




# Rape response

Last June the Metropolitan Police Service put its head above the parapet, when the Commissioner announced an immediate review of one the worst performing areas of criminal investigation - rape.

Tina Orr Munro reports.

 It is the first time any force has undertaken such a close examination of why so few rape allegations ever result in a charges being brought.

At the time, Sir Ian Blair, commissioner of the Met Police, and author of a book on best practice rape investigations, promised a swift review. The Met finally released its findings in December.

The report's introduction discusses the 'risks' of making its findings public and warned that 'in a review of this nature it is all too easy to take the findings out of context and negatively portray a service that has all the elements of being world class.'

Richard Sumray, chairman of the Met's Planning, Performance and Review Committee said the review provided a starting point, but the recommendations should now be pursued 'with urgency' to improve the trust and confidence of rape victims and to show that the criminal justice system takes rape seriously.

## A national issue

The poor clear up rate for rapes is not unique to London. It is a national issue. A Home Office study last year found just five per cent of allegations resulted in convictions.

The Met's review merely highlights issues that afflict all forces -

that rape is hugely under-reported and when it is, relatively few cases ever come to court.

In all, 677 allegations of rape recorded during April and May 2005 were examined by the force's Directorate of Strategic Development as part of the review.

Its findings reveal that a month after the allegations were made, just 58 people were charged with rape. By September this figure rose to 96 but it still represents just 14 per cent of the original number of cases reported.

The review identifies two reasons for this. Firstly, rape cases have always been notoriously difficult to investigate and few people doubt the complexities surrounding these crimes.

Alcohol is a central player in many rape cases which poses considerable problems for any investigation when a complainant cannot remember what has happened to them.

## Vulnerable victims

The Review found that a third of the rape cases they looked at revealed the person had been drinking immediately before the attack happened.

Because of alcohol, two thirds of rape victims were actually unsure as to whether sexual intercourse had taken place at all.

Evidence of mental health problems also affected the way a rape was investigated, especially in terms of whether the allegation was recorded as a crime in the first place.

Nearly a fifth of females who said they had been raped were 'noted' as having mental health problems and allegations from nearly half of women with mental

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health problems were written off as no crime/not crime.

There exists a danger that those with mental health problems are deliberately targeted because of their vulnerability, but the review admitted that Project Sapphire, the Met's response to rape investigation, needed to look closely at that the whole issue of mental health and how it affects rape and serious sexual assault.

"Such allegations pose considerable challenges to a police investigation and the bringing of

offenders to justices whilst recognising that mental health issues are sometimes implicated in the making of false allegations," states the review.

A spokesman for the Met said: 'The point of the review is that it was self initiated and although we provide an excellent service, we are looking to continuously improve the service we deliver to the victims of rape.

'People who are intoxicated and those suffering from mental health issues represent the most vulnerable in terms of those more likely to become victims of rape and yet some of these cases are the most difficult to investigate.'

While the police have little control over the nature of an offence, they do have a responsibility in terms of its response which is another area the review identified as affecting the outcome of a rape investigation.

Victims should expect the same level of service wherever they report the crime, but the review found significant problems especially surrounding the recording of rape from area to area.

Ten per cent of rape allegations listed as 'no or not crime' between April and August last year were misreported, according to the Review Team who felt the

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allegations should have been recorded as a crime and investigated as such.

While the review accepts there may be a good explanation for this, the NCRS (National Crime Recording Standards) requires all allegations to be recorded as rape and absence of any evidence other than the initial allegation is not sufficient to record an allegation as 'no crime'.

Non-sanctioned detections (NSD) have also been applied wrongly in some areas which could falsely inflate the overall detection rate. A NSD is used where there is enough evidence to prosecute an offender, but it is not in the public's interest to do so. But the Met Police believe that sanctioned detections should be the 'goal' for a rape investigation.

"The importance of proper classification of rape allegations cannot be underestimated. The level of 'no crime and not crime' affects the detection rate as these allegations are discounted from the total number of allegations of rape that are used to determine the proportion of crimes solves," the Review found.

### Performance factors

But the low attrition rate for rape cannot be blamed entirely on the way the police count and classify crimes.

The Review does not 'name and shame' individual boroughs; instead it identifies a number of 'features' that affect performance.

The review calls for boroughs to use dedicated teams of sexual offences investigators. It even stepped in and reinstated a

Sapphire team where it had been previously disbanded.

The review also warns that in areas where there was no Sapphire Team, 'rape investigations became only one of many others undertaken by reactive squads on a rota basis.'

