

The Rt Hon Priti Patel MP  
Home Secretary  
Home Office  
2 Marsham Street  
London

Our ref:TP/VS

27 August 2021

Dear Home Secretary

**RE: HMICFRS (JJI) report into the police and CPS response to rape – phase one.**

Thank you for the opportunity to comment on the joint thematic inspection report on the police and CPS response to rape (phase one). Preventing and tackling violence against women and girls remains a priority for my office, and for the Suffolk Constabulary. It is reflected in my Police and Crime Plan.

Suffolk Constabulary has provided a response to these recommendations, detailing the approach and challenges in Suffolk, which is attached.

The response from the Constabulary reflects the desire to make further improvements through its Serious Sexual Offences Delivery Plan and highlights the effective working relationships and governance in place across the Eastern Region and with CPS colleagues to monitor progress. It also reflects the importance of the wrap around local support victims receive.

Alongside this local commitment, I would want to see national commitment. There needs to be assurances that the CPS (alongside the Police) have requisite capacity to ensure early advice can be realised for all the cases this would benefit. Furthermore, the ongoing challenge for many forces of recruiting, retaining and building experience in its detective capability is well-rehearsed and further articulated by HMICFRS. The need to ensure detective capacity, and capability, to address the complexity of sexual violence and abuse investigation, needs to remain a national priority for government with regards effective resourcing and support.

I intend to keep these matters under review as part of my accountability arrangements and in my discussions with the Local Criminal Justice Board, and with the Policing and Justice ministers.

Yours sincerely



Tim Passmore, Police and Crime Commissioner for Suffolk



<b>Subject</b>	<b>Criminal Justice Joint Inspection – A joint thematic inspection of the police and Crown Prosecution Service response to rape</b>
<b>Date</b>	31/07/21
<b>PURPOSE</b>	Suffolk Constabulary response to the HMIC Inspection
<b>PREPARED BY</b>	D/Supt Jeff YAXLEY
<b>COMMISSIONED BY</b>	T/DCS A SMITH

## INTRODUCTION

### **A joint thematic inspection of the police and Crown Prosecution Service (CPS) response to rape**

#### **Extracts in *italics***

*This is the first of two inspection reports that will consider the response, decision-making and effectiveness of the police and Crown Prosecution Service (CPS) at every stage of a rape case – from first report through to finalisation of the case. This report focuses on those cases where either the police or the CPS made the decision to take no further action (that is, not to proceed with the case). The second report, considering cases from charge to disposal, will be published in winter 2021.*

*The results are clear. While we found examples of effective individuals and teams in every force and CPS Area, the criminal justice system’s response to rape offences too often lacks focus, clarity and commitment. We also found that it fails to put victims at the heart of building strong cases. This is despite the national focus by the Government, policing and the CPS on improving outcomes for rape. Throughout our inspection, we found evidence of many dedicated people who were unwavering in their efforts to do the right thing for victims of rape, often in very difficult and challenging circumstances. This commitment and resolve to make improvements are to be commended and are worthy of note.*

*Overall, however, we conclude that there needs to be an urgent, profound and fundamental shift in how rape cases are investigated and prosecuted.*

*There is no single, easy answer to this, but several aspects would help (and we make recommendations to this effect):*

- better data (to provide an improved understanding of when – and how – cases falter or fall out of the system);*
- better information about the protected or other characteristics of those who report offences of rape, to understand whether victims with a range of different and/or complex needs are receiving an effective service;*
- increased capability and capacity of specialist staff (especially among the police);*

- *joint training for the police and CPS; and*
- *improved communications locally between the CPS and the police.*

*These improvements must be coupled with a clear case strategy from the prosecutor at the outset of a case: the strengths of the case must be properly considered alongside action that could be taken to address potentially undermining information. This should be recorded clearly and accompanied by a proportionate action plan with rigorous target dates, which are regularly reviewed by both investigators and prosecutors.*

*But, fundamentally, we believe there are two essential catalysts required to achieve the necessary shift in prosecutions:*

- *a step-change in the quality and cohesiveness of joint CPS/police working at every level, with adequate capability and capacity in all parts of the system, and;*
- *the provision of high-quality and consistent 'wrap-around' care for those who report rape.*

## **Recommendations**

The report makes 13 recommendations. These are detailed below, and the Suffolk Response provided.

### **Recommendation 1**

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

Response: Suffolk Constabulary's recording of protected characteristics requires improvement to ensure this data is consistently recorded. The recommendation is for immediate change. The Constabulary will identify and implement a short-term solution whilst working on a more process driven, automated process to meet this requirement for the longer term.

### **Recommendation 2**

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

Response: We have a well-established relationship with our Independent Sexual Violence Advisors (ISVA) service. This includes signposting to other third sector support agencies. There is an ongoing requirement for investigators to be fully aware of the service our ISVAs provide. Whilst joint training / awareness sessions have occurred, the force will consider a more formal approach.

