



Strategic Policing and Crime Board

21st January 2020

Police and Crime Plan Priority: *Hidden Crimes*

Title: *Increased reporting and recording of hidden crime – Tackling Sexual Violence*

Presented by: *ACC Meir*

Purpose of paper

1. The purpose of the report is to update the Police and Crime Commissioner and the Strategic Police and Crime Board on the progress in tackling sexual violence as part of the wider detecting and responding to Hidden Crimes priority.
2. Increased reporting of hidden/under-reported crimes is a key indicator of public trust and confidence.

Governance and Strategic Oversight

3. Assistant Chief Constable (ACC) Jayne Meir is responsible for the governance and strategic oversight of sexual violence within the Crime portfolio. She is supported by a Detective Chief Superintendent (DCSU) as head of the Public Protection Unit (PPU), and a Detective Superintendent (DSU) (PPU) who has sexual violence as one of their lead priorities. The management of Registered Sex Offenders is corporately overseen by the Criminal Justice Department, locally delivered and accountable to ACC Jayne Meir.
4. The governance and strategic oversight of sexual violence is led via the Force Vulnerability Improvement Board chaired by ACC Meir.
5. Until recently, the DCSU (PPU) also chaired a multi-agency Rape and Serious Sexual Offences Strategic Board which in turn, was governed by the Preventing Violence To Vulnerable People Panel (PVVP). This forum is transitioning to a new arrangement, the intention being to provide a platform for the newly appointed Sexual Assault and Abuse Services Co-ordinator to drive forward a

multi-agency plan to achieve the objectives of the NHS “Sexual Abuse & Assault Strategy – Sexual Health Pathways: gaps, good practice and going forward 2018-23”.

Investigation of Sexual Offences

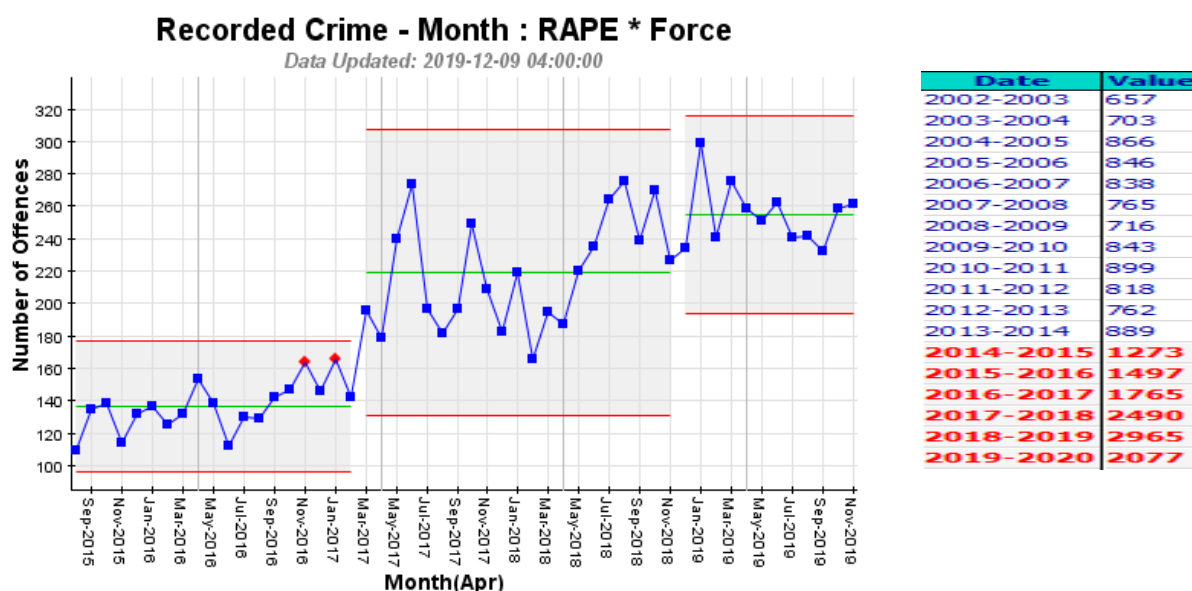
6. Sexual violence offences are investigated entirely within the PPU.
7. Offences against children (U18) are investigated within the Child Abuse Teams.
8. All adult rape and penetrative offences are investigated within the Adult Complex Teams, whilst the Adult Investigation Teams investigate lower level sexual offences.
9. Historic sexual offences against children are investigated within the Adult Complex Teams.

