



Scrutiny Report

Durham PCVC Rape Scrutiny Panel

March 2017

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1. Purpose of the Report

- 1.1 This is the second Annual Report of the performance scrutiny carried out by the Durham PCVC Rape Scrutiny Panel. The purpose of this report is to inform members of the work being carried out in relation to the Durham PCVC Rape Scrutiny Panel and to report on the schedule of recommendations and outcomes that have been identified by the Panel from January 2016 to March 2017.

2. Background

- 2.1 HMIC undertakes a programme of four inspections with each Force, each Year, covering:

- Efficiency
- Legitimacy
- Leadership
- Effectiveness

The results of inspections (except for Leadership) are categorised as outstanding, good, requires improvement or inadequate.

On 2nd March 2017, the results of the HMIC effectiveness inspection were released and Durham Constabulary was the only force in the country to be rated as 'outstanding'. The HMIC assessment concludes that Durham Constabulary has been assessed as outstanding in respect of its effectiveness at keeping people safe and reducing crime. The Constabulary has an outstanding approach to preventing crime and tackling serious and organised crime. It investigates crime to a high standard and provides good support to victims and vulnerable people.

Durham Constabulary takes its responsibilities to all victims very seriously and this is reflected in how it tailors and provides its services. The Constabulary has amended its vision statement to include the word 'victim' and the Police and Crime Commissioner is now referred to as the Police, Crime and Victims' Commissioner. This is a clear statement of intent describing a strong commitment to victims.

- 2.2 The Durham PCVC Rape Scrutiny Panel plays a key part in delivering the North East Regional Violence Against Women and Girls strategy. Priority twelve of this strategy states: 'We will establish a Police Rape Scrutiny Panel in each police area to scrutinise case files which have failed to attain the requisite evidential level for prosecution or where a prosecution has failed and look for lessons to learn.'
- 2.3 The Durham PCVC Rape Scrutiny Panel follows the model successfully implemented by the Crown Prosecution Service. The Durham PCVC Rape Scrutiny Panel was officially

launched by Ron Hogg, Durham Police, Crime and Victims' Commissioner, on the 14th November 2014.

3. Aim and Purpose

- 3.1 The successful implementation of the Rape Scrutiny Panel continues to provide independent oversight of rape investigations in County Durham and Darlington to identify best practice and opportunities for improved working practices, adding transparency to the investigation and ultimately improving conviction rates.
- 3.2 The Panel considers whether the service provided to victims is the best it can get with the aim of giving more victims the confidence to report rapes, knowing that they will get the support they need to go through the criminal justice system and bringing offenders to justice.
- 3.3 The Panel critically examines cases and ensures that lessons are learned, leading to positive change when conducting future investigations. It scrutinises case files which have failed to attain the requisite evidential level for prosecution or where a prosecution has failed.
- 3.4 Whilst the panel focuses on the work of the police, it is inevitable that other agencies also come under the spotlight. The office of the PCVC ensures that the recommendations for other agencies are also passed on.
- 3.5 The purpose of this work is to improve the performance of the police in the investigation of rape cases and the support offered to victims. The Panel provides independent oversight of rape investigations in County Durham and Darlington to identify best practice and opportunities for improved working practice and to improve the community's confidence. By developing trust and confidence in victims and more importantly the general public, who are the future victims, we will increase reporting rates, and thereby identify perpetrators and prevent further offending.

4 Membership

- 4.1 The Durham PCVC is keen to ensure that panel members are independent and provide a real benefit to improve the community's confidence in the police to deal with such serious crimes and therefore increase reporting and improve the investigation of rape offences and the support offered to victims.
- 4.2 An extensive recruitment exercise took place in September 2014 in order to recruit panel members who have the knowledge and expertise in supporting victims of rape and sexual violence. Further recruitment is currently being considered.
- 4.3 The panel currently consists of 8 specially-trained volunteers from the voluntary and community sectors, and from statutory organisations, with expertise and an

understanding of the issues relating to rape and sexual violence and have experience of supporting victims and witnesses of rape.

