



The Metropolitan Police Service
and Crown Prosecution Service
London response to the Report
of the Independent Review into
the Investigation and
Prosecution of Rape in London
by the Rt Hon Dame Elish
Angiolini DBE QC

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Forewords

Together with Alison Saunders I commissioned this report.

I had become concerned that the whole system for helping victims of sexual violence needed a vision for the future. It is under incredible pressure as the result of a significant increase in reporting this type of crime.

We also know that 80% of victims who report this crime are described as vulnerable. They are often least able to provide best evidence for the Criminal Justice System. Therefore we need to help them.

I think this report gives us our best chance of doing that over the next 10 years.

I would like to convey my sincere thanks to the Right Honourable Dame Elish Angiolini DBE QC for compiling this comprehensive, informative and candid report.

Sexual violence in any form is unacceptable and it is clear from the report that it can affect victims in many different ways. It is therefore crucial that the first responder to a victim of rape or serious sexual assault understands how such trauma can manifest itself so that the Metropolitan Police Service can provide a compassionate and personalised service to every victim asking for our help.

Whilst I am extremely grateful to the committed and hard-working police officers who provide that initial response and investigate these traumatic and harrowing crimes, at the time of commissioning the review I was concerned that we could do even more to encourage reporting by victims and to improve upon the service we currently provide. Some parts of the report may be uncomfortable reading for the organisation but we need to accept any criticism of our policing methods with humility and demonstrate a keen desire to change so that we become a model of excellence in the way we respond to, and investigate, rape and serious sexual assault in the future.

The content of the report will enable me to develop a clear strategy for the future, to build upon best practice and implement changes that will only serve to enhance public confidence and victim satisfaction. I am committed to working in conjunction with our partners to deliver a first class service that places the victim at the centre of everything we do. The organisation will consult victims over what outcomes are important to them and to better understand how we can accommodate their needs in the service we provide.

I accept that there is an acute need for increased capacity and capability on the Sapphire teams and I will ensure that the future structure and resourcing model is designed to meet the demands of increased reporting levels and promotes a working environment that is caring and supportive of its officers. Linked in to this is my commitment to invest in training to ensure that first responders and investigators are equipped with the tools they need to perform their roles to the highest standard.

The Metropolitan Police Service is already working closely with the Havens and other partners to ensure that appropriate support mechanisms are in place for all

victims of rape and serious sexual assault. I therefore welcome the report's recommendation to take this one step further in the consideration of an enhanced 24/7 Haven Service that will enable all victims to have immediate access to this unique service at the time of reporting to police. In line with this recommendation, the report correctly identifies that there is a great need for increased numbers of Independent Sexual Violence Advisors to ensure that an equal service is available to all victims, no matter in which part of London they reside. I intend to raise this issue with both the Home Secretary and the Mayor's Office for Policing and Crime for their consideration.

I fully support the joint initiative with the Crown Prosecution Service (London) to co-locate a lawyer in each of the five Sapphire investigative hubs, which reflects the theme of collaboration that is highlighted in the report. This will be an exciting opportunity to work in an efficient and innovative capacity with one of our key partners.

The review lays the foundations for the provision of an exceptional and unprecedented service for all victims of rape or serious sexual assault within the London area and in conjunction with its partners, the Metropolitan Police Service will seek to deliver this service in the future.

Sir Bernard Hogan-Howe QPM
Commissioner of Police of the Metropolis

Rape is an abhorrent crime which can have a devastating, and long term, impact on the lives of victims. It is a crime which is seriously under-reported with many victims feeling unable to tell anybody about their traumatic experience. For those individuals who do come forward, all agencies must work together to ensure that they are provided with the support they need. It is critical that the Criminal Justice System is effective in supporting all victims to access justice.

It is with that in mind that the Metropolitan Police Service (MPS) and CPS London took a proactive approach in seeking to improve the investigation and prosecution of rape in London by commissioning the Right Honourable Dame Elish Angiolini DBE QC to carry out this independent review. I am grateful to Dame Elish for her comprehensive review which will help all partners to work together to ensure victims receive the support that they need and that offenders are brought to justice.

As Chief Crown Prosecutor for London, I am fully committed to ensuring our responses to the recommendations in this report are put into action. It is recognised in the report that more resources are needed for the CPS London Rape and Serious Sexual Offences (RASSO) Unit. The CPS will reprioritise resources to deploy additional fully trained lawyers to increase the size of the CPS London Rape and Serious Sexual Offence Unit and to allocate lawyers in the police investigative hubs.

It must be recognised that staff in the RASSO units deal with traumatic and disturbing cases on a daily basis. I am proud of the dedication and hard work displayed by the CPS London RASSO team and I am pleased that the report recognises their sound and expert reasoning, mature insight and extremely well written letters to victims.

Furthermore it is extremely important that RASSO prosecutors have the skills and tools for the job and that they feel supported and cared for in their work. I will therefore ensure the effective implementation of our policies through appropriate training on key issues such as consent, myths and stereotypes and vulnerability of victims. Nationally we are developing a bespoke welfare package for staff across all CPS RASSO units working on this often complex and sensitive issue.

This report gives us a long term vision for the future, however, we have already started work on many aspects of the recommendations within the review including the creation of a London Violence Against Women and Girls (VAWG) Scrutiny Panel made up of representatives from CPS London and the MPS as well as external stakeholders to represent the views of victims. This panel will examine London VAWG cases, including rape, with a view to assisting to improve performance and identifying areas where lessons can be learned.

I am confident that by embracing the findings of this report and delivering change our service to victims of rape in London will improve. Working better together with the

MPS and the other agencies detailed in this report is vital to building strong cases and delivering justice. We are committed to improving joint working to get the most out of the knowledge, expertise and skills of all our partner agencies and stakeholders. We will take forward this work in parallel with a significant programme of work being taken forward by the CPS and Police nationally as part of the National Rape Action Plan, where much progress has been made since its launch 2014 (available [here](#)).

We must never forget that the changes and improvements we make should all be working towards our goal of providing an excellent of service to victims.

Baljit Ubhey OBE
Chief Crown Prosecutor
Crown Prosecution Service London

Introduction

On Monday 9 June 2014, the Commissioner of the Metropolitan Police Service (MPS) and the Director of Public Prosecutions commissioned the Right Honourable Dame Elish Angiolini DBE QC to conduct an independent review into the investigation and prosecution of rape in London. As part of the review Dame Elish was asked to take a victim focussed and evidenced-based approach in:

- Evaluating and benchmarking practice related to rape investigations and prosecutions in London
- Completing a review of a sample of cases from London at each stage of the investigation and prosecution
- Consulting panels of experts and practitioners to gather views

In carrying out the review, Dame Elish had full access to all available information and to members of staff across the MPS and Crown Prosecution Service (CPS) London. The MPS and CPS London welcome the conclusions made as a result of this wide-ranging review. We are committed to working together to overcome issues which have limited effective investigations and prosecutions of rape cases. For utmost transparency, the report from Dame Elish's independent review is being made available, in full, alongside our joint MPS and CPS London response.

Delivering Justice for All

A key principle of the Criminal Justice System is to deliver justice for all in order to ensure the public is protected. This is achieved by convicting the guilty and in identifying measures to prevent offending. A great deal of work has been done to increase public confidence and deliver a fair and effective Criminal Justice System for victims of rape including legislative measures to support vulnerable and intimidated victims, the formation of specialist teams investigating and prosecuting these crimes and the provision of vital support from specialist third sector organisations and the NHS.

As stated within the review report, we recognise that rape offences are significantly under-reported to the police for a number of reasons including a fear of not being believed and due to feelings of 'self-blame, shame and guilt'. A great deal of positive work has been done to encourage victims to report crimes to the police and we note the identification in the review of alternative ways by which victims could be further encouraged to come forward through easier accessibility including online, in GP surgeries and supermarkets. The review also emphasises the need to ensure that the diverse communities in London have equal access to the Criminal Justice System and to support services.

We have been required to respond to an unprecedented increase in caseload. In anticipation of that emerging demand and the requirement to have the necessary capability and skills, the CPS implemented the concept of dedicated Rape and Serious Sexual Offence teams in each CPS Area, including in CPS London. The review considered the structure and service provision of the investigation and prosecution teams in London, including highlighting areas where more efficient

practice could be introduced such as on the provision of Early Investigative Advice to the police. While the resourcing arrangements are yet to be finalised, as a result of these findings, the CPS will reprioritise its resources to deploy further lawyers to the CPS London Rape and Serious Sexual Offence team and to each of the investigative hubs run by the police.

However the scale of the increase in work, and the prospect of a further increase in reporting, demand a national reappraisal of the resources required to deliver the efficient and enhanced victim-focused service that the review sets out.

We also acknowledge that it is important to consider the role of services which are not part of the Criminal Justice System, but are absolutely critical in supporting victims of rape through the investigative and prosecution processes and in securing positive outcomes for them. The review highlights the invaluable roles of both the Havens and Independent Sexual Violence Advisors (ISVAs) in increasing reporting of rape and reducing attrition as cases progress through the Criminal Justice System. However, within the review, important questions are raised around the commissioning of these services and their provision. We note that only 20 ISVAs were identified across London during the review.

As outlined in this response, we will consider and act upon the recommendations to ensure that there is an efficient and effective approach across London.

Understanding and Responding to the Crime of Rape

In line with the review findings, we acknowledge the unique challenge rape presents for investigators and prosecutors in terms of its variety and complexity.

We recognise that rape occurs in all communities regardless of socio-economic factors. Furthermore, we also recognise issues that are particularly pertinent to a city with culturally diverse communities which may reflect religious and cultural pressures or language barriers. It is understood that some groups may face multiple barriers in reporting abuse and accessing support services including those with mental health issues or learning difficulties, men and transgendered men. The CPS, in line with the United Nations, refers to rape as an offence of 'violence against women and girls' to reflect the predominantly gendered nature of the crime. This overarching framework is intended as a recognition of this dynamic and does not neglect abuse towards men or transgendered men. All policies followed by the MPS and CPS London are gender neutral and all victims are entitled to the same access to protection from the Criminal Justice System.

We welcome the extent to which the review highlights a misunderstanding of consent, as well as the pervasive and invidious nature of misconceptions related to the crime of rape. Stereotypical views of what rape is and how a 'real victim' might respond to rape continue to have a damaging impact. Myths associated with rape are inextricably linked with, and fuelled by, ignorance about the crime which leads to misconceived views about the credibility of the victim. For example, as the report highlights: 'Complainants who choose to report, even relatively soon afterwards, may provide an inconsistent account for a variety of reasons including fear, trauma,

embarrassment and genuine error, rather than the more commonly assumed reason of dishonesty’.

The review calls for a ‘powerful social message’ to be embedded in the law around the impact of severe intoxication in order to provide further clarification on the issue of consent and to diminish the notion of the victim being blamed for being raped. The review also recommends a new legislative provision to allow expert evidence to rebut misconceptions about rape. These recommendations are well reasoned but, ultimately, these are matters for Parliament to consider.