Public Protection Restructure

10. In February 2019, the PPU was restructured. This has proved beneficial in ensuring that all adult rape offences are investigated within the same function as opposed to disaggregating the pursuit of domestic and non-domestic offences. This allows for singular oversight via the sexual violence lead DSU.
11. The investigation of child offences remains unchanged.
12. Both adult and child functions have specialist teams to appropriately pursue out of court resolutions as appropriate. This will only be a consideration for a small number of less serious offences, with a stipulation that the victim is in agreement and there is a plan to mitigate further offending. From an adult perspective, this would require the offender to complete the Consider course as part of a conditional caution.
13. The model dictates that all staff that investigate serious sexual offences are accredited detectives who have been trained in accordance with the College of Policing directive for both adult and child sexual offences. At present, there is a deficit which will be resolved through course provision during 2020. The training is to a national standard, is victim centric and provides two separate courses, one for staff that deal with adult victims, and one that deals with child victims. Once trained, staff are required to undertake continuous professional development.
14. The performance section of this report will demonstrate the high level of demand and complexity within Sexual Violence, and the difficulty this presents in delivering a timely service for victims and in delivering the desired level of criminal justice outcomes.
15. A formal review of the restructure is underway and will be tabled in early 2020. This is underway and once completed, will be tabled via the appropriate force governance structures, with a latest anticipated completion date of April 2020.