### **Recommendation 3**

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

Response: In common with other forces, this data is not readily available without examining each case. As a starting point we are developing an investigation timeline document which details all the



different stages of a rape investigation in Suffolk. This will include detail on the average time taken for each stage. This document will be comparable with the CPS document which covers some of the same areas but is not bespoke to Suffolk.

We will consider how we record the detail behind withdrawals, in order to better capture the phase of the investigation when the withdrawal occurs.

#### **Recommendation 4**

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

Response: We are part of the Eastern Region Rape and Serious Sexual Offences (RASSO) Governance Board, chaired by the Deputy Chief Crown Prosecutor.

The standing agenda includes key features.

Eastern Region RASSO Action Plan – This plan is in response to the National Rape Action Plan. It focuses on five thematic areas with multiple actions in each area:

- Supporting RASSO victims
- Casework quality and progression
- Digital capability and disclosure
- Our people and expertise
- Stakeholder engagement

The plan has been running since early 2021 and there has been good progress in all five areas.

A monthly data set focuses on several key performance areas. This data set is being continuously refined and will be reviewed in light of additional data demands from the thematic inspection. This allows close tracking of all cases. Recently there has been particular focus on older cases and a separate database produced detailing those old cases which CPS expect to see progress on. Suffolk had conducted an administrative exercise some months before which allowed us to make decisions on older cases and ensure timeliness was a constant focus for us, therefore Suffolk cases have yet to appear on this database.

This Governance Board sits monthly, and it ensures continued focus. The attendance of all regional RASSO leads results in professional relationships being built and a desire to constantly improve both in terms of process and ultimately our service to victims.

#### **Recommendation 5**

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

As a minimum, the following should be included:

- considering early investigative advice in every case and recording reasons for not seeking it;

Response: Our early investigative advice (EA) rates are increasing; however, we recognise this remains an area which requires improvement and we have engaged safeguarding Detective Inspectors (Dis) in this regard. The thematic inspection suggests all RASSO cases should be subject to EA and it is anticipated that this would create capacity issues within CPS and could slow down the overall timeliness issue. As such this recommendation will necessitate further discussion and agreement with the CPS and potentially more consideration of how this is resourced.

- the investigator and the reviewing prosecutor including their direct telephone and email contact details in all written communication;

This recommendation is accepted, and we will consider within our SSO delivery plan.

- in cases referred to the CPS, a face-to-face meeting (virtual or in person) between the investigator and prosecutor before deciding to take no further action; and

This recommendation is accepted, and we will consider within our SSO delivery plan.

- a clear escalation pathway available to both the police and the CPS in cases where the parties don't agree with decisions, subject to regular reviews to check effectiveness, and local results.

There is an escalation process in place. We know that it has been used effectively, however we will further review the process as part of our SSO delivery plan.

## **Recommendation 6**

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

Response: There is an established process for communicating NFA decisions to victims.

- Deliver NFA decision face to face with victim. ISVA also to be in attendance if they have one
- Explain the NFA
- Provide NFA letter, either from Detective Sergeant (DS) (outcome 16) or DI (outcome 15) – both of which include signposting for support agencies
- Explain the Victims Right to Review
- Explain NFA at this time pending any other evidence coming to light
- Record all of the above on the Enquiry Log of the investigation

The NFA letters form part of the Rape Scrutiny Panel process in Suffolk and are often subject to positive comment.

## **Recommendation 7**

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

[Response](#): As above, our SIU (Safeguarding Investigation Unit) investigators are well versed in the VRR and the process is signposted where relevant. There are a small number of VRRs each year.

## **Recommendation 8**

The National Criminal Justice Board should review the existing statutory governance arrangements for rape and instigate swift reform, taking into account the findings from this report and from the Government Rape Review. The recent appointment of the Minister for Crime and Policing to lead the implementation of the Rape Review should make sure that there is sustained oversight and accountability throughout the whole criminal justice system, sufficient resourcing for the capacity and capability required, and improved outcomes for victims. To support this, a clear oversight framework, escalation processes and scrutiny need to be in place immediately.