Other observations the review makes include ensuring sexual offences investigation officers are selected for their aptitude and enthusiasm and 'not simply be posted onto Sapphire teams' and borough commanders are also told to resist 'brigading' the Sapphire Team with the Community Safety Unit.

'This leads to investigators being swamped with high-volume, comparatively lower-level investigations, impairing their ability to investigate complex rape allegations.'

Nicole Westmarland, chairman of Rape Crisis and research associate at the University of Bristol agrees that the police response is to be vital, if any progress is going to be made, but says there is still some way to go.

'As the first stage of contact with the criminal justice system, if the police response is poor then victims may feel that they do not have the strength to continue with the process. If victims feel that they are not believed by the police, they will question whether others will disbelieve them,' she says.

'We've got to remember that the police response to rape has massively improved over recent years and that there are some excellent officers working in this

area. However, it is important also to remember that there are still some terrible responses to rape victims; ones which are reticent of responses in previous decades.

'Most of the women who ring rape crisis lines will never report rape to the police. While congratulating the police for their work in improving responses to rape, we must also question why such a small number report.'

Overall, the Review found that the policies and procedure set up in 2001 under Project Sapphire to tackle rape investigations were correct and still represent good practice

### Challenge

The challenge now is persuading borough commanders and, indeed, all officers to comply with the best practice that has already been identified.

Dr Westmarland agrees that consistency is key to improvement, but so too is funding.

'Now that we are improving our knowledge of 'what works' it is important that these lessons are rolled out, and that the necessary finances are made available.

'Yes, everyone's working to tight budgets, but the area of sexual violence is not one to scrimp and save on.'

But, ultimately, she says prejudices within the wider criminal justice system as well as the media are hampering real progress and that must also change.

'Until there is a massive shift in attitudes towards women who are raped, not only from the police but throughout the criminal justice system and also further a field such as in the media, we are unlikely to see a large increase in the proportion of reported rapes that result in conviction.'



### Sexual Assault Referral Centres (SARCs)

Sexual assault referral centres are a one-stop location where victims of sexual assault can receive medical care and counselling, quickly and sympathetically.

Referral centres also provide the chance to help the police investigation into the alleged offences, including offering facilities for forensic examination.

At present there are 13 centres across England, including London where they are called Havens.

The Lancashire SAFE (Sexual Assault Forensic Examination) Centre is one of the country's first purpose-built centre combining forensic and medical care for complainants of rape and sexual assault and opened at Royal Preston Hospital in July 2002.

Det Ch Insp Cath Thundercloud, from Lancashire Constabulary, is the police liaison officer for SAFE as well as the force champion for dealing with sexual offences. A role she has held for four and half years.

Det Ch Insp Thundercloud outlines a number of factors that contribute to improving rape investigations and conviction rates.

'A case tracking system was developed at the SAFE centre in November 2005 as the result of Home Office funding which will make a considerable difference to our performance.

'Hopefully it will be able to highlight areas where cases have been retracted. It should also identify where, if any, the problems are whether they are within the first 24 or 48 hours or later or with the CPS, for instance.

'We also started using anonymous intelligence forms for self referrals in October and these have proved useful. It allows victims to choose whether or not they supply information about the attack. It means they are can retain their anonymity and give us useful intelligence. This is particularly important if we have a serial rapist on our hands. They can even give us the offender's name. The intelligence that they supply gives us an idea of the bigger picture of what is happening out there.

'We are also looking to translate information about the SARC into different languages. We can always improve our service with first officers at the scene. Training is important. We have a pass/fail course of sexual offences officers which we introduced two years ago, but young recruits also get input in their training from the SAFE centre manager. Officers also use Early Evidence Kits. Training has had an impact in terms of the quality of first statements taken.'

Factors present in the best performing boroughs:

- **Supervision:** A dedicated DI responsible for rape investigation
- **Partnership:** Good links with CPS, Havens and forensic services
- **Investigation:** cohesion between first reporting, intelligence, forensics and the criminal justice process.
- SOIT officers should be part of the CPS prosecution team.
- **Forensics:** use of early evidence kits. Experienced forensic practitioners should be consulted on exhibits and samples.
- **Training:** Must include investigative interviewing skills and 'Golden Hour' critical incident response as well as forensic awareness.
- **Senior Management Team Leadership:** Highest levels of inaccurate classifications found where DI had not reviewed the investigation or classification.
- **Sexual Offences Investigation Techniques Officers:** should be co-located in one office.
- **Intelligence:** Dedicated contact points within Intelligence Units for sex-related crimes. (Only six out of 32 London boroughs had these).