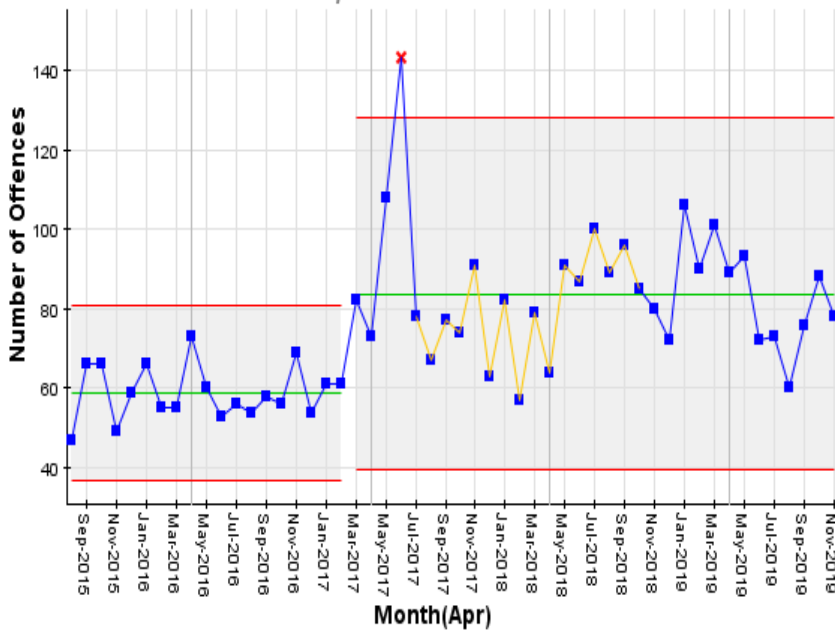
Demand – Reporting Levels

16. Rape narrative - nationally, there continues to be a focus on adult rape criminal justice outcomes. Despite significant increased levels of reporting, the charging rate has fallen significantly, as has the police referral rate to CPS. This was reflected in the NPCC led report entitled “End-to-End Review of the CJS Response to Rape” – Prime Minister’s Implementation Unit, and the recent “Violence Against Women and Girls” report. The NPCC Lead continues to examine a number of hypotheses, and the author anticipates the publication of a number of recommendations in 2020. The West Midlands is experiencing an identical narrative, acknowledging that increased demand, victim attrition and complexities associated with digital media may all have contributed to the current position.
17. The below demonstrates reported levels of rape since 2015. Whilst it is recognised that changes to crime recording have led to a certain increase in reporting levels, the uplift in the number of historic offences and the confidence of victims to report has led to increased levels of crime. Since 2014, reported adult rape offences have increased by over 40%. Since 2014, reported child rape offences have increased by over 55%. The reporting of historic crimes (over 5 years since offence committed) has started to stabilise (20% of total sexual violence demand). 35% of offences are reported on the same day as the offence is committed.



Recorded Crime - Month : 17 and Under * RAPE * Force

Data Updated: 2019-12-10 04:00:00

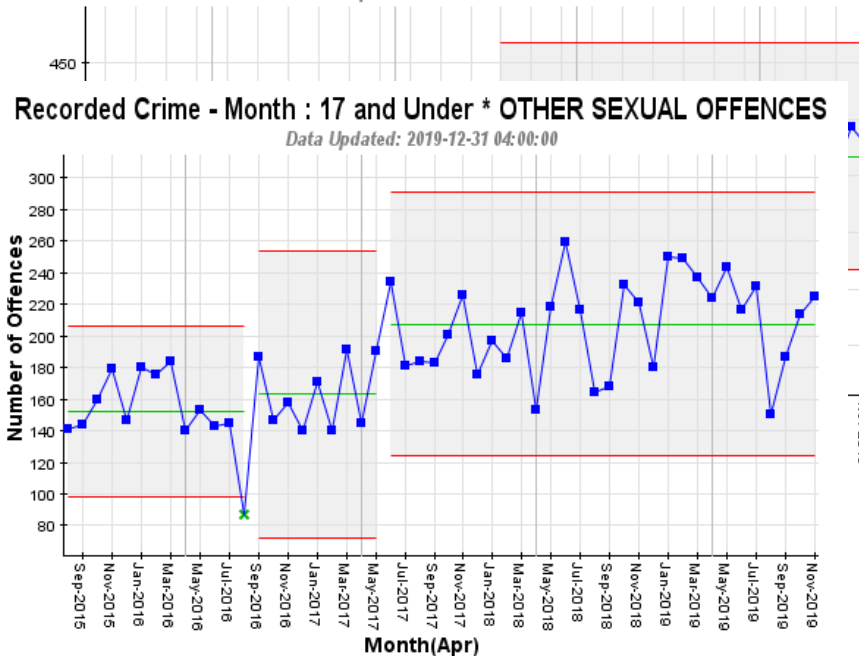


Date	Value
2002-2003	335
2003-2004	365
2004-2005	401
2005-2006	421
2006-2007	403
2007-2008	382
2008-2009	359
2009-2010	420
2010-2011	449
2011-2012	418
2012-2013	442
2013-2014	496
2014-2015	611
2015-2016	684
2016-2017	737
2017-2018	992
2018-2019	1061
2019-2020	645

18. The below details the position with regards to all other reported adult sexual offences. Again, there is a trend for year on year increasing levels of reporting.

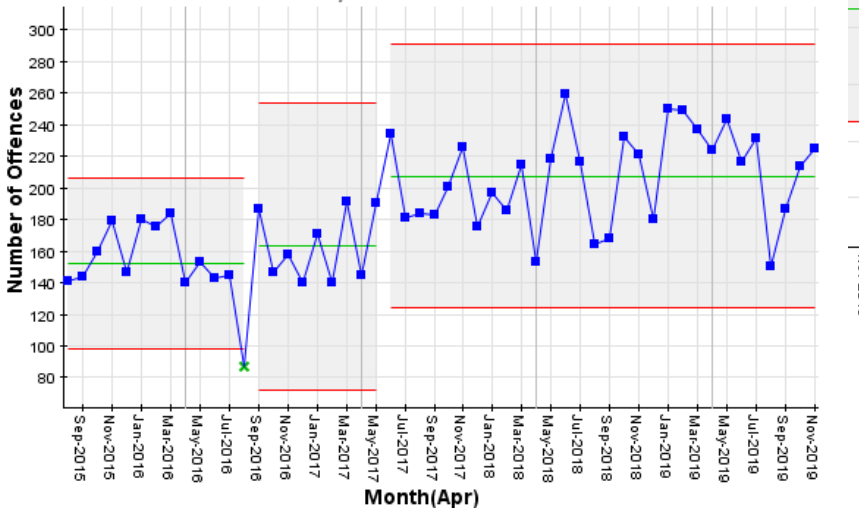
Recorded Crime - Month : OTHER SEXUAL OFFENCES