In relation to the investigation and prosecution of rape, it is crucial that the approach taken is free from prejudice of any kind and is conducted from an informed position with the highest degree of professionalism. We recognise that the review reports consistent approval of the national policies related to the investigation and prosecution of rape. These are commended but the review also identifies issues around their implementation across London.

The importance of the first response is acknowledged as the ‘make or break’ moment not only in terms of maximising early evidential opportunities but also in terms of securing the confidence of the victim. The report recognises that although some first responders provide a good service, others lack the skills to know how best to respond. As part of the review’s examination of CPS London cases, the review recognises that the prosecutors’ approach in the cases examined was ‘sound and demonstrated a mature insight into the range of complex legal concepts’. But we also recognise that early consultation between the MPS and CPS London is limited to complex cases. These and other findings from the review will be addressed through a reassessment of the use of guidance and the quality of training, as well as enhanced oversight and better ways of working across the MPS and CPS London.

The Focus of Our Response

The review considers the needs of all victims and our response therefore takes the same approach: we are concerned with improving the service provided to all victims of rape.

The review has 46 recommendations aimed at supporting victims of rape through the Criminal Justice System process and bringing perpetrators to justice. The MPS and CPS London have carefully considered the recommendations and, for the purposes of this response, they have been grouped under four key themes:

- The service provided to victims
- Supporting the practitioners
- Accountability and continuous improvement
- Legislative change

We have attached a summary of our response to each of the recommendations in numerical order at the end of this document.

In responding to the findings of the review and its recommendations, reference is made to the work already underway across the Police and CPS as part of a Joint

National Rape Action Plan on the Investigation and Prosecution of Rape published on 6 June 2014 (available [here](#)). This includes a significant programme of work such as the provision of practical advice for police and prosecutors on the appropriate application of legislation on consent, as well as the provision of Early Investigative Advice. In addition, there are a number of relevant actions for the Police and CPS in relation to the provision of consolidated guidance, training, and improved oversight.

The Joint National Rape Action Plan builds on significant activity to improve the Criminal Justice Response to rape, reflecting the findings from a number of inspections including Baroness Stern's independent review into how rape complaints are handled by public authorities in England and Wales, and findings from inspections carried out by Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate.

A Multi-Agency Rape Investigation Improvement Group has been formed to monitor and govern the implementation of the recommendations from this review. The Group will be chaired by the MPS Commander of Specialist Investigations and attended by CPS London together with external organisations representing the views of victims. The Group will publish an update on the delivery of recommendations by the end of this year.

In addition, CPS London has held Scrutiny and Involvement Panels for some time, to increase accountability and learn from external stakeholders. The Area has now set up a Panel specifically focussing on Violence Against Women and Girls, including rape and serious sexual offences.

The service provided to victims

The primary objectives in relation to any investigation of rape or serious sexual assault are to ensure the welfare of the victim and to conduct a thorough investigation to identify the perpetrator(s) and support any subsequent prosecution or outcome to the satisfaction and wishes of the victim. It is of paramount importance that victims feel confident to report to police and, regardless of whether a criminal prosecution is feasible or not, that they receive the highest levels of support and aftercare.

In conjunction with its partner agencies, the MPS continuously strives to improve the level of service that it provides to victims. The recommendations from this Review will enable the organisation to refocus on how this can be achieved with every victim of rape and serious sexual assault.

THE FIRST RESPONSE

The initial response to a report of rape or serious sexual assault is a fundamental part of the investigation and is pivotal as to whether a victim continues to engage with the Criminal Justice System or not - it is clear from the review that this is the point at which police can lose a victim's support through an inadequate response or unwitting behaviour. It is crucial therefore that the victim is heard and feels supported at a time of their greatest need. The recommendations from the review will enable the MPS to reflect and build upon how the organisation can better equip its officers to provide a response that will pave the way for a professional, compassionate and supportive victim experience through every stage of the Criminal Justice System.

8. First responders should receive adequate training to ensure understanding of the complexities of rape reporting and recording to ensure that all officers understand the rape myths and behaviours and respond to complainants in an objective and compassionate manner (MPS).

The MPS will ensure that the initial response it provides to rape investigations is revised in order to deliver a highly efficient and outstanding level of service to all victims of rape and serious sexual offences. The revised structure that is adopted will determine which groups of officers need to receive specialised training in this area.

9. A new mandatory training regime relating to evidential and forensic retrieval should be created to ensure that all first responders can provide a consistent level of service to those who report rape offences. This should also apply to dealing with suspects. A mandatory system should be put in place to ensure all police vehicles carry Early Evidence Kits and seat covers. Their use should be audited (MPS).

The MPS fully supports the development of a mandatory specialised training regime for those officers who provide the initial response to rape and serious sexual assault investigations and agrees that there should be a clear accountable system in place

for the use of Early Evidence Kits and seat covers to ensure compliance and forensic integrity. This work will be taken forward in line with recommendation 8 above.

10. The Metropolitan Police Service comfort suite estate is reviewed and a consistent quality is achieved across the estate to ensure access, cleanliness and comfort (MPS).

This will be considered as a part of the revised initial response provided to rape investigations (recommendation 8 above) and the future review into a central and unified Haven facility (recommendation 22 considered in the next section) to determine the need for police comfort suites under any amended structure. Those that are retained will have their functionality reviewed by the MPS Department of Forensics under an investigations sub working group that has been set up to progress relevant recommendations from this review.

15. Subject to recommendation 22 and as an interim measure, the Toolkit objective of a SOIT officer responding to a complainant within one hour of a rape allegation being received by Sapphire should be reviewed to allow for the geography of London so long as staff are situated within geographical Hubs (MPS).

This objective is in the process of being reviewed as it is recognised that it is unachievable within the current Haven pathway process and the geographical hub arrangements. The MPS will provide direction to officers on how it is going to implement an improved and first-rate SOIT response to victims of rape and serious sexual assault in the immediate future.

HAVENS

The Havens are Sexual Assault Referral Centres in London that provide medical care and support to the victim, which can include an opportunity to secure forensic evidence. They were set up as a joint initiative by both the MPS and the NHS to ensure that victims of rape and sexual assault receive immediate and long term support. The Havens are staffed by a very committed team of medical clinicians and crisis workers, who work hard to provide a highly professional service to victims. The MPS remains committed to continuing its excellent partnership work with the Havens in the future to address key challenges and further enhance the existing one-stop-shop service to reflect the needs of its victims and provide unparalleled support and care.

16. Commissioning is re-evaluated to ensure that adequate services for complainants who are not fit to consent to an examination through complications such as intoxication or mental health needs are managed so far as possible within the Haven. This would thereby support the SOIT role and needs of the complainant within one medical setting (See also Recommendation 22) (The Havens, MPS).

The MPS welcomes the need for an evaluation of services that can be provided to victims who are unable to consent to a forensic medical examination at the time of police referral and will consult the Havens Commissioners and Kings College Hospital NHS Foundation Trust over this initiative as part of the organisation's aspiration to deliver an unparalleled service for all victims of rape and serious sexual assault.

17. The role of the SOIT officer should be extended to include working within the Haven to support self-referrals, Haven enquiries and forensic process in the context of a new extended central Haven facility (See Recommendation 22) (The Havens, MPS).

The MPS considers enhanced collaboration and partnership with the Havens as being instrumental to delivering an individual and bespoke service for victims of rape and serious sexual assault. This recommendation will be discussed with the Havens Commissioners and the Kings College Hospital NHS Foundation Trust at the Multi-Agency Rape Investigation Improvement Group.

18. In order to provide clinicians in the Havens with feedback on the quality of their sampling techniques, a research project should be carried out from time to time to compare forensic techniques with the outcome of the scientific analysis (The Havens, MPS).

The MPS is currently piloting an initiative to assist the Havens in assessing the quality of their sampling techniques and will offer their support to the NHS in this important area.

19. Improved engagement between Investigating Officers, the Crown Prosecution Service, and the Havens is recommended to ensure that Havens staff are updated, where necessary, on investigations and prosecutions and that enough warning is provided for statement requests. As far as possible trial advocates should ensure a fixed time for Haven staff to give evidence at court and consideration should be given to evidence being given from a new Haven facility via live link (The Havens, MPS, CPS London).

Strengthened communication with, and further certainty for, Haven staff giving evidence will be encouraged including through the work of Witness Care Units which have the primary responsibility for keeping witnesses updated. In addition, in advance of a trial, CPS London will agree with the defence the order in which witnesses are required to provide evidence. Consideration will also be given to the use of live links to enable Haven Staff to give evidence remotely; subject to the factors set out in section 51 of the Criminal Justice Act 2003. We will discuss with the Havens what more can be achieved to deliver this recommendation.

20. Clinical haven staff who give evidence in court should, as part of their development, actively seek and be provided with feedback from the trial advocate in cases where they have given evidence (The Havens, CPS London).

As part of the Multi-Agency Rape Investigation Improvement Group set up to oversee the implementation of all recommendations from the review, CPS London

will discuss this with the Havens in order to better understand their needs on this issue and how best to take this specific recommendation forward.

21. It is recommended that, as an interim measure, Kings College Foundation Trust along with the other relevant agencies raise the public profile of the Havens in London with a view to increasing the number of self-referrals (The Havens, MPS).

It is important that members of the public are aware of the unique service provided by the Havens and how to access it. A recent joint initiative between the Havens and the MPS oversaw the launch of an online video, which tracks the journey of a victim through the Haven service and emphasises the health benefits of utilising this service. In addition to this, we would seek to build greater knowledge within key referring organisations so that they may confidently identify signs of sexual assault and be able to refer to the Havens. The MPS will discuss in greater detail with the Havens Commissioners and the Kings College Hospital NHS Foundation Trust how this recommendation may be taken forward at the Multi-Agency Rape Investigation Improvement Group.

22. Given the potential for significantly lowering the attrition rate and securing early and effective support for complainants, it is recommended that a fundamental review of the scope and nature of service provision at the Havens, along with the nature and location of the estate, is conducted. This would remove the exclusion of cases presenting outwith one year of the offence.

Co-location of SOIT officers and Independent Sexual Violence Advisors (ISVAs), in their own discrete accommodation at the Haven, would ensure that the Haven becomes the default gateway for all complainants rather than police stations. Current facilities and resources could not deliver such a service. As part of such a review, the potential benefits of a central and unified resource should be considered and evidence obtained as to whether such a centralised resource would enable greater resilience and peer review and support for the practitioners serving in a much more substantial centre with more ready access to multi-disciplinary investigative and support services (The Havens, MPS).

As per the response to recommendation 17 above, the MPS is fully supportive of enhanced collaboration and partnership with the Havens to ensure that victim support and welfare is at the forefront of any rape or serious sexual assault investigation. The MPS will consult the Havens Commissioners and the Kings College Hospital NHS Foundation Trust regarding this recommendation at the Multi-Agency Rape Investigation Improvement Group.

