



Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of policy/procedure:	The Investigation of Rape and Serious Sexual Offences
Department:	Investigative Services
Date:	6 th January 2012

1. Identify the aims and purpose of the policy

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.

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.

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

Throughout the investigation officers and Police staff will abide by the Vulnerable and Intimidated Witnesses Policy which details the standards to be adopted in dealing with any vulnerable or intimidated witness regardless of the nature of the investigation.

2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.

Staffordshire First Response is a service for children in Staffordshire from pre-birth to 18 years who don't currently have a dedicated Social Worker. Call them free on 0800 1313 126 from 8am - 8pm Monday-Friday or email: firstr@staffordshire.gov.uk ([Opens in new window](#))

Stoke-on-Trent Children and Young People Services: 01782235100

Social Services Children's Advice: 01274 437500

Staffordshire Police: 101 - Emergency: 999

Chat Danger: www.chatdanger.com ([Opens in new window](#))

Childnet International: www.childnet-int.org ([Opens in new window](#))

NSPCC: 0808 800 5000 Childline: 0800 11 11

Barnardos: www.barnardos.org.uk ([Opens in new window](#)) - 0121 550 5271

All police officers and police staff.

Staffordshire Police Federation

Superintendents Association

Staffordshire Multicultural Association

UNISON Staffordshire

Staffordshire Police LGBT Association.

Staffordshire Police Disability Support Group.

8 District Councils of Staffordshire

Her Majesty's Inspector of Constabulary (HMIC)

Home Office PCT

Members of the Public.

SAVNA - <http://www.savana.org.uk/> Offers support services and information to anyone who has encountered or experienced any form of sexual assault or violence at some point in their lives and can be contacted for information and support.

SARAC <http://www.staffordshirementalhealth.info/details.asp?CourseID=108> Offer counselling services for victims of sexual abuse.

3. Data

Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.

[Sexual offences in the United Kingdom](#)

The Office of national Statistics publishes data for all categories of crime including sexual offences viewable on:

: <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-53886>

According to a news report on [BBC One](#) presented in 12 November 2007, there were 85,000 women raped in the [UK](#) in the previous year, equating to about 230 cases every day. According to that report one of every 200 women in the UK was raped in 2006. The report also showed that only 800 persons were convicted in rape crimes that same year. [\[35\]](#)[\[36\]](#)

Serious Sexual Offences the Staffordshire position	Crimes to date April Sept 2011	Last Year to date April Sept 2010	Difference	% Difference
Serious Sexual	258	330	-72	-21.82%
Rape	94	113	-19	-16.81%
Sexual Activity involving a Child under 13	14	17	-3	-17.65%
Sexual Assault on a Male	14	28	-14	-50.00%
Sexual Assault on a Female	131	169	-38	-22.49%
Causing Sexual Activity without consent	5	2	3	150.00%
Sexual activity with a person with a mental disorder	0	1	-1	-100.00%
Abuse of children through prostitution and pornography	0	0	0	No Calc
Trafficking for sexual exploitation	0	0	0	No Calc

The study in the BBC found that approximately 25 percent of reported rape cases were determined to be “no crime.” The vast majority of cases did not proceed beyond the investigative stage, and the conviction rate for all reported cases was 8 percent. Seventy-five

percent of the overall sample of rape cases were reported to the police. Cases that involved alleged perpetrators known to the alleged victims were least likely to be reported. The majority of cases reported to the police were made within 24 hours of the alleged offence. Evidential issues accounted for just over one-third of the cases dismissed at the investigative stage. In a substantial number of dismissed cases, the decision not to proceed was linked to victim credibility.

Only a small proportion of reported cases were discontinued by the Crown Prosecution Service; however, this does not accurately reflect prosecutors' involvement in decision making at the investigative stage. Only 14 percent of the case reached the trial stage, and approximately half of all convictions resulted from guilty pleas. Acquittal was the more likely outcome from full trials. One recommendation is to provide guidance to the police about the timing and content of information provided to complainants about the legal process and the likelihood of a conviction. A second recommendation is to develop proactive follow-up of all complainants who report rape to the police, either through SARCs and/or rape crisis centres.

Other recommendations are designed to improve the criminal justice management of rape cases. 8 figures, 6 tables, and 42 references

Title: Gap or a Chasm?: Attrition in Reported Rape Cases **Author(s):** Liz Kelly; Jo Lovett; Linda

Regan

'We were taken aback by the Reid and Worboys cases (Worboys was the taxi driver case), which show a need to address attitudes which surround rape.