Data Updated: 2019-12-31 04:00:00



Recorded Crime - Month : 17 and Under * OTHER SEXUAL OFFENCES

Data Updated: 2019-12-31 04:00:00



Date	Value
2002-2003	1332
2003-2004	1470
2004-2005	1470
2005-2006	1354
2006-2007	1257
2007-2008	1182
2008-2009	1029
2009-2010	1089
2010-2011	993
2011-2012	1114
2012-2013	1224
2013-2014	1350
2014-2015	1418
2015-2016	1916
2016-2017	1802
2017-2018	2317
2018-2019	2547
2019-2020	1871

Date	Value
2002-2003	2284
2003-2004	2379
2004-2005	2487
2005-2006	2544
2006-2007	2437
2007-2008	2186
2008-2009	1957
2009-2010	2187
2010-2011	1910
2011-2012	1921
2012-2013	2168
2013-2014	2360
2014-2015	2567
2015-2016	3130
2016-2017	3139
2017-2018	4013
2018-2019	4402
2019-2020	3387

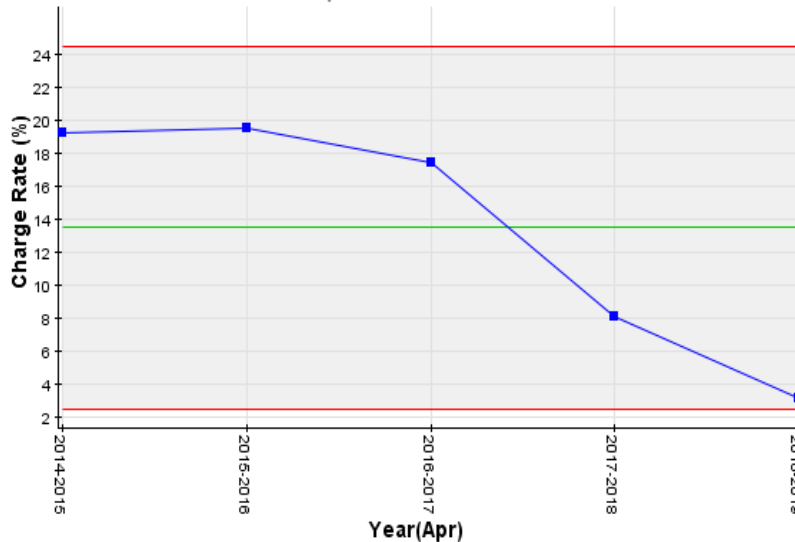
Outcomes

19. The below provides a narrative with regards to outcome levels for reported adult rape. This is arguably the most concerning trend with regards to sexual violence, reflective of the national landscape, and indicative of falling levels of police

referrals to CPS, and diminishing charging rates. The graph shows diminishing rates of charges. The mitigation is being provided via the Improvement Plan and the work of the Gatekeeper.

