sexual offences are reported. Where HBA or forced marriage is identified, individuals must ensure that the relevant policy is followed.

Video recorded interview (VRI)

- West Yorkshire Police will ensure that, under the Code of Practice for Victims of Crime, victims are given the right to request the gender of the officer undertaking the video interview. This must be met unless it impedes the fairness of the proceedings.

In Force

- VRIs for victims/witnesses residing in West Yorkshire, but outside the district owning the investigation, will be completed by the department that owns the investigation rather than the district where the victim/witness resides.
- There will be occasions where competing demands and operational need will still require the support of other districts. This can be negotiated between the detective sergeant and detective inspector where required, but must be the exception, not the norm.
- Investigations that sit in departments that have no VRI capacity (e.g. patrol /NPT and some DITs) will need to be completed by the district where the victim/witness resides. This can be supported by the VRI diary in districts where such a process exists.

Out of Force

- Any victim/witness living in West Yorkshire and within two hours of the

requesting out of force station will require the investigating force attendance to complete the VRI.

- WYP will assist the external force with booking of VRI facilities, escorting onto site once at the VRI suite, setting up of facilities/equipment and arranging download of the VRI, and signposting investigators towards local support agencies and appropriate local social care referrals.
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Evidence

West Yorkshire Police will:

- Identify and preserve any scene at the earliest opportunity in order that a forensic strategy can be agreed.
 - Take great care to ensure that there is no further contact between exhibits from the victim, suspected offenders, scenes etc. to avoid cross contamination.
 - Secure and preserve evidence to support a prosecution regardless of the reluctance of a victim to pursue their complaint or disengagement from the investigative process, in consideration of an Evidence Led Prosecution (ELP).
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Offender

West Yorkshire Police will:

- Contact the National Probation Service or relevant Community Rehabilitation Company about suspects who are subject to existing statutory supervision, e.g. are out on licence, who may be at risk of recall to prison.
 - Look at other interventions available via Multi Agency Public Protection Arrangements (MAPPA).
 - Ensure that any suspect in any sexual offence investigation involving an adult victim is provided with a Form 330B welfare document.
 - Ensure that any appropriate adult acting for any suspect in any sexual offence investigation involving an adult victim is provided with a Form 330C welfare document.
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Responsibilities

Initial contact

CCC staff are responsible for:

- Ensuring that serious sexual offences (SSOs) reported directly to the CCC are recorded as a crime on Niche;
- Finding out:
 - If the person making the report is the victim, third party or witness, and the capacity in which they are making the report;
 - The nature and location of the incident;
 - The identity and location of the victim;
 - The identity or a description of the suspect and their location;
 - The details or a description of any witnesses;
 - The demeanour of the relevant parties;

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- If medical assistance is required and details of any injuries;
 - If any weapons have been used in the commission of the offence;
 - If the suspect is known to the victim, whether there is a history of violence or sexual offences;
 - If steps have been taken to preserve evidence;
 - If there are any particular considerations, e.g., disability, language and whether an interpreter/intermediary is required; and
 - If the offence has occurred within the previous 48 hours, advising the victim not to eat, drink or go to the toilet;
 - If the victim is a child, finding out:
 - If any other children are present, their full names and dates of birth and whether they are safe;
 - If there is any history of social services involvement or outstanding court orders; and
 - The details of the child's school and general practitioner (GP) if known; and
 - Ensuring the details of the storm log are conveyed to the relevant District Control Room (DCR).
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Dispatchers

District Control Room (DCR) staff are responsible for:

- Accepting the Storm log from the CCC;
 - Ensuring the log is brought to the attention of the Hub Commander/duty inspector;
 - Informing the district safeguarding detective inspector (DI) if the offence:
 - Is rape (including attempt);
 - Is alleged to have been committed by a Registered Sex Offender; or
 - Forms part of an apparent pattern of offending;
 - Informing the Cadre DI, in the event of any such crime being reported out of hours, instead of the safeguarding DI/detective sergeant (DS); and
 - Endorsing the log with the details of the supervisor contacted and any actions they direct.
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**Contact
dispatch
supervisors**

DCR supervisors are responsible for:

- Ensuring the district Safeguarding DI is informed of any rape or attempt rape, any sexual offence alleged against a Registered Sex Offender or any sexual offence forming a part of a pattern of such offending;
 - Ensuring a district safeguarding DS is informed regarding any other SSO;
 - Ensuring the Storm log is endorsed with the details of the supervisor contacted and any actions they direct; and
 - In the event of any such crime being reported out of hours, ensuring the Cadre DI is informed.
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**Hub
Commander/
duty inspector**

Hub Commanders/duty inspectors are responsible for:

- Reviewing the log and adding comments regarding deployment; and
- Ensuring that, where available, SOLOs are deployed as a first responder to

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the victim.

A flowchart about alerting safeguarding can be found in the supporting information.

