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| Event History

**Policy owned by Investigations
Rape and Serious Sexual Offences****1. Policy Purpose and key drivers****1. Introduction and Background**

1.1 An allegation of rape or of a serious sexual assault is one of the most serious crimes investigated by Staffordshire Police. It is recognised that the trauma which victims experience presents the Police Service with unique challenges which must be met by adopting the most effective policy and procedures.

1.2 This policy is intended to establish and maintain a corporate approach to the investigation of rape and other serious sexual offences. It provides clear guidelines to all personnel who come into contact with victims of such offences or who are involved at any level in the investigation of such cases and should be read in conjunction with the relevant section in Authorised Professional Practice.

2. Scope of the Policy

2.1 This policy and its supporting procedures outline the approach and standards to be adopted in the investigation of complaints of:

- Rape;
- Sexual Assault by Penetration;
- Sexual assault where the assault is particularly serious or features of the offence are aggravated by reason of vulnerability or are racially motivated
- The offence is part of a series of offences committed by the same person or group of persons;
- Causing a person to engage in sexual activity without consent;
- Any attempt to commit any of the above offences.

2.2 The elements of the offence of rape are set out in Section 1 of the Sexual Offences Act 2003:

- 1) (A) intentionally penetrates the vagina, anus or mouth of another person (B) with his penis
- 2) (B) does not consent to the penetration
- 3) (A) does not reasonably believe that (B) consents

2.3 Rape is indictable only and carries a maximum penalty of life imprisonment

2.4 The elements of the offence of Sexual assault by penetration are set out in Section 2 of the Sexual Offences Act 2003:

A person (A) intentionally penetrates the vagina or anus of another person (B) with a part of their body or anything else; and

The penetration is sexual;

(B) does not consent to the penetration; and

(A) does not reasonably believe that (B) consents

2.5 In relation to the Section 2 offence there has to be penetration of the vagina or anus but not the mouth. Penetration is by any part of A's body for example tongue, toe, finger or by anything else such as a bottle or other object .

2.6 The offence can be committed by either gender and should be charged where there is insufficient evidence to charge rape for example if the victim is unsure if the penetration was by a penis or something else

2.7 The section 2 offence is indictable only with a maximum penalty of life imprisonment

3. Policy Aims

3.1 The aim of this policy is to ensure that the investigation of rape and serious sexual assaults are resourced and conducted thoroughly and professionally to high ethical standards meeting the needs of the victim whilst serving the interests of the Criminal Justice System.

3.2 It is the intention of Staffordshire Police to ensure that where practicable the first officer or amongst the very first officers to respond to the victim of a rape or serious sexual assault will be a Specially Trained officer (STO). Sufficient numbers of STO's will be trained and available across the Force area to meet the needs of both victims and the investigation.

3.2 Staffordshire Police will continuously monitor victim care and the investigation of rape and serious sexual offences; this Policy and its supporting procedures will be periodically updated by:-

- Recognising and implementing national best practice guidance
- Receiving feedback from reviews by Her Majesty's Inspector of Constabulary
- Taking account of the views and needs of victims
- Taking account of informed literature published by the Home office or leading partners regarding the investigation of rape and its impact upon victims
- By analysis of reported episodes of rape and sexual offences using police and partner data where available
- Working with statutory partners and the voluntary sector specialising in support for the victims of serious sexual offences and other forms of violence or exploitation
- By maintaining an overview of the management of all aspects of rape and serious sexual offences through meetings with police supervisors, practitioners, partner agencies and the Crown Prosecution Service
- Reviewing our performance in resolving rape investigations and acting on those findings
- Receiving operational feedback from staff engaged in the investigation of rape and serious sexual offences

3.3 It is incumbent on all staff to comply with the precepts and standards set in this Policy and supporting procedures so that Staffordshire Police can be confident of delivering the highest possible service to victims of rape and other serious sexual assaults.

3.4 The priorities of Staffordshire Police responding to serious sexual offences are to:

- Improve the treatment of victims who make allegations of rape and serious sexual offences;
- Improve the quality of the investigation of rape and serious sexual offences ;
- Take effective action against offenders so that they can be held accountable through the Criminal Justice System;
- Increase confidence in the Criminal Justice System and encourage more victims to report rape and serious sexual offences to the Police ;
- Use existing national systems to record information and intelligence that will assist in the identification of linked serious sexual offences ;
- Adopt a pro-active multi-agency approach in the development of services to victims.

4. Partnership Approach

4.1 Staffordshire Police will constructively engage and share appropriate information with a number of partner agencies when in the interests of both Victims and Criminal Justice including:-

- The Crown Prosecution Service
- Health professionals
- Victim Support Services
- Independent Sexual and Violence Advisers
- Established Charity and other Voluntary groups acting in support of victims of sexual violence
- Sexual Assault Referral Centre

5. Standard Operating Procedures

5.1 This Policy is supported by a number of Standard Operating procedures (SOP's) which will be periodically reviewed and updated titled :

Individual Roles

Describing the roles and responsibilities of those involved in the investigation of rape offences

Victim Care

Describing the support and approach to persons reporting being the victims of rape and serious sexual assault

First Response

Describes the actions to be taken following Police attendance at a report of rape or serious sexual assault

Early Evidence Kits

Details the storage and use of Early Evidence Kits to be used by victims in obtaining samples