Outcome Rate - Charge - Full Month : RAPE * Force : (By Year(Apr))

Data Updated: 2019-12-23 04:00:00

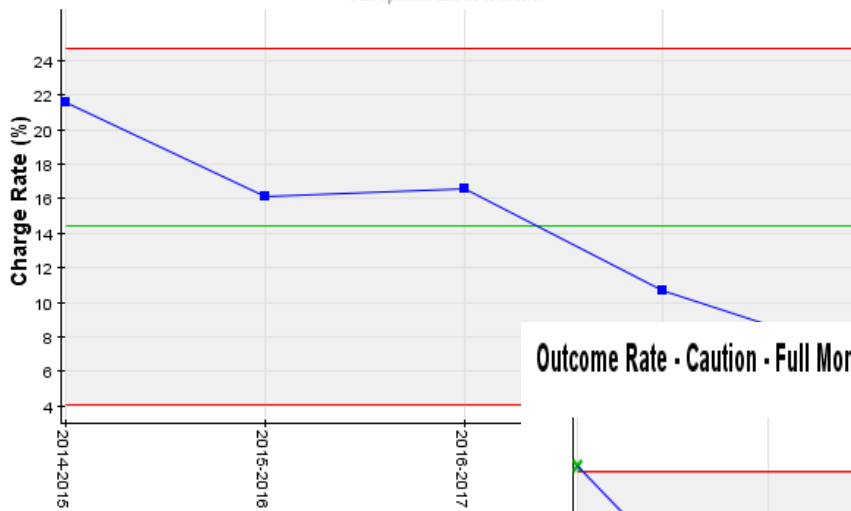


Date	Value
2014-2015	19.25
2015-2016	19.51
2016-2017	17.39
2017-2018	8.07
2018-2019	3.17

20. In response, the force has set an Improvement Plan target for 2019-20 to increase rape outcome levels. The 2019-20 target is to achieve a 5% outcome rate (police charges/cautions) for rape, inclusive of adult and child offences. Performance is being overseen via the lead DSU through a Rape Improvement Plan and associated monthly scrutiny meeting. Additional accountability is provided at force level by various governance structures. This was agreed with a view to seeing an increase on the previous performance year, and to deliver outcomes in comparison with other forces. The force is currently delivering an outcome rate of 5.2%. Unfortunately there is no national data available to enable comparison.
21. Outcome performance is healthier for child offences where victim attrition is far less prevalent, with adult rape outcomes at just over 3% for 2019-20, and child rape outcomes at just over 9% for 2019-20.
22. The below details outcome (charge/caution) performance for all other non-rape sexual offences. This equally shows a diminishing picture.

Outcome Rate - Charge - Full Month : OTHER SEXUAL OFFENCES * Force : (By Year(Apr))