BEST EVIDENCE

The starting point for achieving best evidence is to ensure that the victim feels confident to report the matter to police, whether that be directly or indirectly, and that from the very outset the victim has access to a range of services that can work alongside the investigation and prosecution to support and safeguard the victim through the Criminal Justice System. The MPS has a dedicated partnership team within the Sexual Offences Exploitation and Child Abuse (SOECA) Command that works closely with a wide variety of professionals and third sector agencies to provide a service that encompasses the specific needs of every victim. The MPS and CPS London are extremely supportive of the Independent Sexual Violence Advisor (ISVA) service to the point that the MPS works closely with the ISVA Forum to move towards integrating ISVA's into daily working practices on the Sapphire operational hubs. The MPS has already successfully secured funding for a number of ISVA's to co-locate in some of the geographic hubs. CPS London is committed to supporting victims through the court process and will ensure that staff are aware of the importance of capturing and presenting best evidence at court.

This work aligns with the work of the Joint National Rape Action Plan which highlights the service provided to victims as a central driver in efforts to improve rape investigations and prosecutions.

23. It is recommended, expanding on the findings of the Stern review, that the Government should recognise the unique and invaluable role of the Independent Sexual Violence Advisor (ISVA) and address the need for greater numbers and longer term funding in order to meet levels of demand and increase resilience (Government).

The MPS and CPS London acknowledge that the role of ISVAs can be critical in delivering improved outcomes for victims. The Commissioner will draw the comments from the review report on the issue of adequate provision to the attention of the Home Secretary and the Mayor's Office for Policing and Crime (the strategic oversight body for the Metropolitan Police Service).

39. It is recommended that the Police, prosecutors and forensic medical examiners work jointly to:

- ensure all cases where there is no genital injury that the evidence is presented in such a way as to avoid endorsing societal myths linking rape with injuries; and
- to revisit the question of professional/expert status of forensic medical examiners to enable them to give their best evidence in all cases and ensure equality of arms with the defence (MPS and CPS London).

In relation to the first point on the misconception associated with rape and genital injury, CPS London Managers will ensure that their teams approach prosecutions from an informed perspective and that they challenge myths and stereotypes where they arise.

This will be further reinforced by work being delivered as part of the Joint National Rape Action Plan including through the development of new training and updated guidance.

In relation to the second point, the MPS and CPS London recognise that in giving 'opinion evidence' based on their clinical findings and their experience, Forensic Medical Examiners can make an important contribution to presenting a fair and balanced case. In line with the National Protocol on Rape Investigations and Prosecutions, unless there are particular reasons for not doing so, CPS London will include the forensic physician in the case conference with the prosecutor, trial advocate and the investigating officer and will call the physician to properly explain the significance of findings.

40. It is recommended that the police and prosecutors ensure that in all cases where there is psychological injury consideration is given to presenting evidence relating to that injury as part of the prosecution case (MPS, CPS London).

In cases where there is psychological injury, and where a court could reasonably infer a causal connection, consideration should be given to presenting evidence related to that injury as part of the prosecution's case. CPS London will raise this important issue with operational staff. In addition, the CPS will reinforce this key message in updated guidance and training for all prosecutors - the MPS will mirror this approach in their induction and professional development training days.

44. The review was concerned at the length of time some complainants wait before receiving psychological therapy and the perception that to do otherwise would prejudice a trial. It is therefore recommended that the Police, the Crown Prosecution Service and the Department of Health revisit the issue of pre-trial therapy to agree updated guidance and to ensure that complainants' recovery is not delayed by an unnecessarily over cautious approach (MPS, CPS London, the Department of Health).

It is important to ensure that the provision of vital support and services for victims is not delayed by the trial process. The MPS and CPS London will issue an immediate reminder to operational staff that therapy does not have to wait for court proceedings. In addition, the CPS will review national guidance to all prosecutors on this issue.

45. It is recommended that the Metropolitan Police Service formulates an official strategy for handling reports of intelligence in relation to sexual violence in those situations where the complainant does not wish to make a formal crime report. This should include signposting complainants to specialist support services (MPS).

The MPS recognises the importance of every victim having the confidence to approach police if they have been raped or sexually assaulted, regardless of whether they wish to make a formal report or not. Ultimately, the welfare of the victim comes first and it is vital that they have access to the specialist support services that are available, whilst they make an informed decision as to how they wish to proceed.

The MPS will review its strategy for handling intelligence in such circumstances and will provide clear guidance in its internal Sexual Offences Toolkit and in police training for first responders.

FORENSIC EXAMINATIONS

An allegation of rape or serious sexual assault is always considered to be a 'critical incident'. The definition of a critical incident is 'any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community'. It cannot therefore be underestimated how important it is to identify and preserve all crime scenes related to the offence at the earliest opportunity, as the first opportunity to preserve evidence may be the only opportunity. Where there is often no witness to a rape or serious sexual assault, a detailed forensic strategy can often provide crucial and subtle evidence in supporting a victim's account. Such evidence must be captured in a sterile and neutral way and the MPS remains committed to reviewing its forensic practices to ensure that they continue to be conducted in a way that optimises forensic integrity and eliminates any opportunities for cross contamination.

7. The forensic integrity of the environment in which forensic examinations are undertaken should be of the same standard for suspects as they are for complainants (MPS).

This recommendation will be considered under the MPS investigations sub working group, in conjunction with the Department of Forensics and the Custody Directorate, to review the cost and practical implications of the organisation introducing suspect forensic facilities that mirror the current forensic retrieval practices at the external Haven sites for victims.

25. The review was particularly struck by the volume of forensic demands and lack of dedicated support compared with its nearest comparator, the Homicide and Major Crime Command. Forensic science is a central theme of this crime type and therefore it is recommended that an evaluation is undertaken to determine the appropriate level of dedicated forensic support that should be provided to Sapphire (MPS).

Under the guidance of the MPS investigations sub working group, the Department of Forensics will undertake a review of the specific forensic demands of the Sapphire teams to ensure that the future Policing model reflects the need to provide an enhanced and proportionate level of service for this type of crime.

43. It is recommended that training for police officers and prosecutors includes ensuring that complainants make informed decisions about their case, particularly in relation to any forensic medical examination, how their initial evidence is recorded and how it is presented at court (MPS and CPS London).

These are existing requirements for the MPS and CPS London. As part of ongoing training, we will review our training materials to ensure that the points for the relevant agency are further emphasised.

Supporting the practitioners

The majority of specialist police officers and lawyers who are based in this complex and challenging environment have volunteered to work in this field. They are passionate and committed to their work. They understand the significance of achieving positive outcomes to provide the victims with closure. They are dedicated to making London a safer place through their rigorous pursuit of evidence to bring offenders to justice. They frequently exceed expectations, whether that is to provide additional levels of support for the victim, remain on duty for long periods of time to obtain further evidence that will assist in securing a charge or manage higher workloads to meet demanding timescales to secure a conviction at Court.

Both the MPS and CPS London recognise the need to ensure that the organisations equip their officers and staff with the physical resources and tools they need to fulfil this role, in addition to the emotional and psychological support they might require as a result of working on what are often traumatic and demanding investigations.

All of this work aligns with key findings from the Joint National Rape Scrutiny Panel and the National Rape Action Plan, an approach which was commended by the review.

WORKLOAD

Over the last two financial years, there has been increased recording of rape by 60% across London. Concerted efforts by the Government, along with the impact of allegations made against Jimmy Savile, have undoubtedly helped to secure the confidence of victims of abuse to come forward and report to police. It is therefore very timely that the MPS and CPS conduct internal reviews into its current staffing levels to ensure that, with the increased level of reporting, each organisation has sufficient resources in place to meet this increased level of demand in an efficient and effective way.

6. Given the preponderance of rape allegations during the late evening and overnight, there is a clear need for a full 24 hour service from Sapphire to provide a consistent level of service at all times (MPS).

Sapphire officers are on-duty throughout any 24 hour period, including ensuring SOIT officer coverage across London in each of the five geographical hubs. In addition, there is the ability to utilise the services of the Homicide Assessment Team for complex investigations. A demand profile and strategic rape assessment report, along with an internal review of the investigative model for rape investigations, has already commenced. This will further ensure that sufficient and suitably trained rape investigators are on duty 24/7 to meet the needs of victims of rape and serious sexual assault.

14. The SOIT officer workforce should be urgently reviewed and increased to reflect the current and anticipated increase in demand and in line with the Occupational Health assessment as to how the role should be performed. This should be implemented forthwith (MPS).

The MPS accepts that there is an immediate need to increase the number of SOIT officers on the command to provide resilience and support to those currently performing the role, in addition to an enhanced level of service to victims. A recent successful recruitment initiative has helped to bolster SOIT numbers and the completion of the demand profile and strategic rape assessment report, in addition to the review of the rape investigative model, under recommendations 6 and 28, will enable this piece of work to be taken forward.

26. It is recommended that weighting factors to reflect the scale and complexity of rape investigations are introduced for any measurement of the workloads of Sapphire officers and reflected in the allocation of cases (MPS).

The MPS agrees that this is a practical measure that will be used to inform the demand profile and the review of the investigating workforce under recommendations 6 and 28.

27. It is recommended that a specialist rape investigators' training course and qualification should be introduced to ensure investigators are properly trained and equipped to fulfil the role (MPS).

The MPS fully supports the need to adopt the national Serious Sexual Assault Investigators Development Program designed to provide rape investigators with the specialist and professional training they require to fulfil their work in this important area of work. Consultation will take place between the National College of Policing and the MPS Crime Academy to commence this training and discuss the possibility of introducing a national qualification for this type of work.

28. The investigating workforce should be urgently reviewed and the resources increased to reflect the current and anticipated increase in demand (MPS).

In line with recommendation 6, a demand profile and strategic rape assessment report has been commissioned, which will enable the MPS to accurately assess how Sapphire resources should be deployed throughout any 24 hour period. The content of this assessment will be progressed in conjunction with the Human Resources Department under the MPS investigations sub working group.

29. It is recommended that there is an immediate and fundamental review of the resourcing of the Sapphire investigation teams to ensure that appropriate, additional and skilled resources are introduced to the investigation teams as soon as possible. Any increase in staffing should also take into account the need for pro-active development, mentoring and supervision by senior officers who should also have a reasonable span of management and individual workload (MPS).

In addition to the review proposed under recommendations 6 and 28, a more immediate review of current staffing/supervisory levels will take place over the next eight weeks to determine the need to deploy additional resources to the teams from other investigative units to cover any staffing shortfalls until a more comprehensive and far reaching assessment is made.

31. It is recommended that resourcing of the London Rape and Serious Sexual Offences Unit is urgently addressed with a view to ensuring that caseloads and the resourcing model are adjusted to ensure the quality commitments made by the Crown Prosecution Service are realistic and achievable (CPS London).

In response to a national increase in rape prosecutions a wider internal review of all Rape and Serious Sexual Offence Units across England and Wales was commissioned by the CPS. As a result, a Resourcing Model for all units is already being developed. This will help in ensuring the adequate resourcing of units and in avoiding unnecessary delays including as a result of files being rejected by the CPS due, in part, to an absence of joint-case building at an earlier stage.

CPS London is one of five pilot Areas selected to inform its development and, while the resourcing arrangements are yet to be finalised, CPS London will reprioritise resources to deploy a number of additional fully trained lawyers to increase the size of its Rape and Serious Sexual Offence team.

38. It is unsurprising that the enormous workload of these units, in a category of cases that do not achieve as high a level of conviction as other crimes, has affected the outlook of the Rape and Serious Sexual Offences Unit prosecutors. The relative isolation of the lawyers and conveyer belt style of working make the role much less satisfying and effective.