[This is a non-police recommendation; however, the question of sufficient resourcing will be one which we, and other Criminal Justice agencies, need to further consider.](#)

Extract from report:

### ***Lack of detectives***

*Forces recognise the difficulties of recruiting and keeping detectives and are exploring ways of enhancing resources, including through direct detective recruitment.*

*Uniformed officers told us they are reluctant to take a detective role, citing less attractive shift patterns, high-risk cases and, in some roles, financial loss. One force had given detectives a financial bonus, but it didn't know whether that incentive would be repeated. The national increase in police officer numbers was seen as positive, but more needs to be done to promote the detective role.*

*The investigation of rape is often complex, and victims deserve that those investigators responsible for their case have the skills and are given the time to investigate effectively.*

In Suffolk, our Safeguarding Investigation Unit (SIU) teams are kept up to strength by the recruiting of Fast Track Detective Entries (FTDE) and Trainee Investigators (TI's, PCs wanting to become DCs). The current ratio of experienced detectives (PIP2) versus non-experienced detectives (FTDE / TI) is currently unbalanced. The effects of Operation UPLIFT and other internal movements (promotion, retirement, lateral moves) will mean this ratio is going to get worse in the short term (6 – 9 months) and then better in the medium term (18 – 24 months). UPLIFT will result in a small increase in the size of the SIU teams.

## **Recommendation 9**

Immediately, the CPS should review and update the information on the policy for prosecuting cases of rape that is available to the public. The information provided about how the CPS deals with cases of rape must be accurate. Victims and those who support them must be able to rely on the information provided to inform their decisions.

[This is a non-police recommendation.](#)

## **Recommendation 10**

Immediately, the College of Policing and the NPCC lead for adult sexual offences should review the 2010 ACPO guidance on the investigation of rape in consultation with the CPS. The information contained in available guidance must be current to inform effective investigations of rape and provide the best service to victims.



This is a non-police recommendation.

### **Recommendation 11**

The Home Office should undertake an urgent review of the role of the detective constable. This should identify appropriate incentives, career progression and support for police officer and police staff investigators to encourage this career path. It should include specific recommendations to ensure there is adequate capacity and capability in every force to investigate rape cases thoroughly and effectively.

This is a non-police recommendation; however, the outcome of this review will be of direct interest to every force.

### **Recommendation 12**

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

This is a non-police recommendation.

### **Recommendation 13**

The College of Policing, NPCC lead for adult sexual offences and the CPS should prioritise action to provide joint training for the police and the CPS on the impact of trauma on victims, to promote improved decision-making and victim care.

This is a non-police recommendation. We will need to ensure we have the capacity to commit to this training and ensure it results in an improvement to our current victim service.

## **Summary**

In relation to RASSO offences, the Eastern Region has a strong Police / CPS relationship. There are multiple examples of the two agencies working together with a shared ambition to improve our investigations in terms of charging decisions, timeliness and overall victim experience. This report provides a significant opportunity to look again at our structure, policies and processes. Each of the 13 recommendations must be closely considered and implemented.

The reports findings state that forces who have dedicated RASSO teams fare better in most areas than those forces who have multi-disciplinary teams. Suffolk have had dedicated RASSO teams (Safeguarding Investigation Units) for a number of years. The structure is sound and there is a core of dedicated detectives who display a vast amount of RASSO investigation experience. Unlike most other forces, Suffolk SIU staff are also tasked with Child Abuse (CA) investigations. The demand in this area is increasing and these investigations often require significant resourcing in terms of resourcing, particularly in the early stages. This has an impact on the overall capacity of the SIU teams and also makes it difficult to provide comparative data with our regional counterparts. For example, none of our regional counterparts has a combined RASSO / CA team, so when our SIU data



is compared, we could be seen to be on the lower end of some performance areas because the capacity reduction for CA demand is not reflected in the data.

Suffolk has a Serious Sexual Offences (SSO) Delivery Board which works to a SSO Delivery Plan. We will consider the 13 recommendations within the Delivery Plan and monitor progress through that medium. There is also potential for the recommendations to become a formal part of the Regional RASSO group agenda.

Key areas of continued focus will be:

- Timeliness – this runs through the report as a constant issue. The amount of time a single rape investigation takes is significant. We need to look at every opportunity for reducing that time. This will require buy in from significant partners like Suffolk County Council who play a vital role in our Third-Party Material process.
- Digitalisation – Whilst we have made some significant improvements, there is more that can be done. The ability to seamlessly transfer large amounts of data between us and CPS must be our goal.
- Personalised contact between Officers In Charge (OICs) and CPS Lawyers – this would be a big step forward
- Continued Professional Development (CPD) and Training of SIU staff – Our SIU detectives are passionate about their role; they deal with significant demand on a daily basis. We need to ensure that there is the time and space (capacity) for them to receive regular training and CPD opportunities. This should be combined with the ongoing Wellbeing Programme which is ever improving
- Re-visit our current victim support processes - Our ISVAs provide an excellent service which is regularly subject to positive feedback. There has been recent uplift in resources via a bid from the Office of the Police and Crime Commissioner (OPCC) to the Government's ISVA/IDVA fund. There is therefore the opportunity to consider whether the service provision could be expanded and review how effectively the links are made with voluntary sector specialist support in place in the county.
- Data – Whilst we collect a significant amount of RASSO data, this report will result in some new areas for collection. This provides an opportunity to review our data collection.