Data Updated: 2019-12-23 04:00:00

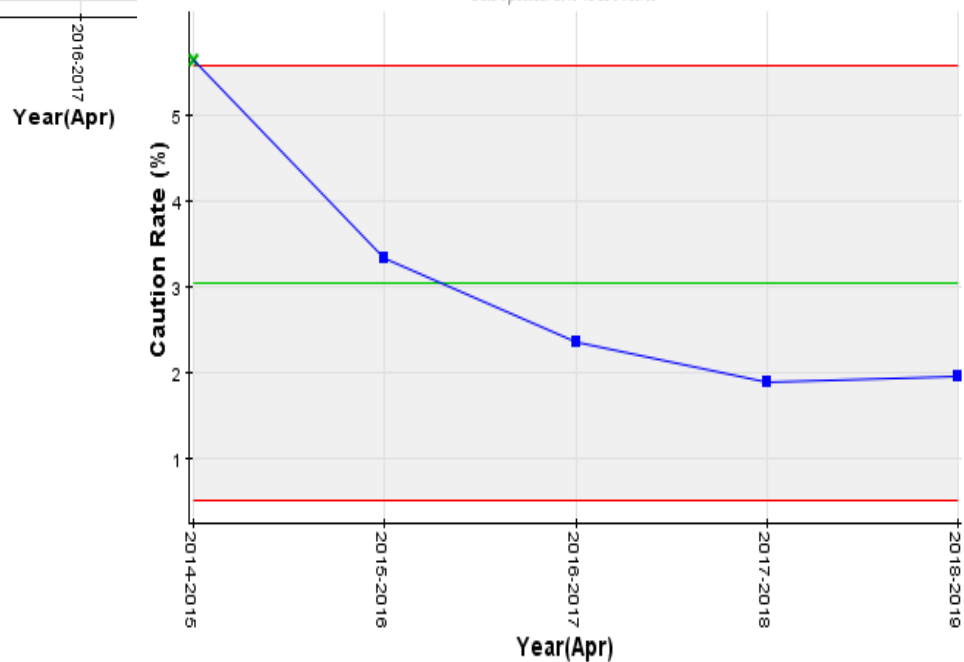


Date	Value
2014-2015	21.58
2015-2016	16.13
2016-2017	16.60
2017-2018	10.72
2018-2019	6.93

Date	Value
2014-2015	5.65
2015-2016	3.32
2016-2017	2.36
2017-2018	1.89
2018-2019	1.95

Outcome Rate - Caution - Full Month : OTHER SEXUAL OFFENCES * Force : (By Year(Apr))

Data Updated: 2019-12-23 04:00:00



Rape Gatekeeper

- Part of the national narrative is the suggestion that CPS has changed their charging threshold for rape. This is subject to on-going debate but in the interim, PPU has embedded an inspector within the CPS to assist in driving outcome improvements. This is a relatively new concept, but has already proved advantageous in understanding and improving workflow between both entities.

Victim Attrition

24. Victim attrition relates to a scenario where a victim disengages from a criminal investigation prior to the point of charge or alternatively post charge before trial. Victim attrition is a relevant issue for Sexual Violence, with particular significance for offences of rape. Consent is often a central issue with many offences lacking any other form of evidential corroboration.
25. As a consequence, victim attrition will nearly always lead to a failure to secure a charge, caution or conviction. However, it is difficult to capture attrition from the point of report through to conviction as police and CPS data does not directly correlate. There is no further data available.
26. Pre-charge attrition is not clinically captured, as it can be dependent upon the manner in which an officer closes an investigation. The below tabular data captures rape victim attrition again against outcome code 16, but it can also be captured against outcome 14. The narrative is similar for other non-rape sexual offences.
27. However, a recent review suggests that nearly 50% of all Sexual Violence reports are filed due to victim attrition taking place either at the very outset of an investigation or pre-charge. In addition, evidence suggests that victim attrition is less likely to happen in offences involving children as opposed to offences involving adult victims. There is no further data available.

Rape O 18 2019/20 YTD	Contr.%	Cum.%	Value
Outcome 16 - Named suspect identified: Evidential difficulties prevent further action (no victim support)	35.2	35.2	479
?	26.7	62.0	363
Outcome 18 - Investigation complete: No suspect identified	18.9	80.9	257
Outcome 14 - Evidential difficulties victim based - named suspect not identified	10.7	91.5	145
Outcome 15 - Named suspect identified: Victim supports police action but evidential difficulties prevent further action	7.5	99.0	102
Outcome 1 - Charge or Summons	0.7	99.7	9
NC1 - Non Crime Closure	0.1	99.9	2
Outcome 20 - Further action will be taken by another body	0.1	99.9	1
Outcome 5 - The offender has died (all offences)	0.1	100.0	1