In the Worboys case, many of the women had had a drink at the time and so were undervalued, seen as likely to be poor and unsympathetic witnesses. Of course, he gave them a drink. We make too little of the fact that much rape is serial offending and serial rapists target women who have had a drink or to whom they can give drink or women with vulnerabilities, particularly learning disabilities and mental health issues, all of which they know will cause the criminal justice system, if not at policy level, at ground level, to think that they will not carry the day in court and so perhaps the statutory authorities, with low expectation of a good outcome, will not drive the case forward strongly enough. The problem was not public confidence in the way in which rape complaints are handled but the response of public authorities.

There is a truism about people with vulnerabilities which have historically been seen as obstacles to conviction, in that the authorities are less likely to pursue their cases which they expect to end in an acquittal and benevolently do not want to put someone through the process. That means that such people get a lower standard of justice and soon know that and don't report - meaning that we have a whole sector of society not only unsupported but unprotected against this crime.'

Full article at:

<http://www.attorneygeneral.gov.uk/NewsCentre/Speeches/Pages/SolicitorGeneralSt%20Marys%20Conference.aspx>

Investigating and detecting recorded offences of rape
Home Office Online Report 18/07

Andy Feist

Jane Ashe

Jane Lawrence

Duncan McPhee

Rachel Wilson

Viewable at: <http://library.npia.police.uk/docs/hordsolr/rdsolr1807.pdf>

Further Research

Home Office Publication Investigating and Detecting Recorded offences of Rape:
<http://library.npia.police.uk/docs/hordsolr/rdsolr1807.pdf>

Crown Prosecution Service approach to the prosecution of rape cases:
<http://www.cps.gov.uk/publications/prosecution/rapepolicy.html>

The crime of rape and justice for victims" by Baroness Vivien Stern CBE:
http://www.cps.gov.uk/publications/others/baroness_stern_speech.html

Copy of the Stern Review regarding how reports of rape are handled by public authorities
In England and Wales:
http://beneaththewig.com/wp-content/uploads/2011/08/Stern_Review_acc_FINAL4.pdf

NHS advice 'Help after rape or Sexual assault with links to other support groups:
<http://www.nhs.uk/Livewell/Sexualhealth/Pages/Sexualassault.aspx>

Comprehensive list of information sources as provided by medical professionals
<http://www.patient.co.uk/showdoc/92/>

Survivors Trust home page with links to other information and rape victim support groups:
<http://www.thesurvivorstrust.org/info/isva-services-and-sarcs.aspx>

Home page of rape support group Savana:
<http://www.savana.org.uk/RapeSexualAssault>

Examination Suites where the victim first meets a medical practitioner are dedicated to the examination of victims of rape and serious sexual assault have been examined for compliance with Health and Safety legislation and legal requirements concerning access.

However from the 30th January 2012 the use of the Sexual Assault Referral Centre (SARC) at Church Terrace Cobridge Stoke on Trent will reduce the demand placed on other examination suites. Those suites that are owned and managed by Staffordshire Police will be subject to review in early 2012. In addition to the SARC there are currently the following places where examinations take place they are located at:

Margaret Stanhope Hospital, Burton

Argyll Street Clinic, Tamworth

Station Street, Cheslyn Hay

Hearn Court, Stafford

3.1 Age

The Government has defined the term 'safeguarding children' as:

'The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.'

Safeguarding Child Sexual Exploitation

Child exploitation takes many forms, including sexual activity with a child by one or many adults, child pornography and other pornography on the Internet. The vast majority of children do not get involved voluntarily; they are coerced, enticed, threatened or are utterly desperate. Please see

http://www.staffordshire.police.uk/advice_zone/child_sexual_exploitation/

Staffordshire Police has a Child Protection Team trained and dedicated to investigate offences committed against children jointly with the Social Services and specialists in the medical profession.

3.2 Disability

A recent article from Keir Starmer Director of Public Prosecutions included:-

'And then there are those who will admit that the state gets things wrong. The director of public prosecutions has just made a speech admitting that the authorities "are still in the foothills when it comes to [disability](#) hate crime and supporting victims and witnesses with disabilities". Speaking at the University of Sussex, Keir Starmer has acknowledged that disabled people lack confidence in the criminal justice system, and that prosecutors have to do their part in reversing that. '

Full article:

<http://www.guardian.co.uk/law/afua-hirsch-law-blog/2011/mar/02/criminal-justice-ukcrime>

The Rape and Serious Sexual Offences policy and procedures is compliant with legislation contained in the Youth Justice & Criminal Evidence Act 1999 (YJCE Act). Police must be compliant with this legislation in order to capture evidence from vulnerable and intimidated witnesses in order to remove the need for a vulnerable witness to attend court. Also to make provision at Court for the witness to be able to give evidence by the use of screens or CCTV links ensuring that the needs of the Court are met without further intimidation to the witness.