It is recommended that much greater involvement with the other critical agencies, consultation in the preparation of the case at the earlier stages of the investigation, more exposure to the witnesses of fact and expert witnesses and provision of support to Counsel at the trial would make this role much more rewarding and effective. It may also allow the public to gain more insight into the huge contribution made by the Crown Prosecution Service in preparing and prosecuting these very anxious cases (CPS London).

Staff in the CPS London Rape and Serious Sexual Offence Unit will engage with other critical agencies as required by the specific case which they are handling. This will include discussions with the police through the provision of early investigative advice and with victims through meetings to discuss special measures. As part of their ongoing development and training, Managers will actively encourage staff to interact with, and learn from, a range of relevant agencies including the Havens and specialist support services. This approach aligns with the work being taken forward as part of the Joint National Rape Action Plan.

WELFARE OF STAFF

The increased reporting of rape allegations over the last few years has led to the recent creation of a further 139 posts across all ranks on the MPS SOECA Command in order to deal with the demand in investigations. CPS London has also increased the number of lawyers on the Rape and Serious Sexual Offence team over the past year and is committed to providing sufficient resources to meeting the recommendations wherever possible. However, it is recognised by both organisations that the welfare of staff is not just about increasing staffing numbers in order to reduce workloads, it is also about maintaining their emotional and psychological well-being as the very nature of rape and sexual assault investigations/prosecutions can have an impact on the officers and lawyers who deal with such cases. The MPS and CPS London understand the importance of providing the right level of occupational health support for their staff and each organisation will take this work forward over the coming year to demonstrate their commitment to this area.

3. The way in which the sickness policy is applied within Sapphire should be reviewed and a preventative strategy implemented. This strategy should include an equivalent of NHS 'clinical supervision' for all staff so that health and welfare problems may be pro-actively identified and supported in advance of a need for sick leave. Central to this should be an evaluation of culture to ensure staff feel that they can disclose the need for help within the work place and receive adequate support in return (MPS).

This recommendation is something that the MPS would like to pursue as it is accepted that there is a need for improved management of sickness absence and support to officers working within the Sapphire environment. The organisation will achieve this through the formation of an HR working group (to include professionals from occupational and mental health backgrounds) to coordinate the following:

- a comprehensive review exploring the reasons why Sapphire officers might fail to seek help for welfare/health matters, alongside what type of support is currently available to them, in order to devise a strategy for improved support mechanisms in the future.
- the delivery of a series of best practice workshops to line managers to highlight the importance of effective attendance management that nurtures and supports the individual through their illness and safely back to the work environment.

12. It is recommended that the SOIT co-ordinator role is reviewed to ensure that those Detective Sergeants responsible for this role are better able to provide SOITs with enough support and guidance (MPS).

The MPS will consider whether this role should in fact be a permanent post to facilitate enhanced, continuous and more professional support for all SOITs engaged on the Sapphire investigation teams.

13. It is recommended that the National Health Service undertakes an independent occupational health assessment of the SOIT officer role using

their experience of managing staff within the Havens. This should identify how the role is structured to ensure conditions such as ‘burnout’ are prevented and staff welfare is maintained. This will enable officers to provide the appropriate support to complainants in this challenging environment (The Havens, MPS).

The MPS would welcome the assistance and experience of the National Health Service in conducting such a review and will discuss the possibility of taking this forward with the organisation.

32. It is recommended that appropriate regular occupational health supervision for Crown Prosecution Staff in the Rape and Serious Sexual Offences Unit who are dealing with distressing casework is introduced to ensure their emotional resilience is preserved and that any support needs arising from their work can be identified and addressed (CPS London).

In addition to the Employment Assistance Programme available for all staff, and following the implementation of the Joint National Rape Action Plan, a tailored support and welfare package for staff across all CPS Rape and Serious Sexual Offence Units is being developed. Subject to negotiations with our supplier and operational readiness, we hope this additional support will commence from July 2015. The welfare package will be supported by a communications plan to remind Managers and staff that this support is available.

POLICE AND CPS HUBS

The role of the police investigator and that of the crown prosecutor are two very distinct and separate roles but they are of equal importance in the progression of an investigation to the point of conviction. The findings from the review presents an important challenge for the MPS and CPS London to work more closely and collaboratively in order to secure more convictions, reduce the rate of attrition and better support the victim through more efficient and improved management of investigations. The MPS and CPS London will take this forward as a matter of urgency.

34. Detective Inspectors carry a grave responsibility in making decisions to take no further action. In Scotland these decisions are only made by the most senior prosecutors where there is a prima facie sufficiency of evidence in law. While the preference would be for this function to be transferred to a legally qualified prosecutor, it is recognised that a wholesale transfer of these functions to the Crown Prosecution Service would not be feasible with the paucity of current resources in the Crown Prosecution Service. It is however recommended that Detective Inspectors have recourse to early advice and guidance from prosecutors on decisions of such magnitude.

In addition there is a need to embed Rape and Serious Sexual Offences Unit prosecutors in the Sapphire Hubs to allow early legal guidance and advice in difficult cases to be provided to senior officers and to ensure that the evidence

gathered is focussed on the presentation of a robust case in court. (MPS, CPS London – response to both recommendations below)

35. While it is not the job of the prosecution to supervise officers in the execution of their duties or to act as substitutes for competent supervisory police officers, a considerable number of the difficulties experienced at the time of reporting to the Rape and Serious Sexual Offences Unit could be completely avoided by early and intensive discussions between the prosecutors and the relevant officers. Additionally, such early intervention allows the prosecutor to ensure that the case is prepared with a clear strategy developed for the presentation of the evidence in court.

Embedding both a senior gatekeeper police officer and a Rape and Serious Sexual Offences prosecutor in each police Hub would ensure that decisions could be taken as early as possible and that such decisions were based on sound legal principles. Such arrangements should also lead to a better understanding by both agencies of the constraints and pressures faced by the other. Access to the embedded Rape and Serious Sexual Offences Unit prosecutor should be restricted by the gatekeeper police officer or through supervising senior officers to ensure the prosecutor’s role does not become confused with that of an additional supervisor and that the necessary independence of the prosecution is not eroded through co-location (MPS, CPS London).

The Sapphire teams on the five geographical hubs across London are already staffed by a senior gatekeeper police officer at Detective Inspector level, whose work is overseen and supported by a Detective Chief Inspector assigned to each of the hubs. Nationally, the CPS is already setting up pilots in a number of Areas to support the provision of timely and meaningful advice to the police to inform the investigation. The MPS and CPS London have agreed a similar arrangement and, consequently, prosecutors will be deployed in each of the five police hubs. This will ensure joint-case building at an earlier stage leading to an increase in the quality and timeliness of investigations.

The MPS and CPS London will immediately reissue guidance on seeking early investigative and other advice as part of the work of the Joint National Rape Action Plan. To support this, the MPS and CPS London have agreed to consider revised arrangements for advice and pre-charge decision-making in rape and serious sexual offence cases as a matter of urgency.

TRAINING, POLICY AND GUIDANCE

It is important that the MPS and CPS London invest time in their organisations to provide their officers and staff with appropriate training that will enable them to perform their roles to a high standard and give them the confidence to make informed decisions. Both organisations acknowledge that it is their responsibility to ensure that their internal procedures and policies are up-to-date and easily

accessible. The MPS has listened to the feedback from its officers about receiving more training and has recently embarked upon an intensive leadership training programme for all officers within the MPS SOECA Command. Staff in CPS London will also be surveyed to ensure that the provision of training and guidance meets their needs. This work runs in parallel with the work of the Joint National Rape Action Plan involving the provision of practitioner focussed training, policy and guidance.

2. It is recommended that in order to tackle the long standing gap between policy and practice, the Police and Crown Prosecution Service develop a strategy to ensure that policy and guidance on investigating and prosecuting rape is published in a way that practitioners will best be able to access and absorb. Such policy should be reinforced by relevant and effective training (MPS, CPS London).

The provision of guidance on rape will continue to focus on the provision of practical, informative and accessible advice. For example, tailored toolkits on the critical issue of consent (prepared for investigators and supervisors as well as prosecutors and advocates) have already been developed and disseminated earlier this year. CPS London staff also have access a range of information dedicated to Rape and Serious Sexual Offences on the internal CPS website as part of the development of a wider Casework Hub. In addition, in August 2015, the MPS will provide the easy-to-use, practitioner focussed sexual offences toolkit for investigators.

Nationally, as part of the Joint National Action Plan on Rape Investigations and Prosecutions, the Police and CPS are working to a coordinated schedule of updates during 2015/16 to policy, guidance and training for investigators and prosecutors. This includes the publication of the College of Police's Authorised Professional Practice (APP) and updates to the CPS Legal Guidance and Policy as well as a joint regional workshop for relevant MPS and CPS London staff.

The MPS and CPS London will conduct staff surveys with specialist rape investigators, SOIT officers and Rape and Serious Sexual Offence lawyers to seek views on what more the organisations can do to keep them updated on policy developments in an accessible way. Based on the findings from the survey, the MPS and CPS London will prioritise the provision of information in the appropriate way, including prioritising a refresh of the CPS Casework Hub which will be available nationally.

All of this activity builds upon the role that Managers have in reviewing cases and mentoring staff to ensure that their teams have the right skills to deliver high-quality prosecutions which are compliant with national policies.

30. A dedicated team of officers should be reassigned for the creation of Sexual Offences pages within the Crime Reporting Information System to ensure consistency and compliance service-wide. Additionally, an analysis should be undertaken of the current intelligence processes relating to Sapphire remit crimes to evaluate the level of intelligence support now provided in pursuit of these objectives and to ensure serial offending is effectively analysed (MPS).

The MPS Intelligence Department will be tasked with conducting an internal review of the current systems and processes in place to support the Sapphire investigation teams, to include the analysis of serial offending and the creation/monitoring of the Sexual offences pages on the Crime Reporting Information System. This work will be progressed through the MPS investigations sub working group to identify and remedy the key issues arising.

36. It is recommended that urgent steps are taken to reinforce training of police and prosecutors about the recurrent myths and stereotypes surrounding complainant behaviour during and following an alleged rape. Policy should be developed about the use of expert witnesses to address the current common lack of understanding that may lead juries to acquit (MPS, CPS London).

As the review recognises, there are legal limitations around the provision of expert evidence that might, if admissible, be used to address common misconceptions which may lead juries to acquit. Managers across the MPS and CPS London will urgently highlight the use of expert evidence where appropriate. This will be picked up on reviews carried out by managers and, more widely, supported by updated guidance and training for investigators and prosecutors.

This builds on a range of work already carried out to challenge rape myths and stereotypes as part of the Joint National Rape Action Plan including toolkits for prosecutors, advocates, investigators and supervisors & managers on consent published earlier this year. Forthcoming revision of guidance and training will further challenge common misconceptions.