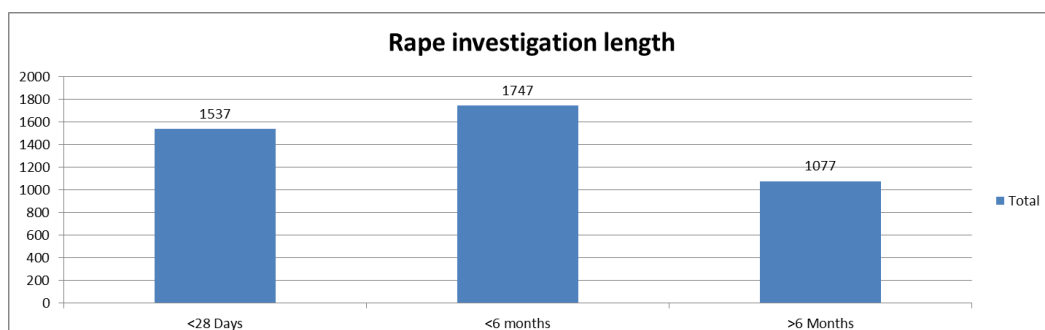
Rape U 18 2019/20 YTD	Contr.%	Cum.%	Value
Open Investigations (No Outcome)	44.0	44.0	284
Outcome 16 - Named suspect identified: Evidential difficulties prevent further action (no victim support)	20.6	64.7	133
Outcome 18 - Investigation complete: No suspect identified	16.0	80.6	103
Outcome 15 - Named suspect identified: Victim supports police action but evidential difficulties prevent further action	8.7	89.3	56
Outcome 14 - Evidential difficulties victim based - named suspect not identified	5.9	95.2	38
Outcome 1 - Charge or Summons	2.3	97.5	15
Outcome 20 - Further action will be taken by another body	1.4	98.9	9
Outcome 21 - Suspect Identified, but not in the public interest for police to investigate	0.5	99.4	3
NC1 - Non Crime Closure	0.3	99.7	2
Outcome 11 - Prosecution prevented - named suspect is below the age of criminal responsibility	0.2	99.8	1
Outcome 5 - The offender has died (all offences)	0.2	100.0	1

Challenges

28. Consent – the investigation of sexual offences is a complex area, often dealing with some of the most vulnerable in society. As described, victim attrition is a key inhibitor, whilst the issue of consent is complex and very different to any other

crime type. Discrediting a victim is often part of a defendant's defence and as such there is a need to acquire and review relevant third party material pertaining to the victim. Undermining material requires disclosure and can potentially impact upon a charging decision.

29. Digital disclosure – R v Allen (2018) was instrumental in elevating issues associated with digital media, and the necessity to consider the relevance of digital communications in cases of sexual violence. In particular, this heightened the need to consider whether or not a victim/third party device was relevant as a reasonable line of enquiry. Since this time, the NPCC Disclosure Lead and NPCC Digital Media Lead have issued joint guidance to investigators, together with the dissemination of a regional CPS “Reasonable Lines of Enquiry” guidance document. The Force Lead has worked with CPS to ensure that staff have received the appropriate advice and guidance, and staff are instructed to use the nationally agreed digital disclosure document.
30. This remains a contentious issue nationally, with various challenges with regards to the legitimacy and legality of examining victim devices. However, in the absence of a steer to the contrary, investigators continue to consider digital communications as a key investigative action.
31. This clearly has implications for victims and third parties, whilst also having an impact on the force and the ability to examine and return devices within a timely manner. There is clearly the potential that this could impact upon reporting levels and indeed, victim attrition. That said, there is no clear evidence to corroborate either concern at this time. We monitor the timeliness of examinations to mitigate the impact on victims.
32. Mitigation is provided by the roll out of digital kiosks, and a service level agreement with Digital Forensics to ensure that victim devices are examined and returned within a 48 hour period. This is not a ‘blanket offer’ to all victims of crime, and is current only available to victims of sexual violence. That said, all cases are judged on merit, and the Force will always try to service a victim of crime in the least impactful way.
33. Timeliness – the incremental increase in the volume of reported cases of sexual violence has naturally led to an increased demand per officer. This, together with increased complexity (third party and digital disclosure), has led to a decrease in investigative timeliness, and has had a potential impact upon victim attrition and decreasing outcome rates. The below provides an illustration of the average length of rape investigation from report to police closure. There is no additional data available at this time.



Safeguarding

34. Safeguarding is a key element of responding to sexual violence. The response will vary dependent upon the age of the victim and potentially the crime type. All child victims will be referred into the relevant local authority MASH arrangements, where a multi-agency safeguarding plan will be agreed and implemented. This may well incorporate the provision of an Independent Sexual Violence Advisor (ISVA).
35. Adult victims will always be offered referral into an ISVA, with provision across each local authority area. It is difficult to capture specific numbers, but there is regular dialogue with providers to ensure that optimum use is being made of the service, with the offer of support from report to potential conviction and thereafter. In addition, consideration will be given to referral into Adult Social Care, with further support provided to certain domestic abuse victims via the Multi-Agency Risk Assessment Conference (MARAC) arrangements.
36. The statutory framework associated with multi-agency public protection arrangements (MAPPA), whilst being offender management centric, will also consider safeguarding and the prevention of recidivism as a key objective.