Section 16 of the Youth Justice & Criminal Evidence Act 1999 (YJCE Act) defines vulnerable

as:-

- (i) All witnesses under 18 and adult witnesses with mental disorders, learning**
- (ii) disabilities or physical disorders/disabilities**

During a trial in any Court vulnerable witnesses will be eligible for visually recorded evidence in chief live visual link, screens, evidence in private and removal of wigs and gowns. Access to intermediaries and aids to communication.

3.3 Race

Section 17(1) Youth Justice & Criminal Evidence Act 1999 defines intimidated as:-

The quality of evidence given by the witness is likely to be diminished by reason or fear or

distress on the part of the witness in connection with testifying in the proceedings.

Section 17(2) In deciding whether a witness falls within the above section the following points, where

appropriate, should be considered:-

- The nature and alleged circumstances of the offence to which the proceedings relate
- The age of the witness
- **The social and cultural background and ethnic origins of the witness**
- The domestic and employment circumstances of the witness, and
- Any religious beliefs or political options of the witness

Any behaviour towards the witness by :-

- The accused
- Members of the accused person's family or associates•
- Any other person who is likely to be either an accused person or a witness in the proceedings

Witnesses who might be regarded as intimidated include Victims and witnesses in cases that involve:

- domestic violence
- **racially motivated crime**
- crime motivated by reasons relating to religion
- crime motivated by reasons related to disability
- homophobic and transphobic crime
- violent crime, particularly that involving guns or knives
- gang related violence
- Victims and witnesses who have experienced past or repeat harassment or bullying
- Victims and witnesses who are elderly and frail

3.4 Religion or Belief

There is no data that members of a particular religious group or belief are more at risk than others of becoming the victim of rape or other sexual offence Religious beliefs may support and sustain victims in adversity and enable them to come to terms with what has happened to them. Support and assistance from religious figures who are important to the victim must not be overlooked to assist the victim through the investigation process

3.5 Sex

The below is an article from the Guardian concerning male rape

<http://www.guardian.co.uk/commentisfree/2010/mar/17/stern-review-male-rape>

BBC news article concerning male rape:

<http://news.bbc.co.uk/1/hi/health/293884.stm>

The articles indicate that there is potentially under reporting of rape in general and male rape in particular.

3.6 Sexual Orientation

It is acknowledged that rape is a category of crime that is under reported and existing data sets of rape reports may give an unclear picture of the extent of the issue as it relates to sexual orientation. The main objective is to improve the investigation of rape by maintaining a victim focused approach that will increase confidence levels amongst the lesbian and gay communities to encourage them to report being the victim of rape and to stay with the investigation and in the judicial process.

3.7 Transgender

It is acknowledged that rape is a category of crime that is under reported and existing data sets of rape reports may give an unclear picture of the extent of the issue as it relates the transgender community. The main objective is to improve the investigation of rape by maintaining a victim focussed approach that will increase confidence levels amongst the transgender communities to encourage them to report being the victim of rape and to stay with the investigation and judicial process.

4. Research

Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources eg. ACPO, Home Office.

The findings of research regarding this policy for all or any of the protected groups includes information obtained and adopted within the associated Staffordshire Police policy concerning Vulnerable and Intimidated Witnesses. The guidance includes:-

- i) 'Achieving Best Evidence in Criminal Proceedings Guidance 2011' on interviewing victims and witnesses including guidance on using special measures
- ii) 'Vulnerable Witnesses a Police Service Guide'. The guidance in this document is intended to help police personnel who come into contact with members of the public to identify and deal appropriately with vulnerable and intimidated witnesses.

iii) 'Early Special Measures between Police and the Crown Prosecution Service Practical Guidance' provides a national blueprint for local protocols between Police and CPS regarding the provision of special measures for vulnerable and intimidated witnesses.

iv) 'Provision of Therapy for Vulnerable or Intimidated Witnesses Prior to Criminal Proceedings Home Office Guide' This guidance explains how the integrity of evidence is to be maintained when a witness is in need of counselling prior to giving evidence

v) 'The Victim Personal Statement Scheme – a guide for investigators Home Office Guide' This sets out the procedure to be adopted to give the witness the opportunity to give an account of the impact the crime has had on their life

4.1 Age

Statistical analysis indicates that people under 30 are the most likely to become the victims of rape and serious sexual assault. However it is important to consider that any person at any age can become the victim of a sexual offence. Police responses will take into account the age of the victim and their ability to cope during the investigation and any later prosecution.

