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A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase two: Post-charge

Response from Simon Foster, West Midlands Police and Crime Commissioner

On 25th February 2022, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published an inspection report on phase two of the police and Crown Prosecution Service's response to rape following on from the publication of phase one of their inspection on 16th July 2021 for which WMP were part of the six forces visited.

For reflection please see our previous response to phase one of the inspection which [can be found here](#).

Since the publication of part one of the rape inspection, West Midlands Police have experienced an internal RASSO Audit with an outcome of minimal. It has been a time of deep review and reflection of both policing and the criminal justice system for the West Midlands and the multi-agency partnership have been active participants in pushing for positive change.

Rightfully, victims should not have to wait years for a court date, experience multiple adjournments, and then report, as your report consulting with victim's shows, that the process is worse than the offence.

My [police and crime plan](#) for the West Midlands was published in November 2021 with a direct focus on domestic abuse and violence against women and girls (VAWG) as a top three priority of the plan.

The plan sets out to measure the following which are attributable to improvements in core objectives set through the joint inspections and also relevant local, regional and national strategy and framework directions:

- Reduce the number of outstanding suspects for Domestic Abuse offences awaiting investigation.
- Reduce the repeat rates for Domestic Abuse offences, both in terms of repeat offenders and victims.
- Reduce the length of time Rape investigations take within West Midlands Police.
- Reduce the proportion of DA cases where the suspect is released under investigation rather than being bailed with conditions.
- Increase the proportion of breaches (DVP notices; non-molestation orders) which result in an arrest.
- Increase the number of Domestic Abuse offenders which are managed through IOM/Probation.
- Identify the reasons for and ultimately reduce the number of investigations which are discontinued due to insufficient evidence where the victim supports police action (Crime Recording Outcome 15) and where victims feel unable to support police action (Crime Recording Outcome 16).
- Increase the positive outcome rates for Domestic Abuse, Rape, and Stalking and Harassment offences

- Monitor victim satisfaction with West Midlands Police, in particular for victims of Domestic Abuse offences, and commit to understanding the ways in which satisfaction can be improved.

In addition, I have pledged to work with West Midlands Police to:

- Improve the training and awareness for new and existing officers on violence against women and girls and domestic abuse, to ensure a consistent high-quality response, incorporating feedback from victims;
- Extend the use of independent advocates such as Independent Domestic Violence Advocates' and Independent Sexual Violence Advisors and increase the number of these advocates with specialist training, for example to support LGBT+ victims;
- Ensure police impose bail conditions on alleged perpetrators of domestic abuse
- Press for imposition of available protection orders and notice, such as Domestic Violence Protection Notices and Orders, restraining and non-molestation orders, Forced Marriage Protection Orders and Female Genital Mutilation Orders, ensuring breaches are dealt with proportionately, including use of powers of arrest
- Support the use of robust domestic abuse perpetrator programmes to challenge and change behaviour;
- Champion a change in legislation to record misogyny as a hate crime, as recommended by Citizens UK;
- Ensure good policing plays its part in reducing vulnerability in the night-time economy;
- Increase the proportion of all VAWG crimes where an offender is brought to justice;
- Ensure that officers understand, identify, but never take advantage of vulnerability.

I am committed to ensuring any victim of violence and abuse can access support, regardless of their gender, ethnicity or other protected characteristic. Protection for male victims should be included in work to reduce violence against women and girls. Research shows sexuality can be a further risk factor in relation to interpersonal abuse; with Lesbian, Gay, Bi, Transgender plus (LGBT+) individuals often at a higher risk than the heterosexual male population, and this too, is something we need to ensure our police help to prevent, and ensure they investigate effectively.

West Midlands Police will play a key role in the "Ending Male Violence Against Women and Girls Alliance" which will start meeting in June/July 2022 and with ACC level representation. I will work with the Force to ensure they use all of the powers available to them to safeguard victims and survivors and ensure that perpetrators are held to account.

As within part one of the rape inspection it was concluded that efforts to improve the experiences of rape [victims](#) at national level hasn't made enough of a difference at a local level, and that the need for sustained improvements in practice remains.