- 4.4 Due to the fact that the panel considers real cases, there was an initial requirement for panel members to undergo the required police vetting check and security clearance. This risk is now managed by the Durham PCVC lead for the Panel and members have signed an undertaking of confidentiality, are supervised at all times and have no direct access to Police IT systems..
- 4.5 Terms of Reference for the Durham PCVC Rape Scrutiny Panel were agreed by all panel members on the 28th January 2015. These Terms of Reference will be subject to further review by the independent Chair of the Panel and the Office of the Durham PCVC to ensure content is accurate and up to date.

5 Methodology

- 5.1 The Rape Scrutiny Panel meets three to four times a year. The initial meeting took the form of a training and development day. The training provided the Panel with an in-depth understanding of police policy and procedure in the investigation of rape and other serious sexual offences, and an understanding of the role and function of the Police and the Crown Prosecution Service. The National Crime Reporting Standard and the criming process was also presented to the Panel. New recruits will also be offered the same training and current members will be provided with Refresher Training, if required.
- 5.2 The Durham Constabulary THRIVE '*The Investigation of Rape and other serious Sexual Offences*' presentation has also been delivered to current members. This provided the Panel with information about the Risk Assessments undertaken by Call Handlers at Durham Constabulary when the initial call is made to the police. This presentation will again be offered and delivered to all new Panel members.
- 5.3 In this second year, there have been three panel meetings. Each meeting has consisted of the scrutiny of one complex case, each with a specific theme. The themes can be categorised as follows:
- Case 1-Honour Based Violence/ Domestic Rape
 - Case 2-Victim leading a chaotic lifestyle and known to Police
 - Case 3-Victim lacking Mental Health capacity
- 5.4 Other useful discussion items at the panel meetings have been:
- Overview of the training delivered to Investigating Officers. This was delivered to members by Detective Constable Liane Pacewitch –Constabulary Safeguarding Unit.
 - Quality of Retraction Statements.
 - Force response to recommendations in 1ST Annual Report-November 2015.

- 5.5 The structure and theme of future meetings are formally agreed by members. Members have commented that the time set aside for pre-read sessions in advance of the Panel meeting are extremely beneficial to allow them sufficient time to read and digest case files. The scrutiny process includes viewing the 'Achieving Best Evidence' DVD, listening to the suspect(s) audio interview(s) and questioning both the Reviewing Officer and Investigating Officer(s) of the case.

Details of the main findings and recommendations are summarised in the sections below and are reported to Durham Constabulary.

6 Recommendations

- 6.1 The body of this section details the main findings made in light of the evidence gathered during the Rape Scrutiny Panel meetings.
- 6.2 This section has been redacted pursuant to lawful and necessary exemptions within Sections 30, 31 and 38 of the Freedom of Information Act 2000. This is in line with data protection and confidentiality policies and the requirement to protect the public.
- 6.2 It is important to acknowledge the numerous examples of good policy and practice identified throughout the evidence gathering sessions. Some examples of this include:
- Correct outcome of investigations
 - Good appreciation of evidential difficulties
 - Good rapport with victims
 - Effective skills displayed by officers in victim and suspect interviews
 - Comprehensive and accurate records in case file
- 6.3 This section focuses on the issues identified which are specific to the three individual cases examined and a separate scrutiny of a sample of retraction statements for other unrelated rape cases. The selected examples provided in this report link to the issues identified.
- Any typical issues or patterns identified which relate to current force practice will be highlighted as the work of the Rape Scrutiny Panel continues to progress.
- 6.4 The panel has made the below 17 recommendations aimed at improving rape investigations and victims care.

Evidence Gathering:

- a) Proper supervision of investigation should be undertaken by appropriate ranking officer
- b) Early investigation advice required from the CPS
- c) A bespoke investigation plan should be considered for each case.

Collaborative working between two police forces:

- a) A formal escalation process should be in place if issues arise.
- b) A summary template of the key details should be completed by one force when passing it over to another.

Independence when case reviews are carried out:

- a) Good practice should be followed at all times for an independent review of the case to be carried out by a different senior ranking officer.
- b) DI-DCI reviews should assess all the evidence presented first hand and not rely on transcripts. They should not follow the same format as original decision but should be a check that no evidence has been missed, that summary information properly represents the key facts in the case, that transcripts are correct and the correct procedures have been followed.