Victims' Code

37. The Victims' Code 2015 provides a number of services that victims can expect from criminal justice agencies. These include the necessity for a needs assessment, for the provision of investigative updates, enhanced entitlements (special measures etc.) and the right to provide a Victim Personal Statement (VPS).
38. Officers' have received training in accordance with the requirements of the Code, and all investigators of rape and serious sexual offences are conversant with their responsibilities.
39. Whilst the Code does not cater for victims of sexual violence as a separate category, referral into ISVA provision, the use of video interviewing, special measures, Witness Care Units and the the victim right to review process are all inherent within the investigation of sexual violence.
40. During 2018, PPU undertook regular qualitative audits of rape investigations. In doing so, compliance with the Victims' Code was assessed and found to be satisfactory. This was primarily an assessment of the amount and quality of victim contact documented within a sample of rape investigations. Victim

feedback is less formally gathered via regular meetings with the various ISVA providers.

Partnership Working

41. WMP works with an array of partners in tackling issues associated with sexual violence. Much of the work is geared around the safeguarding provision (MASH, ISVA, MARAC, MAPPA), and support offered during the criminal justice process (ISVA).
42. In addition, strategic arrangements allow for collaborative working to improve the provision of victim services (Sexual Assault Referral Centres), whilst also looking improve the broader victim journey as detailed within the aforementioned "Sexual Abuse and Assault Strategy".
43. MAPPA also provides for enhanced partnership work, whilst the WMP Rape Scrutiny Panel allows police, partners and CPS to examine the investigation of, and supervisory decision making with regards to rape.

Offender Management

44. Outstanding sexual violence offenders will be prioritised in accordance with the severity of the offence and the risk that they pose. Forensically live offences will necessitate an early arrest, whilst other offences are dealt with by way of voluntary interview or arrest by appointment.
45. Certain offenders and offences may be suitable for diversionary activity via the Consider course. This will be as a consequence of a conditional caution, and will require the support of a victim. In 2019-20, one offender has been referred into the programme. This is potentially due to the strict criteria applied to the process. However, the Force Lead is initiating some further analysis and work to ensure that staff understand the process and opportunities are not being missed.
46. Conviction may lead to an offender being listed as a Registered Sex Offender (RSO). There are currently 4500 RSOs within the West Midlands, 1000 of whom are in prison. Offenders are managed by Sex Offender Managers (SOM's), the latter forming part of the Integrated Offender Management Teams. The function is corporately led by Criminal Justice, with local delivery aligned to NPU boundaries.
47. Imprisoned RSOs are managed by a central team, whilst those in the community are managed by SOM's in accordance with a formal risk assessment (ARMS).
48. High risk RSOs are additionally overseen by the statutory MAPPA framework.

Disruption

49. Civil orders provide additional public protection. Sexual Risk Orders (SROs) can be sought in advance of a conviction, whilst Sexual Harm Prevention Orders

(SHPOs) are restrictive orders imposed by a court upon conviction. A SHPO can also be sought by the police following a conviction for certain specified offences. In addition the use of Child Abduction Warning Notices (CAWN) is a police tactic used in tackling/disruption child sexual abuse offenders. The below table details the volume of civil orders currently in place.

Order type	Volume
CHILD ABDUCTION WARNING NOTICE - RECIPIENT	231
CHILD ABDUCTION WARNING NOTICE - VULNERABLE	27
SEXUAL HARM PREVENTION ORDER AND NOTIFICATION	1046
SEXUAL RISK ORDER AND NOTIFICATION	33
Grand Total	1337

Recommendation

The board is asked to note the above updates.

Author(s): Public Protection Unit