Accountability and continuous improvement

Since the inception of a dedicated centralised Sapphire resource in 2009, there have been some fundamental changes to the way in which rapes and serious sexual offences are investigated and to the level of service provided to victims by third sector agencies. The services provided by the Havens have continued to develop and expand, together with the development of the 'Pathway' pilot, which has significantly reduced the time taken for a victim to receive a forensic medical examination. The ISVA role has expanded and CPS London has formed a prosecution unit staffed by specialists to deal with rapes and serious sexual assaults. However, the review has identified key areas that require improvement and work must be conducted in conjunction with partners to achieve the aim of providing an exceptional service that is reflective of the needs of all our victims.

This work runs in parallel with the implementation of the Joint National Rape Action Plan highlights the need for continuous improvement through oversight and accountability as one of its key themes.

PERFORMANCE

The MPS and CPS London recognise that performance is not purely based upon charges and conviction rates and a broad range of measures should be considered when defining success. In line with the findings from the review, research will shortly take place with victims to ascertain what outcomes are important to them so that some form of measurement can be devised that will capture and monitor their views.

24. It is recommended that the performance regime for Sapphire should be re-evaluated in order that charging crimes of rape is not measured in isolation. What happens to a case post charge (attrition) and the benefits to a complainant's health and wellbeing of alternative outcomes are all valid areas of performance in which the police play a vital role. Performance measures should be designed to reflect these wider objectives. This is central to both reducing attrition and increasing confidence in complainants (MPS).

In consultation with its Portfolio and Planning Unit, the MPS intends to revise the Sapphire internal performance regime to ensure that objectives put the victim at the heart of the process and are more in line with the victim's overall experience. This will consider a broad range of measures including wider outcomes such as criminal interventions/disruptions and, importantly, victim satisfaction with the support and range of services that they have received.

46. It is recommended that new additional performance measures are introduced with the aim of increasing complainants' confidence and that of the wider community by recognising the benefit to rape complainants of the specialist assistance and support they receive. Such additional outcome measures should be designed to ensure that the needs of the complainant, as well as the wider public interest, are at the centre of the process (MPS, CPS London).

Victims' experiences, together with bringing offenders to justice, needs to be recognised when defining successful outcomes. We note that the review finds that complainants need to be encouraged to recognise a wider definition of success and be supported to 'recognise the steps they have taken to achieve justice, including reducing the risk posed to themselves and others and giving their best evidence at court'. The review recommends that in cases resulting in a charge, but not in a conviction, a similar record of outcomes should be kept. It does not outline what these might be but the section suggests measures should enable complainants to appreciate the range of available support.

In line with recommendation 24, the MPS intends to revise its internal performance regime to make it more reflective of a victims overall police experience. Consultation work will be conducted with the Victims' Focus and Rape Reference Groups to determine what the outcome measures should be and will incorporate these into the internal monitoring systems. CPS London will also be consulted as part of this work.

RECORDING

The MPS should be clear and accountable in its decision making to ensure that it is able to withstand scrutiny at the highest level. It is therefore of the utmost importance that from the outset, the initial reporting officer reports objectively and factually, without individual opinion and assessment of the initial evidence. The MPS welcomes the review's consideration of areas where the organisation can improve its reporting standards and decision making to ensure that the highest standards are maintained.

4. To avoid premature or inappropriate assumptions about the validity of a rape complaint by non specialist first response officers and to ensure that the investigation is approached with an open mind, the 'false allegation' section in the Crime Recording Information System template for recording rape allegations should be removed. This issue should only be dealt with by specialist Sapphire officers during the investigation (MPS).

The MPS acknowledges that it is inappropriate for first responders to be applying the 'false allegation' heading to rape and serious sexual offences when recording allegations on the Crime Recording Information System. Work is therefore taking place with the Department of Digital Policing to remove this mandatory heading from all crime reports for rape and serious sexual offences.

5. The impact of the question concerning previous experience of sexual abuse in Form 124D (completed when complainants report domestic violence) be researched and reviewed to assess whether it is the most appropriate mechanism for encouraging disclosure of rape offences (MPS).

The MPS has reviewed the use of the 124D question, and its response to it, as investigations are generated from an affirmative answer to this question, even if that is not the primary or motivating factor for the victim coming to police notice. The question itself forms part of the national risk assessment model that requires

completion in every report of domestic abuse. Revised instructions are being prepared for inclusion in the MPS Sexual Offences Toolkit and for dissemination within the organisation. The new process will ensure that no further action is taken where the victim does not wish to support a serious sexual assault investigation but they will still continue to be supported through a domestic abuse investigation by the Community Safety Unit and will have access to their external support network. In addition to this, and as a safeguarding measure, a national exit strategy has been prepared as part of the Joint National Rape Action Plan in cases where no further action is taken where safety is a key consideration prior to closure.

11. It is recommended that the number of cases categorised for ‘no further action’ is measured in order that there is greater transparency about the number of cases that are disposed of through this decision by the Detective Inspector or Detective Chief Inspector (MPS).

This work has already commenced and in order to ensure transparency and accountability around this topic, the number of cases subject to ‘no further action’ by police will be monitored across the five geographical hubs at bi-monthly Sapphire performance meetings. This initiative will complement the formation of scrutiny panels to monitor and review decisions made by Detective Inspectors/Detective Chief Inspectors to take no further action on rape and serious sexual offences investigations. Both the CPS and MPS external partners will be invited to participate in the panels to ensure that such decisions are legal and ethical. The implementation of the national exit strategy referred to in recommendation 5 is relevant here.

33. Given the significance of such serious cases as rape, it is recommended that the basis for the decision to discontinue should always be articulated in exact terms. The decision should specify whether the reason relates exclusively to the sufficiency of the evidence or to additional issues of credibility and reliability of the evidence in a case with an otherwise prima facie sufficiency of evidence in law (MPS).

This MPS agrees with this recommendation and work has already taken place in conjunction with our external partners to implement a system where a personal letter is hand delivered, where possible, to every victim of rape or serious sexual assault, whose case has been subject to ‘no further action’ by police, in order to fully explain the rationale behind the decision. The letter also offers the victim the option of a face-to-face meeting with the Senior Investigating Officer to discuss the decision.

In cases where a suspect has been interviewed under arrest or caution and no further action has been taken, the victim is also informed that they have a right to request a review of the decision under the Victim’s Right to Review procedures that extended to police decisions from the 1st April 2015.

MISCONDUCT

The public complaint system enables the Police Service to better understand how services to members of the public can be improved in the future through the identification of underperformance and organisational learning. It also allows checks to systems and processes and provides reassurance to victims that those practices have been followed. The Police Reform Act 2002 defines complaints that are subject to special requirements and serious sexual assault is included in this category. The Act also stipulates what should be covered in a severity assessment, which must be completed for all complaints. There is a clear difference between behaviour that is human error and that which is wilful abuse of current investigative practices and the review highlights the need for professional standards champions to give due consideration to all of the facts and the behaviour of the officer to ensure that any severity assessment is fair, balanced and accountable.

42. It is recommended that the approach to misconduct allegations within Sapphire is reviewed. This should ensure any errors which amount to misconduct are considered in the context of sustained and overwhelming work pressures and the inability to meet the investigation and review standards expected within the Toolkits and Standard Operating procedures in every case (MPS).

The MPS is in the process of revising the internal Sexual Offences Toolkit and Standard Operating Procedures to ensure that they are up-to-date and reflect current investigative best practice. In addition to this, the immediate and longer term review of resources should also assist in balancing the Sapphire workforce and reducing the stress levels/workloads placed on officers so that there is less opportunity for human error. These changes should assist in applying severity assessments for misconduct and gross misconduct matters that comply with the Police Reform Act 2002.

Legislative change

The review identifies some key points for Parliament to ensure that legislation for England and Wales is balanced and fair in its application.

LEGISLATIVE CHANGE

1. It is recommended that the Director of Public Prosecutions requests the government to give consideration to an amendment to the Sexual Offences Act 2003. This amendment would incorporate in the Act the principles set out in the case of Bree so that the impact of alcohol and other substances on capacity to consent is embedded in legislation.

37. A legislative provision similar to that contained in Section 275 C of the Criminal Procedure (Scotland) Act 1995, as amended, should be considered and drawn to the attention of the Attorney General. Such provision would codify and strengthen existing common law powers to lead expert evidence to rebut any inference adverse to the complainant's credibility or reliability that may be drawn from subsequent behaviour or statements of the complainant.

Section 275 C excludes from this provision expert testimony regarding a statement or behaviour during the alleged event. It is submitted that consideration of any new legislative provision should also allow such evidence to be admitted to provide expert evidence of the range of physiological and psychological responses to trauma that may be anticipated in circumstances of acute fear or alarm. These include the autonomic freeze, flop and disassociation responses or behaviour of the complainant designed to avoid further harm.

41. It is recommended in relation to special measures that:

- **consideration be given to amending the legislative requirements to dispense with a written application for screen or live link, which should be a matter of right for complainants in rape cases, and**
- **Increased use be made of existing provisions permitting a witness to give evidence in private.**

(Government departments)

These recommendations relate to changes in legislation which, ultimately, are a matter for Parliament. The Commissioner for the Metropolitan Police and the Director of Public Prosecutions will write to the Home Secretary and the Attorney General to draw the recommendations to their attention. The ultimate objective in any legal process should be to ensure that the proceedings are fair to all participants and that the tribunal of fact is assisted to reach proper, evidence-based conclusions. The Director of Public Prosecutions has previously highlighted the potential benefit of the inclusion of expert evidence on the range of responses to rape in order to inform jurors.

In addition, specifically in relation to the first part of recommendation 41, the Criminal Procedure Rules Committee frequently allows the use of oral applications for a screen or live link in rape cases. The CPS will discuss with the Committee whether this ought to be the default position. In relation to the second part of recommendation 41, CPS London will raise awareness of the use of measures permitting a witness to give evidence in private; this will be reinforced in updated guidance and training.