Retraction Statements:

- a) Thorough documentation of the retraction should be made so that the reasons behind the retraction are clear and not open to misinterpretation.
- b) Force should consider the creation of a retraction statement guide to ensure that details of support and special measures are explained so that victims have their say and are put first at all times.

Context and accuracy when comparing the transcript to the suspect's PACE interview:

- a) Dip-sampling should be completed on suspect interviews, comparing them to transcripts at the same time to ensure accuracy.

Interpreters:

- a) Force should consider offering victims the option to stop the interview if they are not happy or uncomfortable with the interpreter. This could be simply achieved by giving the victim a piece of paper with the statement confirming their rights to do this in various languages prior to commencement of the interview.
- b) Force should consider a formal process by which officers can suspend an interview if they feel the interpreter is not being fully effective.

Recording of soft intelligence:

- a) Checks and balances to be in place to ensure that soft intelligence is routinely captured on suspects' intelligence reports to assist in identifying similar patterns of behaviour and assessing risk.

Victim Needs Assessment:

- a) Formal victim assessments to be routinely carried out. This is more than assessing capacity to understand and ability to communicate but understanding other needs such as mental health needs that may help to achieve best evidence-for example- allowing extra breaks.
- b) Ensure that the victim needs are incorporated into the interview plan to achieve best evidence and support for the victim.
- c) Provide an opportunity for victims to decide the gender of the interviewer, if available.

Victim aftercare support and Referral Pathways:

- a) Ensure that there is appropriate aftercare support provided to all victims depending on their individual needs, even if the case does not progress any further and even if it is suspected that an offence may not have occurred. Appropriate Referral Pathways to be considered at an early stage.

7. Implementation of recommendations

- 7.1 In order to ensure that the recommendations made in this report are actioned, the Rape Scrutiny Panel is committed to monitoring progress against these recommendations. The panel will request regular updates.
- 7.2 The Panel made 22 recommendations in the first Annual Report (November 2015) aimed at improving rape investigation and victim care. This report was welcomed by the Constabulary and a response to each recommendation has been provided which evidences the value of having such an independent panel to give such scrutiny.

In summary:

- Quality of ABE interviews- The findings from the panel reinforced the need to put in place a more formal review process for victim interviews. The Constabulary immediately started work towards a final solution and tasked the force expert (Detective Inspector Andy Smith) to dip sample a further 40 victim and suspect interviews in order to build on the panel's findings. At the same time, the training department conducted a training needs analysis of all the detectives and this was then incorporated in to the Force's training programme.
- Witness Assessments- the force devised and promoted a new formal witness assessment document in March 2016.
- Soft Intelligence- the Police National Database (PND) was devised to ensure suspects, where No Further Action (NFA) was taken against them, were still recorded and could easily be found by another Force that may receive a similar report from a different victim several years down the line. As a result of the

panel report, the force is satisfied that the information uploaded on to the PND captures this essential theme.

- Retraction Statements- message reinforced by Force Rape Lead to ensure that the reasons behind the retraction are clear and not open to misinterpretation.
- Appropriate Adults-message reinforced by Force Rape Lead to ensure that appropriate adults are independent in the case.
- Intermediaries- force will continue to monitor the intermediary position. Where intermediaries are not available in a timely manner, the officer in the case will balance and rationalise the pros and cons of carrying out the interview quickly but without an intermediary. The decision making also includes the availability of other professionals who may have a bond with the child and whilst not qualified to the standards of an intermediary, they can often play a vital role in obtaining best evidence.
- Judgemental behaviours/language of officers- the Force Rape Lead has reiterated in his communications, the use of appropriate language by officers to ensure they are not supporting 'rape myths'.
- Gaps in evidence- the force standard is clear-Detective Inspectors oversee every rape investigation to ensure all appropriate lines of enquiry are conducted.
- Decision-making rationale- the Force Rape Lead has reinforced this message with all relevant officers.

7.3 It is to be noted that the 2nd Annual Report has identified 3 areas which were subject to recommendations in the first Annual Report. These areas include:

Recording of Soft Intelligence

Retraction Statements

Gaps in Evidence

7.4 The next step in this process is to discuss how the recommendations will be implemented with those persons responsible and the timescales for implementation.