I continue to lobby for further resourcing within RASSO teams and have also appointed the first Victim's Commissioner outside of London, Nicky Brennan, who will play a strong role with partners, victim's services and the APCC, to petition for further resourcing within policing to address the issues raised in both parts one and two of the inspections.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Foster', written in a cursive style.

Simon Foster

West Midlands Police and Crime Commissioner

The report outlined three recommendations which related to police forces, the remainder of the response will focus on these.

Recommendation 1:

Immediately, police and prosecutors should review and significantly improve communications with victims from the point of charge onwards

As demonstrated in the RASSO delivery plan attached below, the force has implemented a quarterly voice of the victim forum led by PWC as a social enterprise project, and attended by specialist victim services across sexual assault and abuse, sexual exploitation, sex work and SARC services to focus on initiatives to gain feedback through victim video recordings / surveys / wider partner & officer feedback. In addition, the RASSO Adult Complex survey is being utilised to assess victim contact including contact plans which is assessing more broadly the improvements in communication with victims.

Through Operation Soteria there has been work nationally on changes to the CPS No further action letter for victims which has been worked on in consultation with the academics and police forces to improve communications with victims in this area.

In terms of the improvements directly for West Midlands in supporting to address and improve communications with victims, PCCs are responsible for collating criminal justice agencies responses on compliance to the Victim's Code to feedback to the Ministry of Justice (MoJ). In 2020/21, a joint dashboard was established with the force to enable a focus on vulnerability such as Domestic Abuse, Burglary, Robbery and Hate Crime to enable the force to better embed the Victim's Code within the assessment of victim's need, acknowledging how individual circumstances can mean that the force's response needs to be different and tailored not to the crime type but to consider vulnerability of citizens and "doing the right thing" for them.

Police and prosecutors were told through part one of the inspection that communication and relationships between themselves as individuals and organisations needed to improve to likewise improve the service offer to victims and survivors. In the West Midlands we have some good practice established in this field through the long-term embedded work of the CPS Gatekeeper (Detective Inspector) from WMP working within the CPS to support quality of case files, management of action plans and communication and **joint working between the police and the CPS at every level.**

Through Criminal Justice funding we were able to uplift in 2021/22 the CPS Gatekeeper role to an additional person which now enables them to review all RASSO cases (previously just penetrative ones). This investment has been followed by a collaborative pilot whereby a CPS Prosecutor has been working from a Police station one day a week for the last 8 weeks to give early investigative advice on case files, this if embedded in core function will enable a significant improvement on timeliness and offer of service to victims.

Recommendation 8:

Immediately, the police and the CPS should work collaboratively to ensure that bad character is considered in all rape cases, and progressed wherever it is applicable

The training around bad character for WMP references the historic Bad Character Evidence, Sections 98-113 of the Criminal Justice Act 2003, which came into force on the 15 December 2004. Through the Op Soteria work within the force, the move from a victim focused to a suspect focused investigation enhances the need to work collaboratively, fairly and in the correct procedural format to enable consideration of bad character evidence where appropriate.

Recommendation 9:

Immediately, forces should make sure that victims of rape are given the opportunity to make a victim personal statement (VPS) at the earliest possible time, with the option of updating this statement closer to the court trial date.

The force recognises that more work needs to be done to improve the awareness and use of Victim Personal Statements (VPS). An improvement plan was implemented in 2020 with Victim Support, the PCC and other agencies to deliver a programme of events over a week commencing early 2021 to highlight the use of VPS and to promote their value. There has also been a go-to guide created for WMP users to view information about the Victim's Code and VPS on their mobile devices and use this to help them explain the VPS to victims of crime.

Please see below the embedded WMP RASSO delivery plan reflecting the above recommendations for which the response to part two of the rape inspection will be added in due course –



RASSO Delivery Plan
2021-22 V1.2.docx

Working towards the recommendations above and within the End to End Rape Review will be successful when working together in partnership, with the right legacy funding/provision to uplift all parts of the CJS to be able to investigate rape and sexual offences in a timely, efficient, procedural and effective manner.

ⁱ <https://www.westmidlands-pcc.gov.uk/your-commissioner/police-and-crime-plan-2021-2025/>

References to VAWG seen at the following - Pages – 2, 3, 6, 13 -17, 23, 26, 38, 42, 48, 56, 57, 66, 68, 70, 78.