Table of responses to recommendations

| RECOMMENDATION | RESPONSE | LEAD |
|---|--|-------------------------------|
| <p>1. It is recommended that the Director of Public Prosecutions requests the government to give consideration to an amendment to the Sexual Offences Act 2003. This amendment would incorporate in the Act the principles set out in the case of Bree so that the impact of alcohol and other substances on capacity to consent is embedded in legislation.</p> <p>(Linked to recommendations 37 and 41)</p> | <p>These recommendations relate to changes in legislation which, ultimately, are a matter for Parliament. The Commissioner for the Metropolitan Police and the Director of Public Prosecutions will write to the Home Secretary and the Attorney General to draw the recommendations to their attention. The ultimate objective in any legal process should be to ensure that the proceedings are fair to all participants and that the tribunal of fact is assisted to reach proper, evidence-based conclusions.</p> | <p>Government departments</p> |
| <p>2. It is recommended that in order to tackle the long standing gap between policy and practice, the Police and Crown Prosecution Service develop a strategy to ensure that policy and guidance on investigating and prosecuting rape is published in a way that practitioners will best be able to access and absorb. Such policy should be reinforced by relevant and effective training.</p> | <p>The provision of guidance on rape will continue to focus on the provision of practical, informative and accessible advice. For example, tailored toolkits on the critical issue of consent (prepared for investigators and supervisors as well as prosecutors and advocates) have already been developed and disseminated earlier this year. CPS London staff also have access a range of information dedicated to Rape and Serious Sexual Offences on the internal CPS website as part of the development of a wider Casework Hub. In addition, in August 2015, the MPS will provide the easy-to-use, practitioner focussed sexual offences toolkit for investigators.</p> <p>Nationally, as part of the Joint National Action Plan on Rape Investigations and Prosecutions, the Police and CPS are working to a coordinated schedule of updates during 2015/16 to policy, guidance and training for investigators and prosecutors. This includes the publication of the College of Police's Authorised Professional Practice (APP) and updates to the CPS Legal Guidance and Policy as well as a joint regional workshop for relevant MPS and CPS London staff.</p> <p>The MPS and CPS London will conduct staff surveys with specialist rape investigators, SOIT officers and Rape and Serious Sexual Offence lawyers to seek views on what more the organisations can do to keep them updated on policy developments in an accessible way. Based on the findings from the survey, the MPS and CPS London will prioritise the provision of information in the appropriate way, including prioritising a refresh of the CPS Casework Hub which will be available nationally.</p> <p>All of this activity builds upon the role that Managers have in reviewing cases and mentoring staff to ensure that their teams have the right skills to deliver high-quality prosecutions which are compliant with national policies.</p> | <p>CPS London MPS</p> |

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| <p>3. The way in which the sickness policy is applied within Sapphire should be reviewed and a preventative strategy implemented. This strategy should include an equivalent of NHS 'clinical supervision' for all staff so that health and welfare problems may be pro-actively identified and supported in advance of a need for sick leave. Central to this should be an evaluation of culture to ensure staff feel that they can disclose the need for help within the work place and receive adequate support in return.</p> | <p>This recommendation is something that the MPS would like to pursue as it is accepted that there is a need for improved management of sickness absence and support to officers working within the Sapphire environment. The organisation will achieve this through the formation of an HR working group (to include professionals from occupational and mental health backgrounds) to coordinate the following:</p> <ul style="list-style-type: none"> - a comprehensive review exploring the reasons why Sapphire officers might fail to seek help for welfare/health matters, alongside what type of support is currently available to them, in order to devise a strategy for improved support mechanisms in the future. - the delivery of a series of best practice workshops to line managers to highlight the importance of effective attendance management that nurtures and supports the individual through their illness and safely back to the work environment. | <p>MPS</p> |
| <p>4. To avoid premature or inappropriate assumptions about the validity of a rape complaint by non specialist first response officers and to ensure that the investigation is approached with an open mind, the 'false allegation' section in the Crime Recording Information System template for recording rape allegations should be removed. This issue should only be dealt with by specialist Sapphire officers during the investigation.</p> | <p>The MPS acknowledges that it is inappropriate for first responders to be applying the 'false allegation' heading to rape and serious sexual offences when recording allegations on the Crime Recording Information System. Work is therefore taking place with the Department of Digital Policing to remove this mandatory heading from all crime reports for rape and serious sexual offences.</p> | <p>MPS</p> |
| <p>5. The impact of the question concerning previous experience of sexual abuse in Form 124D (completed when complainants report domestic violence) be researched and reviewed to assess whether it is the most appropriate mechanism for encouraging disclosure of rape offences.</p> | <p>The MPS has reviewed the use of the 124D question, and its response to it, as investigations are generated from an affirmative answer to this question, even if that is not the primary or motivating factor for the victim coming to police notice. The question itself forms part of the national risk assessment model that requires completion in every report of domestic abuse. Revised instructions are being prepared for inclusion in the MPS Sexual Offences Toolkit and for dissemination within the organisation. The new process will ensure that no further action is taken where the victim does not wish to support a serious sexual assault investigation but they will still continue to be supported through a domestic abuse investigation by the Community Safety Unit and will have access to their external support network. In addition to this, and as a safeguarding measure, a national exit strategy has been prepared as part of the Joint National Rape Action Plan in cases where no further action is taken where safety is a key consideration prior to closure.</p> | <p>MPS</p> |
| <p>6. Given the preponderance of rape allegations during the late evening and overnight, there is a clear need for a full 24 hour service from Sapphire to provide a consistent level of service at all times.</p> | <p>Sapphire officers are on-duty throughout any 24 hour period, including ensuring SOIT officer coverage across London in each of the five geographical hubs. In addition, there is the ability to utilise the services of the Homicide Assessment Team for complex investigations. A demand</p> | <p>MPS</p> |

Table of responses to recommendations

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| | profile and strategic rape assessment report, along with an internal review of the investigative model for rape investigations, has already commenced. This will further ensure that sufficient and suitably trained rape investigators are on duty 24/7 to meet the needs of victims of rape and serious sexual assault. | |
| 7. The forensic integrity of the environment in which forensic examinations are undertaken should be of the same standard for suspects as they are for complainants. | This recommendation will be considered under the MPS investigations sub working group, in conjunction with the Department of Forensics and the Custody Directorate, to review the cost and practical implications of the organisation introducing suspect forensic facilities that mirror the current forensic retrieval practices at the external Haven sites for victims. | MPS |
| 8. First responders should receive adequate training to ensure understanding of the complexities of rape reporting and recording to ensure that all officers understand the rape myths and behaviours and respond to complainants in an objective and compassionate manner. | The MPS will ensure that the initial response it provides to rape investigations is revised in order to deliver a highly efficient and outstanding level of service to all victims of rape and serious sexual offences. The revised structure that is adopted will determine which groups of officers need to receive specialised training in this area. | MPS |
| 9. A new mandatory training regime relating to evidential and forensic retrieval should be created to ensure that all first responders can provide a consistent level of service to those who report rape offences. This should also apply to dealing with suspects. A mandatory system should be put in place to ensure all police vehicles carry Early Evidence Kits and seat covers. Their use should be audited. | The MPS fully supports the development of a mandatory specialised training regime for those officers who provide the initial response to rape and serious sexual assault investigations and agrees that there should be a clear accountable system in place for the use of Early Evidence Kits and seat covers to ensure compliance and forensic integrity. This work will be taken forward in line with recommendation 8 above. | MPS |
| 10. The Metropolitan Police Service comfort suite estate is reviewed and a consistent quality is achieved across the estate to ensure access, cleanliness and comfort. | This will be considered as a part of the revised initial response provided to rape investigations (recommendation 8 above) and the future review into a central and unified Haven facility (recommendation 22 considered in the next section) to determine the need for police comfort suites under any amended structure. Those that are retained will have their functionality reviewed by the MPS Department of Forensics under an investigations sub working group that has been set up to progress relevant recommendations from this review. | MPS |
| 11. It is recommended that the number of cases categorised for 'no further action' is measured in order that there is greater transparency about the number of cases that are disposed of through this decision by the Detective Inspector or Detective Chief Inspector. | This work has already commenced and in order to ensure transparency and accountability around this topic, the number of cases subject to 'no further action' by police will be monitored across the five geographical hubs at bi-monthly Sapphire performance meetings. This initiative will complement the formation of scrutiny panels to monitor and review decisions made by Detective Inspectors/Detective Chief Inspectors to take no further action on rape and serious sexual offences investigations. Both the CPS and MPS external partners will be invited to participate in the panels to ensure that such decisions are legal and ethical. The | MPS |

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| | implementation of the national exit strategy referred to in recommendation 5 is relevant here. | |
| 12. It is recommended that the SOIT co-ordinator role is reviewed to ensure that those Detective Sergeants responsible for this role are better able to provide SOITs with enough support and guidance. | The MPS will consider whether this role should in fact be a permanent post to facilitate enhanced, continuous and more professional support for all SOITs engaged on the Sapphire investigation teams. | MPS |
| 13. It is recommended that the National Health Service undertakes an independent occupational health assessment of the SOIT officer role using their experience of managing staff within the Havens. This should identify how the role is structured to ensure conditions such as 'burnout' are prevented and staff welfare is maintained. This will enable officers to provide the appropriate support to complainants in this challenging environment. | The MPS would welcome the assistance and experience of the National Health Service in conducting such a review and will discuss the possibility of taking this forward with the organisation. | MPS The Havens |
| 14. The SOIT officer workforce should be urgently reviewed and increased to reflect the current and anticipated increase in demand and in line with the Occupational Health assessment as to how the role should be performed. This should be implemented forthwith. | The MPS accepts that there is an immediate need to increase the number of SOIT officers on the command to provide resilience and support to those currently performing the role, in addition to an enhanced level of service to victims. A recent successful recruitment initiative has helped to bolster SOIT numbers and the completion of the demand profile and strategic rape assessment report, in addition to the review of the rape investigative model, under recommendations 6 and 28, will enable this piece of work to be taken forward. | MPS |
| 15. Subject to recommendation 22 and as an interim measure, the Toolkit objective of a SOIT officer responding to a complainant within one hour of a rape allegation being received by Sapphire should be reviewed to allow for the geography of London so long as staff are situated within geographical Hubs. | This objective is in the process of being reviewed as it is recognised that it is unachievable within the current Haven pathway process and the geographical hub arrangements. The MPS will provide direction to officers on how it is going to implement an improved and first-rate SOIT response to victims of rape and serious sexual assault in the immediate future. | MPS |
| 16. Commissioning is re-evaluated to ensure that adequate services for complainants who are not fit to consent to an examination through complications such as intoxication or mental health needs are managed so far as possible within the Haven. This would thereby support the SOIT role and needs of the complainant within one medical setting. (See also Recommendation 22) | The MPS welcomes the need for an evaluation of services that can be provided to victims who are unable to consent to a forensic medical examination at the time of police referral and will consult the Havens Commissioners and Kings College Hospital NHS Foundation Trust over this initiative as part of the organisation's aspiration to deliver an unparalleled service for all victims of rape and serious sexual assault. | MPS The Havens |
| 17. The role of the SOIT officer should be extended to include working within the Haven to support self-referrals, Haven enquiries and forensic process in the context of a new extended central Haven facility. | The MPS considers enhanced collaboration and partnership with the Havens as being instrumental to delivering an individual and bespoke service for victims of rape and serious sexual assault. This recommendation will be discussed with the Havens Commissioners and the Kings College Hospital NHS Foundation Trust at the Multi-Agency Rape Investigation Improvement Group. | MPS The Havens |