Attending officer/SOLO

Attending officers etc. are responsible for:

- Where required, obtaining an Early Evidence Kit (EEK), ensuring that the victim's consent is made in writing;
 - Completing a Sexual Offence Victim Pack which must accompany a victim to a medical examination. NB In cases of domestic rape, a DASH risk assessment must also be completed;
 - If within forensic timescales, arranging the medical as soon as possible and assisting with it, if appropriate, as a victim of an SSO may be anxious to wash or change their clothing. An early examination:
 - Enables this to happen;
 - Preserves evidence of the alleged offence; and
 - Provides information on which further interviews can be based;
 - Briefing the specialist sexual offences trained Forensic Medical Examiner or Forensic Nurse Examiner, regarding samples required and taking possession of exhibits;
 - Placing the urine sample in the property fridge and the mouthwash in the property freezer – **not** custody. Both police staff and police officers are able to take these samples;
 - Assisting with victim care, referring them to support services, in accordance with agreed protocols and informing them about the referral and explaining the implications (see ISVA referral form in the supporting information);
 - Recording all reports of SSOs made by victims, or persons reasonably acting on behalf of them, as a crime occurrence, if not already completed; and
 - Ensuring all evidence is captured which may evidence a controlling or coercive relationship.
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Police officers and police staff - referrals for support

Police officers and police staff are responsible for obtaining verbal consent from a victim in order to refer them for specialist support with an Independent Sexual Violence Advisor (ISVA). Referrals can be made by completing the Referral Form and:

- Sending via email; or
 - Contacting the Victim Assessment Referral Centre via telephone – between 8am-8pm Monday – Friday and Saturday between 9am-5pm.
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District safeguarding supervisor

The district SGU supervisor, informed by the DCR, is responsible for:

- Ensuring any scene is preserved and, if appropriate, a medical arranged;
- If appropriate, liaising with the on call Protective Services Crime senior investigating officer (SIO);

- Ensuring that any required actions are entered on to the Storm log; and
 - Ensuring that crimes are allocated accordingly for investigation in line with the investigative responsibility.
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Serious Sexual Offences that Occured Abroad

Principles

- The information included in this chapter of the policy is only for cases that have arisen in which complainants returning from holidays or other trips abroad notify the police when they return to the UK that they have been a victim of rape or other serious sexual assault whilst in a foreign country.
 - It is important that as a Force we offer the same level of support as we would to victims of crime which occur in this country and, where appropriate, take positive action to assist investigation of the offence by a foreign police force.
 - The crime must be recorded on Force systems as an out of Force crime. The investigation will be allocated to the district area where the victim normally resides. The investigating officer will be responsible for liaising with the International Assistance Unit (IAU) regarding investigation/prosecution primacy.
 - Support regarding crime recording/cancellation can be obtained from the Duty Designated Decision Maker (DDM).
 - The Interpol Liaison Unit (International Assistance) must be contacted and they will offer advice and guidance. This is depending on the country where the offence took place and the victim's wishes.
 - See s72 (pages 59-60 and 80) of the Domestic Abuse Act 2021. S72 extends the circumstances in which certain sexual and violent offences committed abroad *may* be prosecuted in England and Wales, *where the offence is committed by a UK national or a person habitually resident in England and Wales*. See slide 18.
 - This has implications for both recording, investigation and prosecution.
 - 'Host' countries are clearly at liberty to prosecute these offences under their own jurisdictions.
 - This includes s1-4 Sexual Offences Act 2003 (rape, assault by penetration, sexual assault, causing sexual activity without consent) where the victim is 18 or over only if an offence in the host country (Sch 3).
 - The International Assistance Unit must be contacted in the initial stages of an investigation and, once commenced, early advice must be sought from the CPS.
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Victim care

- The initial response to victims reporting offences which have occurred abroad must be no different to that for offences committed in this country.
- It is important that the victim is treated with sensitivity, empathy and understanding and provided with support throughout. The services of a Sexual Offences Liaison Officer (SOLO) must be offered to provide the

initial response in line with force policy and ensuring that a forensic examination is considered in line with forensic timescales.

- The officer in charge (OIC) must maintain contact and ensure that the victim is kept informed about any developments in the investigation.
 - The victim must be given realistic expectations about the investigation, but also be provided with as much information as possible about the process in the other country, as WYP have no jurisdiction or influence in how other countries investigate these matters. In some cases, they may decide not to investigate at all.
 - The victim must also be made fully aware of any counselling support services or other schemes available via the victim support scheme, such as Independent Sexual Violence Advisors (ISVAs).
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Civil action

- In certain circumstances a complainant may start a civil action for damages in the British courts.
 - This applies particularly in respect of offences committed in either European Union countries or the United States, although cases from other countries may also be eligible.
 - This possibility must be explained to a victim and officers must advise that independent legal advice be sought.
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Access to Therapy

Victim's best interests

- Victims and witnesses **cannot be prevented** from seeking therapy or counselling etc. because there is a criminal trial pending. Each case needs to be managed on its own merits but if it is in the person's best interests, therapy must be pursued even if that creates an issue for the criminal trial.
 - The fact that a person has had therapy must be disclosed to the CPS.
 - See the Home Office – Provision of therapy for vulnerable or intimidated adult witnesses prior to a criminal trial – practice guidance and CPS Guidance – Provision of Therapy for Child Witnesses prior to a Criminal Trial.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Home Office's Provision of therapy for vulnerable or intimidated adult witnesses prior to a criminal trial – practice guidance
 - APP Rape and sexual offences
 - APP Intelligence management
 - APP Investigation
 - NPCC Rape investigation toolkit- investigators, supervisors and managers
 - Operation Stovewood Witness and Victim Strategy, known as 'Survivor Pathway'
 - Standard Operating Procedures (SOPs)
 - Data Protection Act 2018
 - CPS Legal Guidance - Rape and Sexual Offences (RASSO)
 - Crime Recording and Finalisation policy
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Related policies

Guidance when dealing with individuals with a medical condition, i.e. Autism, Asperger, Dyslexia etc. is available in the Mental Ill Health and Learning Disabilities policy.

Supporting information

The supporting information for this policy can be accessed online.