4.2 Disability

Analytical products have been commissioned that take account of the extent of sexual offences committed against people with disabilities. There is no indication from that research that victims with a disability are more likely to be more vulnerable to rape than any other group. It is accepted that the disability of a victim can feature in the prevalence of hate crime and repeat victimisation which is covered by other policies and procedures however that is a different crime category to rape and serious sexual offences.

4.3 Race

Analytical products have been commissioned that examine the prevalence and distribution of violent offences, including sex offences, across the geographical area of Staffordshire. There is no indication from that research that the race of victims is more likely to make them more vulnerable to rape than any other group. It is accepted that race can feature in the prevalence of hate crime and repeat victimisation which is covered by other policies and procedures however that is a different crime category to rape and serious sexual offences.

4.4 Religion or Belief

There is no data that members of a particular religious group or belief are more at risk than others of becoming the victim of rape or other sexual offence Religious beliefs may support and sustain victims in adversity and enable them to come to terms with what has happened to them. Support and assistance from religious figures who are important to the victim must not be overlooked to assist the victim through the investigation process.

4.5 Sex

Females are more likely to become the victim of rape or serious sexual assault than males. Whilst it is acknowledged that there is under reporting of both female and male rape there is a significant amount of data concerning rape of a female and the circumstances in which it arises.

4.6 Sexual Orientation

It is acknowledged that rape is a category of crime that is under reported and existing data sets of rape reports may give an unclear picture of the extent of the issue as it relates to sexual orientation. The main objective is to improve the investigation of rape by maintaining a victim focussed approach that will increase confidence levels amongst the lesbian and gay communities to encourage them to report being the victim of rape and to stay with the investigation and judicial process.

4.7 Transgender

It is acknowledged that rape is a category of crime that is under reported and existing data sets of rape reports may give an unclear picture of the extent of the issue as it relates the transgender community. The main objective is to improve the investigation of rape by maintaining a victim focussed approach that will increase confidence levels amongst the transgender communities to encourage them to report being the victim of rape and to stay with the investigation and judicial process.

5. Consultation

Summarise the opinions of any consultation for all or any of the protected groups.

Who was consulted and how e.g. survey, discussion, forum.

If there was no consultation please justify why.

In 2010 Staffordshire Police convened a Rape and Serious Sexual Offences Steering Group (RASSO group) to examine the manner in which Staffordshire Police delivered its service to those reporting being the victim of rape or sexual offence. Non police partners are standing members of the group and were given the opportunity to present their views on Staffordshire Police's approach to victims of rape and sexual offence. The partners include representatives from the Health Service. Local Authorities and the voluntary sector who support victims of rape serious sexual offences and domestic violence:

SARAC <http://www.staffordshirementalhealth.info/details.asp?CourseID=108> Offer counselling services for victims of sexual abuse

SAVNA - <http://www.savana.org.uk/>

Savana is an organisation that offers support services and information to anyone who

has encountered or experienced any form of sexual assault or violence at some point in their lives and can be contacted for information and support

The above organisations have direct experience of the difficulties faced by all members of the public who have been the victim of rape and serious sexual offences including members of protected groups. Their views have been considered in the formulation of the Rape and Serious Sexual offences Policy

5.2 Disability

See 5.1 above

5.3 Race

See 5.1 above

5.4 Religion or Belief

See 5.1 above

5.5 Sex

See 5.1 above

5.6 Sexual Orientation

See 5.1 above

5.7 Transgender

See 5.1 above

6. Conclusions

Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)

Staffordshire Police's Protecting Vulnerable People (PVP) department deals with allegations of abuse of some of society's most vulnerable groups including: children, vulnerable adults, victims of domestic abuse and undertakes investigations into

crimes including: harassment, serious sexual offences, human trafficking, vice offences and hate crimes.

Specially-trained staff provide close support to victims throughout any investigation to ensure their needs are recognised and addressed.

In addition to dealing with vulnerable groups, they are also committed to public protection, monitoring registered sex offenders and taking necessary action with any offender that fails to comply with legislation.

All victims of rape and serious sexual assault should receive the highest standard of care and support at the beginning, during and completion of the investigation. It is of paramount importance that all personnel recognise the needs of the victim for privacy and courtesy at initial contact and throughout our involvement.

The effects of sexual assault can be serious and long-term. The independent support services such as the Victim Support Scheme and Independent Sexual Violence Advisors (ISVA) are considered at the earliest opportunity.