Interviewing the Victim

Details the initial information required from a victim following a report of rape or serious sexual assault, the evidential standards to be met and treatment of victims during the interview process. This can include the use of intermediaries where necessary

Minority Groups

Provides the approach to reports of rape from members of minority groups recognising cultural issues arising from such investigations

Forensic Medical Examination

Explains the role of the qualified Forensic Medical Examiner and the nature of the medical examination and forensic capture of samples from the victim

Use of Colposcope

The colposcope is used by an examining medical practitioner for recording the external examination of genitalia following allegations of sexual assault, abuse or rape of children, young people and adults. The colposcope is essentially a mobile, non-intrusive piece of equipment which provides a well lit and magnified image of the genitalia on a screen which is then recorded onto the hard drive of the system; the associated computer software allows the preparation of copies of the captured material on to password protected DVD. The image may be a still image or in real time showing dynamic changes.

Forensic Contamination

Gives information on how to avoid such contamination and the impact on evidential integrity

Drug Assisted Rape

Details the procedure to be followed where drug assisted rape is suspected

Supervisory Reviews of the Investigation

Sets out the governance structure and oversight of rape and serious sexual offence investigations where this policy and procedures are engaged

Offender Management - Bail

Sets out the considerations to be made when deciding on bail and conditions to be imposed when someone under investigation in connection with a rape or serious sexual offence investigation is bailed without charge pending further enquiries

Offender Management - Intelligence and the Serious Crime Analysis Section database (SCAS)

This outlines the requirements for recording of information and intelligence arising from rape investigations.

Shows the time scales to be adopted for providing information in rape investigations to the Serious Crime Analysis Section to compare detected and undetected cases from across the UK

Related Documents

Links to related documents:

[Rape and Serious Sexual Offences - Drug Assisted Rape \(including alcohol\) \(Procedure\)](#)
[Rape and Serious Sexual Offences - Early Evidence Kits \(EEKS\) \(Procedure\)](#)
[Rape and Serious Sexual Offences - First Response Aide Memoire](#)

(Procedure)
[Rape and Serious Sexual Offences - Forensic Contamination \(Procedure\)](#)
[Rape and Serious Sexual Offences - Forensic Medical Examination \(Procedure\)](#)
[Rape and Serious Sexual Offences - Individual Roles \(Procedure\)](#)
[Rape and Serious Sexual Offences - Interviewing the Victim \(Procedure\)](#)
[Rape and Serious Sexual Offences - Minority Groups \(Procedure\)](#)
[Rape and Serious Sexual Offences - Reviews \(Procedure\)](#)
[Rape and Serious Sexual Offences - Use of Digital Video- Colposcope during Medical Examination \(Procedure\)](#)
[Rape and Serious Sexual Offences - Victim Care \(Procedure\)](#)

Gatekeeper - the Author suggested the following Procedure document(s) to link to.

Relevant Dates and Review Period

Effective Date:	31/10/2016
Review Date:	31/12/2019
Review Frequency:	Annually

Policy Basis and Implications

2. Legal Basis:	Sexual Offences Act 2003 Police and Criminal Evidence Act 1984 Human Rights Act 1998
3. Management of Police Information (MoPI):	MoPI Policing Purpose: Protecting Life and Property, Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law MoPI Review, Retention and Disposal addressed as follows: Material collected during the investigation of rape and serious sexual offences will be categorised under MOPI Group 1 - Certain Public Protection Matters Review every 10 years and retain until subject 100 years old or MOPI Group 2 - Other Sexual and Violent Offences Review after an initial 10 year clear period. Risk assess subject and if risk of harm is high review after another 10 years
4. Associated Benefits:	i) Compliance with best practice guidance NPIA Investigating and Prosecuting Rape 2010 ii) Increase confidence amongst victims in the ability of the Police to investigate rape iii) Increased numbers of persons reporting rape as a result of (ii) iv) Increase and maintain detection rates for rape in comparison with most similar Forces v) Increase the numbers of rape investigations that result in a conviction vi) Reduction in the number of reported rapes per 1000 population
5. Consultation:	Internal Consultation: Staff Associations, PVP Business Leads, Learning & Development, Detective Superintendants, LPT Superintendants External Consultation: Sexual Assault Referral Centre (SARC) NHS Project Lead, Sexual Abuse and Rape Advice Centre (SARAC), Savana - voluntary organisation offering support services and advice for victims sexual assault, Staffordshire and Stoke on Trent Partnership forum leads
6. Financial Implications:	Implementation through existing funding
7. Human Resources / Training:	Specially Trained Officers (STO) must have received appropriate STO development training delivered by Staffordshire Police Learning & Development Team
8. Associated Policy:	Safeguarding Children Vulnerable Adults

Vulnerable Victims
Ministry of Justice Vulnerable and Intimidated Witnesses Guide for
Police officers

FOI, Human Rights and Equality Impact Assessment

Indicators

FOIA:	Release to Public		
ECHR:	Compliant with proportionality test	Articles engaged:	Article 2 Right To Life; Article 3 Prohibition of Torture; Article 5 Right to Liberty and Security; Article 6 Fair Trial; Article 7 No Punishment without Law; Article 8 Right to respect for Private and Family life; Article 14 Prohibition of Discrimination
EIA:	Compliant	Compliant with Code of Ethics:	Yes

Indexing

Categories:

- Crime Investigation
- Crime Recording
- Protecting Vulnerable People

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