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| <p>18. In order to provide clinicians in the Havens with feedback on the quality of their sampling techniques, a research project should be carried out from time to time to compare forensic techniques with the outcome of the scientific analysis.</p> | <p>The MPS is currently piloting an initiative to assist the Havens in assessing the quality of their sampling techniques and will offer their support to the NHS in this important area.</p> | <p>MPS The Havens</p> |
| <p>19. Improved engagement between Investigating Officers, the Crown Prosecution Service, and the Havens is recommended to ensure that Havens staff are updated, where necessary, on investigations and prosecutions and that enough warning is provided for statement requests. As far as possible trial advocates should ensure a fixed time for Haven staff to give evidence at court and consideration should be given to evidence being given from a new Haven facility via live link.</p> | <p>Strengthened communication with, and further certainty for, Haven staff giving evidence will be encouraged including through the work of Witness Care Units which have the primary responsibility for keeping witnesses updated. In addition, in advance of a trial, CPS London will agree with the defence the order in which witnesses are required to provide evidence. Consideration will also be given to the use of live links to enable Haven Staff to give evidence remotely; subject to the factors set out in section 51 of the Criminal Justice Act 2003. We will discuss with the Havens what more can be achieved to deliver this recommendation.</p> | <p>CPS London MPS The Havens</p> |
| <p>20. Clinical haven staff who give evidence in court should, as part of their development, actively seek and be provided with feedback from the trial advocate in cases where they have given evidence.</p> | <p>As part of the Multi-Agency Rape Investigation Improvement Group set up to oversee the implementation of all recommendations from the review, CPS London will discuss this with the Havens in order to better understand their needs on this issue and how best to take this specific recommendation forward.</p> | <p>CPS London The Havens</p> |
| <p>21. It is recommended that, as an interim measure, Kings College Foundation Trust along with the other relevant agencies raise the public profile of the Havens in London with a view to increasing the number of self-referrals.</p> | <p>It is important that members of the public are aware of the unique service provided by the Havens and how to access it. A recent joint initiative between the Havens and the MPS oversaw the launch of an online video, which tracks the journey of a victim through the Haven service and emphasises the health benefits of utilising this service. In addition to this, we would seek to build greater knowledge within key referring organisations so that they may confidently identify signs of sexual assault and be able to refer to the Havens. The MPS will discuss in greater detail with the Havens Commissioners and the Kings College Hospital NHS Foundation Trust how this recommendation may be taken forward at the Multi-Agency Rape Investigation Improvement Group.</p> | <p>MPS The Havens</p> |
| <p>22. Given the potential for significantly lowering the attrition rate and securing early and effective support for complainants, it is recommended that a fundamental review of the scope and nature of service provision at the Havens, along with the nature and location of the estate, is conducted. This would remove the exclusion of cases presenting outwith one year of the offence. Co-location of SOIT officers and Independent Sexual Violence Advisors (ISVAs), in their own discrete accommodation at the Haven, would ensure that the Haven becomes the default gateway for all complainants rather than police stations. Current facilities and resources</p> | <p>As per the response to recommendation 17 above, the MPS is fully supportive of enhanced collaboration and partnership with the Havens to ensure that victim support and welfare is at the forefront of any rape or serious sexual assault investigation. The MPS will consult the Havens Commissioners and the Kings College Hospital NHS Foundation Trust regarding this recommendation at the Multi-Agency Rape Investigation Improvement Group.</p> | <p>MPS The Havens</p> |

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| <p>could not deliver such a service. As part of such a review, the potential benefits of a central and unified resource should be considered and evidence obtained as to whether such a centralised resource would enable greater resilience and peer review and support for the practitioners serving in a much more substantial centre with more ready access to multi-disciplinary investigative and support services.</p> | | |
| <p>23. It is recommended, expanding on the findings of the Stern review, that the Government should recognise the unique and invaluable role of the Independent Sexual Violence Advisor (ISVA) and address the need for greater numbers and longer term funding in order to meet levels of demand and increase resilience.</p> | <p>The MPS and CPS London acknowledge that the role of ISVAs can be critical in delivering improved outcomes for victims. The Commissioner will draw the comments from the review report on the issue of adequate provision to the attention of the Home Secretary and the Mayor's Office for Policing and Crime (the strategic oversight body for the Metropolitan Police Service).</p> | <p>Government departments</p> |
| <p>24. It is recommended that the performance regime for Sapphire should be re-evaluated in order that charging crimes of rape is not measured in isolation. What happens to a case post charge (attrition) and the benefits to a complainant's health and wellbeing of alternative outcomes are all valid areas of performance in which the police play a vital role. Performance measures should be designed to reflect these wider objectives. This is central to both reducing attrition and increasing confidence in complainants.</p> | <p>In consultation with its Portfolio and Planning Unit, the MPS intends to revise the Sapphire internal performance regime to ensure that objectives put the victim at the heart of the process and are more in line with the victim's overall experience. This will consider a broad range of measures including wider outcomes such as criminal interventions/disruptions and, importantly, victim satisfaction with the support and range of services that they have received.</p> | <p>MPS</p> |
| <p>25. The review was particularly struck by the volume of forensic demands and lack of dedicated support compared with its nearest comparator, the Homicide and Major Crime Command. Forensic science is a central theme of this crime type and therefore it is recommended that an evaluation is undertaken to determine the appropriate level of dedicated forensic support that should be provided to Sapphire.</p> | <p>Under the guidance of the MPS investigations sub working group, the Department of Forensics will undertake a review of the specific forensic demands of the Sapphire teams to ensure that the future Policing model reflects the need to provide an enhanced and proportionate level of service for this type of crime.</p> | <p>MPS</p> |
| <p>26. It is recommended that weighting factors to reflect the scale and complexity of rape investigations are introduced for any measurement of the workloads of Sapphire officers and reflected in the allocation of cases.</p> | <p>The MPS agrees that this is a practical measure that will be used to inform the demand profile and the review of the investigating workforce under recommendations 6 and 28.</p> | <p>MPS</p> |
| <p>27. It is recommended that a specialist rape investigators' training course and qualification should be introduced to ensure investigators are properly trained and equipped to fulfil the role.</p> | <p>The MPS fully supports the need to adopt the national Serious Sexual Assault Investigators Development Program designed to provide rape investigators with the specialist and professional training they require to fulfil their work in this important area of work. Consultation will take place between the National College of Policing and the MPS Crime Academy to commence this training and discuss the possibility of introducing a national qualification for this type of work.</p> | <p>MPS</p> |

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| <p>28. The investigating workforce should be urgently reviewed and the resources increased to reflect the current and anticipated increase in demand.</p> | <p>In line with recommendation 6, a demand profile and strategic rape assessment report has been commissioned, which will enable the MPS to accurately assess how Sapphire resources should be deployed throughout any 24 hour period. The content of this assessment will be progressed in conjunction with the Human Resources Department under the MPS investigations sub working group.</p> | <p>MPS</p> |
| <p>29. It is recommended that there is an immediate and fundamental review of the resourcing of the Sapphire investigation teams to ensure that appropriate, additional and skilled resources are introduced to the investigation teams as soon as possible. Any increase in staffing should also take into account the need for pro-active development, mentoring and supervision by senior officers who should also have a reasonable span of management and individual workload.</p> | <p>It is recommended that there is an immediate and fundamental review of the resourcing of the Sapphire investigation teams to ensure that appropriate, additional and skilled resources are introduced to the investigation teams as soon as possible. Any increase in staffing should also take into account the need for pro-active development, mentoring and supervision by senior officers who also have a reasonable span of management and individual workload (MPS).</p> | <p>MPS</p> |
| <p>30. A dedicated team of officers should be reassigned for the creation of Sexual Offences pages within the Crime Reporting Information System to ensure consistency and compliance service-wide. Additionally, an analysis should be undertaken of the current intelligence processes relating to Sapphire remit crimes to evaluate the level of intelligence support now provided in pursuit of these objectives and to ensure serial offending is effectively analysed.</p> | <p>The MPS Intelligence Department will be tasked with conducting an internal review of the current systems and processes in place to support the Sapphire investigation teams, to include the analysis of serial offending and the creation/monitoring of the Sexual offences pages on the Crime Reporting Information System. This work will be progressed through the MPS investigations sub working group to identify and remedy the key issues arising.</p> | <p>MPS</p> |
| <p>31. It is recommended that resourcing of the London Rape and Serious Sexual Offences Unit is urgently addressed with a view to ensuring that caseloads and the resourcing model are adjusted to ensure the quality commitments made by the Crown Prosecution Service are realistic and achievable.</p> | <p>In response to a national increase in rape prosecutions a wider internal review of all Rape and Serious Sexual Offence Units across England and Wales was commissioned by the CPS. As a result, a Resourcing Model for all units is already being developed. This will help in ensuring the adequate resourcing of units and in avoiding unnecessary delays including as a result of files being rejected by the CPS due, in part, to an absence of joint-case building at an earlier stage.</p> <p>CPS London is one of five pilot Areas selected to inform its development and, while the resourcing arrangements are yet to be finalised, CPS London will reprioritise resources to deploy a number of additional fully trained lawyers to increase the size of its Rape and Serious Sexual Offence team.</p> | <p>CPS London</p> |
| <p>32. It is recommended that appropriate regular occupational health supervision for Crown Prosecution Staff in the Rape and Serious Sexual Offences Unit who are dealing with distressing casework is introduced to ensure their emotional resilience is preserved and that any support needs arising from their work can be identified and addressed.</p> | <p>In addition to the Employment Assistance Programme available for all staff, and following the implementation of the Joint National Rape Action Plan, a tailored support and welfare package for staff across all CPS Rape and Serious Sexual Offence Units is being developed. Subject to negotiations with our supplier and operational readiness, we hope this</p> | <p>CPS London</p> |

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| | <p>additional support will commence from July 2015. The welfare package will be supported by a communications plan to remind Managers and staff that this support is available.</p> | |
| <p>33. Given the significance of such serious cases as rape, it is recommended that the basis for the decision to discontinue should always be articulated in exact terms. The decision should specify whether the reason relates exclusively to the sufficiency of the evidence or to additional issues of credibility and reliability of the evidence in a case with an otherwise prima facie sufficiency of evidence in law.</p> | <p>This MPS agrees with this recommendation and work has already taken place in conjunction with our external partners to implement a system where a personal letter is hand delivered, where possible, to every victim of rape or serious sexual assault, whose case has been subject to 'no further action' by police, in order to fully explain the rationale behind the decision. The letter also offers the victim the option of a face-to-face meeting with the Senior Investigating Officer to discuss the decision.</p> <p>In cases where a suspect has been interviewed under arrest or caution and no further action has been taken, the victim is also informed that they have a right to request a review of the decision under the Victim's Right to Review procedures that extended to police decisions from the 1st April 2015.</p> | <p>MPS</p> |