The investigating officer will refer victims to the appropriate services available throughout Staffordshire always with the consent of the victim.

Staffordshire Police will also ensure that the following action is taken in respect of all victims:

- Discuss with victims the issue of 'Special Measures' that can be applied for at a Special Measures Hearing. Examples of special measures are the use of an intermediary who can act in the interest of the victim or the visual recording of the interview.
- Undertake a risk assessment of the safety of the victim and take measures to prevent a repeat attack. The likelihood of a repeat attack will be raised if the victim knows or is in a relationship with the offender.
- Inform the victim about the Criminal Injuries Compensation Authority. Victim Support staff will help with the completion of the application forms.
- Refer the victim to the Witness Service to ensure the victim visits a Court for familiarisation purposes and is accompanied when attending court proceedings, if the victim so wishes
- Arrange a meeting between CPS and the victim to improve the victim's confidence in giving evidence and inform them of the court process.
- Keep the victim updated as to the progress of the investigation as per the Victim Code of Practice 2006. It is the investigating officer's responsibility to keep the victim informed of the case progress up until after the first hearing at court. Following this the responsibility lies with the Witness Care Unit.

6.1 Age

Age or disability may affect the victims understanding of terminology. In order to minimise the impact on the victim an appropriate interview strategy will be devised

that takes account of the age of the victim. This may be visually recording the interview and the introduction of special measures including an intermediary to act in the interests of the victim. This can include confidence building measures about the Court process and explaining the investigative and Court processes.

6.2 Disability

As with 6.1 above disability may affect the victims understanding of terminology. In order to minimise the impact on the victim an appropriate interview strategy will be devised that takes account of the age of the victim. This may be visually recording the interview and the introduction of special measures including an intermediary to act in the interests of the victim. This can include confidence building measures about the Court and investigation process.

Section 16 of the Youth Justice & Criminal Evidence Act 1999 (YJCE Act) defines vulnerable

as:-

- (iii) All witnesses under 18 and adult witnesses with mental disorders, learning
- (iv) disabilities or physical disorders/disabilities

During a trial in any Court vulnerable witnesses will be eligible for visually recorded evidence in chief live visual link, screens, evidence in private and removal of wigs and gowns. Access to intermediaries and aids to communication.

6.3 Race

All police staff will be aware of the cultural issues present in dealing with minority groups and the affect these may have on the victims of serious sexual assaults. The following must be taken into consideration:

- Sexuality may be a subject which cannot be spoken about in some minority communities
- The victim may not have confidence in the Criminal Justice System
- The victim may not be able to get support from their family for a number of reasons arising from cultural norms and a perceived stigma associated with being a victim of serious sexual assault or rape
- An individual may become ostracised by their peer community
- Interpreters should come from another area to reduce the risk of the attack becoming common knowledge throughout the community. The use of various dialects may also be a problem for an interpreter;

6.4 Religion or Belief

The victim may be fearful of both the investigation, which can cause embarrassment, exhaustion or guilt. Many victims feel an element of self-blame. Reassurance is crucial to obtaining vital information to assist enquiries and bring offenders to justice.

6.5 Sex

It is acknowledged that victims may have severe reservations about dealing with a police officer or Forensic Medical Practitioner of a different sex. It may not be possible to always find a police officer or Forensic Medical Practitioner of a sex preferred by the victim. The potential impact on the victim's willingness to participate in the investigation must not be underestimated, the victim will be shown all due consideration during their interview and medical examination.

6.6 Sexual Orientation

Lesbian and gay community victims may feel they are less likely to be believed. Officers must offer reassurance and ensure that their fears are allayed;

All victims will be dealt with sensitively in accordance with their own cultural norms where possible.

6.7 Transgender

Similarly to 6.6 above 'Trans' community victims may feel they are less likely to be believed. Officers must offer reassurance and ensure that their fears are allayed. Members of the Trans community must be addressed appropriately in accordance with the gender they identify with.

All victims should be dealt with sensitively in accordance with their own cultural norms where possible.

7. Decisions

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way.
If no changes are proposed, the policy needs to be objectively justified.

The correct implementation and operation of this policy will not have a negative impact on any member of a protected group. The policy will be adopted.

8. Monitoring arrangements

If the policy is new what consideration has been given to piloting the policy?

If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?

The policy is not new; it is a revised and updated position from that detailed in the earlier Rape and Serious Sexual Offences Policy and Procedures.

The policy is reviewed annually.

This equality impact assessment will be published on the force website.

EIA Form Dated
01/11/11