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| <p>34. Detective Inspectors carry a grave responsibility in making decisions to take no further action. In Scotland these decisions are only made by the most senior prosecutors where there is a prima facie sufficiency of evidence in law. While the preference would be for this function to be transferred to a legally qualified prosecutor, it is recognised that a wholesale transfer of these functions to the Crown Prosecution Service would not be feasible with the paucity of current resources in the Crown Prosecution Service. It is however recommended that Detective Inspectors have recourse to early advice and guidance from prosecutors on decisions of such magnitude. In addition there is a need to embed Rape and Serious Sexual Offences Unit prosecutors in the Sapphire Hubs to allow early legal guidance and advice in difficult cases to be provided to senior officers and to ensure that the evidence gathered is focussed on the presentation of a robust case in court.</p> <p>35. While it is not the job of the prosecution to supervise officers in the execution of their duties or to act as substitutes for competent supervisory police officers, a considerable number of the difficulties experienced at the time of reporting to the Rape and Serious Sexual Offences Unit could be completely avoided by early and intensive discussions between the prosecutors and the relevant officers. Additionally, such early intervention allows the prosecutor to ensure that the case is prepared with a clear strategy developed for the presentation of the evidence in court. Embedding both a senior gatekeeper police officer and a Rape and Serious Sexual Offences prosecutor in each police Hub would ensure that decisions could be taken as early as possible and that such decisions were based on sound legal principles. Such arrangements should also lead to a better understanding by both agencies of the constraints and pressures faced by the other. Access to the embedded Rape and Serious Sexual Offences Unit prosecutor should be restricted by the gatekeeper police officer or through supervising senior officers to ensure the prosecutor's role does not become confused with that of an additional supervisor and that the necessary independence of the prosecution is not eroded through co-location.</p> <p>(Linked recommendations)</p> | <p>The Sapphire teams on the five geographical hubs across London are already staffed by a senior gatekeeper police officer at Detective Inspector level, whose work is overseen and supported by a Detective Chief Inspector assigned to each of the hubs. Nationally, the CPS is already setting up pilots in a number of Areas to support the provision of timely and meaningful advice to the police to inform the investigation. The MPS and CPS London have agreed a similar arrangement and, consequently, prosecutors will be deployed in each of the five police hubs. This will ensure joint-case building at an earlier stage leading to an increase in the quality and timeliness of investigations.</p> <p>The MPS and CPS London will immediately reissue guidance on seeking early investigative and other advice as part of the work of the Joint National Rape Action Plan. To support this, the MPS and CPS London have agreed to consider revised arrangements for advice and pre-charge decision-making in rape and serious sexual offence cases as a matter of urgency.</p> | <p>CPS London MPS</p> |
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| <p>36. It is recommended that urgent steps are taken to reinforce training of police and prosecutors about the recurrent myths and stereotypes surrounding complainant behaviour during and following an alleged rape. Policy should be developed about the use of expert witnesses to address the current common lack of understanding that may lead juries to acquit.</p> | <p>As the review recognises, there are legal limitations around the provision of expert evidence that might, if admissible, be used to address common misconceptions which may lead juries to acquit. Managers across the MPS and CPS London will urgently highlight the use of expert evidence where appropriate. This will be picked up on reviews carried out by managers and, more widely, supported by updated guidance and training for investigators and prosecutors.</p> <p>This builds on a range of work already carried out to challenge rape myths and stereotypes as part of the Joint National Rape Action Plan including toolkits for prosecutors, advocates, investigators and supervisors & managers on consent published earlier this year. Forthcoming revision of guidance and training will further challenge common misconceptions.</p> | <p>MPS CPS London</p> |
| <p>37. A legislative provision similar to that contained in Section 275 C of the Criminal Procedure (Scotland) Act 1995, as amended, should be considered and drawn to the attention of the Attorney General. Such provision would codify and strengthen existing common law powers to lead expert evidence to rebut any inference adverse to the complainant's credibility or reliability that may be drawn from subsequent behaviour or statements of the complainant.</p> <p>Section 275 C excludes from this provision expert testimony regarding a statement or behaviour during the alleged event. It is submitted that consideration of any new legislative provision should also allow such evidence to be admitted to provide expert evidence of the range of physiological and psychological responses to trauma that may be anticipated in circumstances of acute fear or alarm. These include the autonomic freeze, flop and disassociation responses or behaviour of the complainant designed to avoid further harm.</p> <p>(Linked to recommendations 1 and 41)</p> | <p>These recommendations relate to changes in legislation which, ultimately, are a matter for Parliament. The Commissioner for the Metropolitan Police and the Director of Public Prosecutions will write to the Home Secretary and the Attorney General to draw the recommendations to their attention. The ultimate objective in any legal process should be to ensure that the proceedings are fair to all participants and that the tribunal of fact is assisted to reach proper, evidence-based conclusions. The Director of Public Prosecutions has previously highlighted the potential benefit of the inclusion of expert evidence on the range of responses to rape in order to inform jurors.</p> | <p>Government departments</p> |
| <p>38. It is unsurprising that the enormous workload of these units, in a category of cases that do not achieve as high a level of conviction as other crimes, has affected the outlook of the Rape and Serious Sexual Offences Unit prosecutors. The relative isolation of the lawyers and conveyor belt style of working make the role much less satisfying and effective. It is recommended that much greater involvement with the other critical agencies, consultation in the preparation of the case at the earlier stages of the investigation, more exposure to the witness of fact and expert</p> | <p>Staff in the CPS London Rape and Serious Sexual Offence Unit will engage with other critical agencies as required by the specific case which they are handling. This will include discussions with the police through the provision of early investigative advice and with victims through meetings to discuss special measures. As part of their ongoing development and training, Managers will actively encourage staff to interact with, and learn from, a range of relevant agencies including the Havens and specialist support services. This approach aligns with the work being taken forward</p> | <p>CPS London</p> |

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| <p>witnesses and provision of support to Counsel at the trial would make this role much more rewarding and effective. It may also allow the public to gain more insight into the huge contribution made by the Crown Prosecution Service in preparing and prosecuting these very anxious cases.</p> | <p>as part of the Joint National Rape Action Plan.</p> | |
| <p>39. It is recommended that the Police, prosecutors and forensic medical examiners work jointly to:</p> <ul style="list-style-type: none"> - ensure all cases where there is no genital injury that the evidence is presented in such a way as to avoid endorsing societal myths linking rape with injuries and; - to revisit the question of professional/expert status of forensic medical examiners to enable them to give their best evidence in all cases and ensure equality of arms with the defence. | <p>In relation to the first point on the misconception associated with rape and genital injury, CPS London Managers will ensure that their teams approach prosecutions from an informed perspective and that they challenge myths and stereotypes where they arise. This will be further reinforced by work being delivered as part of the Joint National Rape Action Plan including through the development of new training and updated guidance.</p> <p>In relation to the second point, the MPS and CPS London recognise that in giving ‘opinion evidence’ based on their clinical findings and their experience, Forensic Medical Examiners can make an important contribution to presenting a fair and balanced case. In line with the National Protocol on Rape Investigations and Prosecutions, unless there are particular reasons for not doing so, CPS London will include the forensic physician in the case conference with the prosecutor, trial advocate and the investigating officer and will call the physician to properly explain the significance of findings.</p> | <p>MPS CPS London</p> |
| <p>40. It is recommended that the police and prosecutors ensure that in all cases where there is psychological injury consideration is given to presenting evidence relating to that injury as part of the prosecution case.</p> | <p>In cases where there is psychological injury, and where a court could reasonably infer a causal connection, consideration should be given to presenting evidence related to that injury as part of the prosecution’s case. CPS London will raise this important issue with operational staff. In addition, the CPS will reinforce this key message in updated guidance and training for all prosecutors - the MPS will mirror this approach in their induction and professional development training days.</p> | <p>MPS CPS London</p> |
| <p>41. It is recommended that, in relation to special measures that;</p> <ul style="list-style-type: none"> - consideration be given to amending the legislative requirements to dispense with a written application for screen or live link, which should be a matter of right for complainants in rape cases, and - Increased use be made of existing provisions permitting a witness to give evidence in private. <p>(Linked to recommendations 1 and 37)</p> | <p>These recommendations relate to changes in legislation which, ultimately, are a matter for Parliament. The Commissioner for the Metropolitan Police and the Director of Public Prosecutions will write to the Home Secretary and the Attorney General to draw the recommendations to their attention. The ultimate objective in any legal process should be to ensure that the proceedings are fair to all participants and that the tribunal of fact is assisted to reach proper, evidence-based conclusions.</p> <p>In addition, specifically in relation to the first part of recommendation 41, the Criminal Procedure Rules Committee frequently allows the use of oral applications for a screen or live link in rape cases. The CPS will discuss</p> | <p>Government departments</p> |

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| | with the Committee whether this ought to be the default position. In relation to the second part of recommendation 41, CPS London will raise awareness of the use of measures permitting a witness to give evidence in private; this will be reinforced in updated guidance and training. | |
| 42. It is recommended that the approach to misconduct allegations within Sapphire is reviewed. This should ensure any errors which amount to misconduct are considered in the context of sustained and overwhelming work pressures and the inability to meet the investigation and review standards expected within the Toolkits and Standard Operating procedures in every case. | The MPS is in the process of revising the internal Sexual Offences Toolkit and Standard Operating Procedures to ensure that they are up-to-date and reflect current investigative best practice. In addition to this, the immediate and longer term review of resources should also assist in balancing the Sapphire workforce and reducing the stress levels/workloads placed on officers so that there is less opportunity for human error. These changes should assist in applying severity assessments for misconduct and gross misconduct matters that comply with the Police Reform Act 2002. | MPS |
| 43. It is recommended that training for police officers and prosecutors includes ensuring that complainants make informed decisions about their case, particularly in relation to any forensic medical examination, how their initial evidence is recorded and how it is presented at court. | These are existing requirements for the MPS and CPS London. As part of ongoing training, we will review our training materials to ensure that the points for the relevant agency are further emphasised. | MPS CPS London |
| 44. The review was concerned at the length of time some complainants wait before receiving psychological therapy and the perception that to do otherwise would prejudice a trial. It is therefore recommended that the Police, the Crown Prosecution Service and the Department of Health revisit the issue of pre-trial therapy to agree updated guidance and to ensure that complainants' recovery is not delayed by an unnecessarily over cautious approach. | It is important to ensure that the provision of vital support and services for victims is not delayed by the trial process. The MPS and CPS London will issue an immediate reminder to operational staff that therapy does not have to wait for court proceedings. In addition, the CPS will review national guidance to all prosecutors on this issue. | MPS CPS London Department of Health |
| 45. It is recommended that the Metropolitan Police Service formulates an official strategy for handling reports of intelligence in relation to sexual violence in those situations where the complainant does not wish to make a formal crime report. This should include signposting complainants to specialist support services. | The MPS recognises the importance of every victim having the confidence to approach police if they have been raped or sexually assaulted, regardless of whether they wish to make a formal report or not. Ultimately, the welfare of the victim comes first and it is vital that they have access to the specialist support services that are available, whilst they make an informed decision as to how they wish to proceed. The MPS will review its strategy for handling intelligence in such circumstances and will provide clear guidance in its internal Sexual Offences Toolkit and in police training for first responders. | MPS |
| 46. It is recommended that new additional performance measures are introduced with the aim of increasing complainants' confidence and that of the wider community by recognising the benefit to rape complainants of the specialist assistance and support they receive. Such additional outcome measures should be designed to ensure that the needs of the complainant, | Victims' experiences, together with bringing offenders to justice, needs to be recognised when defining successful outcomes. We note that the review finds that complainants need to be encouraged to recognise a wider definition of success and be supported to 'recognise the steps they have taken to achieve justice, including reducing the risk posed to themselves | MPS CPS London |

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| <p>as well as the wider public interest, are at the centre of the process.</p> | <p>and others and giving their best evidence at court'. The review recommends that in cases resulting in a charge, but not in a conviction, a similar record of outcomes should be kept. It does not outline what these might be but the section suggests measures should enable complainants to appreciate the range of available support.</p> <p>In line with recommendation 24, the MPS intends to revise its internal performance regime to make it more reflective of a victims overall police experience. Consultation work will be conducted with the Victims' Focus and Rape Reference Groups to determine what the outcome measures should be and will incorporate these into the internal monitoring systems. CPS London will also be consulted as part of this work.</p> | |
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