

Appendix A



Public Protection update for the SARC, Rape and Sexual Offences

Strategic Resources and Performance Board

9 November 2016

Version 1.0

1. Management of exhibits within the SARC

A recent review of the storage, retention and disposal of forensic exhibits at the TOPAZ Centre (SARC) relating to self-referrals has identified an issue.

The SARC has been open since 2007 and on average there are between one and three self-referrals to the SARC every month.

The SARC have only one freezer and one fridge-freezer to store self-referral forensic exhibits and space in their building is very limited.

Until 2014 all exhibits taken at the SARC for both self-referrals and incidents reported to the Police were collected by Archives and Exhibits staff and stored in a centralised Property Store.

In October 2014 the Archives and Exhibits Property systems changed and from then until the current date no collections have been made from the SARC in relation to self-referrals.

The forensic exhibits taken from persons who self-refer are not governed by legislation covering exhibits taken by or for Police Officers. Therefore the Criminal Procedures and Investigations Act 1996 (CPIA) or the Code of Practice for the Management of Police Information 2010 (MOPI) are not relevant in relation to these exhibits.

Following consultation between:

- Deborah Hooton, SARC Service Manager,
- Maria Fox, Head of Nottinghamshire Police Archives and Exhibits
- Sharon Shaw, Manager Archives and Exhibits Northern Store

a protocol (solution) for the collection, tagging, storage and retention has now been agreed:

- SARC staff place all forensic self-referral exhibits in a marked bag which is stored in the SARC freezer.
- SARC staff will maintain a database of items.
- Once a year Archives and Exhibits staff will collect the forensic self-referral exhibits for the preceding year.
- Any samples required by police officers/civilian investigators will be notified by email to Archives and Exhibits by the SARC.
- At that point, the officer is required to book the exhibits onto the Niche system in line with Force Policy and Procedure.
- Once the samples have been retrieved A&E will notify the SARC in writing of the new seal numbers for the box which has been accessed to preserve continuity.

- If capacity of the SARC refrigerated equipment is reached sooner than one year then Archives and Exhibits staff will make ad hoc collections.
- The SARC will make persons who self-refer aware that exhibits will be disposed of after a specified time period and not retained indefinitely.
- Exhibits will be retained for a period of ten years. This is in line with the guidelines for exhibits retained under Group 2 of the MOPI Review Schedule for Sexual Offences listed in Schedule 3 of the Sexual Offences Act 2003.
- A ten year retention period ensures that persons who self-refer will have parity with victims who report to the Police.
- After ten years SARC self-referral forensic exhibits will be destroyed by Nottinghamshire Police unless representations have been made to retain the exhibits by either the SARC or a person who has self-referred.
- Exhibits from historic self-referrals currently held in Nottinghamshire Police Property Stores will be disposed of after ten years from the date that they were taken rather than ten years from a disposal period being agreed.

2. Apparent reduction in police referrals for support services for survivors of rape and serious sexual offences:

Initially, anecdotal information had been received by the OPCC to the effect that the uptake of support offered by the various service providers in respect of sexual violence has seen a downturn.

In fact, all service providers are reporting that they feel this to be the case, especially in relation to referrals being made “by the police.”

This feeling has been compounded by some preliminary research conducted by the CDP, which tends to indicate that far more referrals are received from the TOPAZ than from the police.

It should be noted that this research is to date confined to City cases, but is being expanded to include County cases as well, at which point further analysis will be conducted.

Furthermore, Independent Sexual Violence Advocate's (ISVA's) are reporting that some survivors they meet during CJ proceedings are reporting that they have never been offered any support.

Nottinghamshire is not necessarily out of kilter in this respect: recent research by NHS England indicates that SARC's across the country are finding that only 20% of those survivors that could take up support, actually do.

It remains a concern that not all those that could take up support are in fact doing so, and these needs to be urgently addressed.

It is felt that in order to arrive at a solution, further research is required, and this is something that the OPCC have agreed to procure (Nicola Wade.)

Broadly speaking, there are four categories of survivor who are offered, or who may wish to engage support services:

- Survivors who self -refer to the TOPAZ (SARC) but do not report to the police.
- Survivors who report to the police and then visit the TOPAZ as part of their journey.
- Survivors who report to the police and do NOT visit the TOPAZ
- Survivors who do not report to a publically funded service at all.

It is felt that in the first two scenarios, survivors automatically meet with crisis workers and/or adult support coordinator and this is considered a really good gateway to support services.

In the latter two scenarios the same cannot be said. Reports to police where survivors do not go to the TOPAZ rely very much on the officer providing advice and guidance about where and how support can be provided. Whether support is actually taken up in these scenarios is left for the individual to decide.

Naturally this raises the question of how this is being offered – the words used etc.

It is here that the research intends to focus.

This is something that has been done previously with DA survivors with a degree of success.

The objective of the research is to focus on the areas described in order to understand the gap in service take up. This will then assist in the design of ways to address the issue and also, In turn, feed back into commissioning services.

3. Rape convictions/performance update:

The Rape Monitoring Group (HMIC) local area data for Nottinghamshire 2015/16 has recently been published and been reported on in the media.

It demonstrates plainly that reports of rape to Nottinghamshire Police have risen year on year.

This is, in part, due to victims in Nottinghamshire having a greater confidence in us to come forward and make reports.

It is also widely known that we are still leading a large scale, complex investigation into historical child abuse which accounts for many reports, made many years after the offences took place.

The year in which a crime is reported is reflected in that year's figures, no matter when it actually occurred. This is not reflected in this report.

The rules around recording rapes have also changed recently and this has certainly seen more offences being recorded by the Force as we have worked to ensure that we robustly follow those rules.

So far as offences charged are concerned, since 2011/12 we have charged a similar number of people every year with rape offences. Obviously, with the number of reported offences rising each year, the charge ratio (or proportion) has inevitably become smaller.

The report shows that nationally, in five per cent of all rape cases, no suspect is identified. In Nottinghamshire this is only the case in two per cent of rape investigations.

On the face of it, there are some forces that appear to "stand out" for their performance and so we are currently organising contact/visits to some of those forces to understand if there is any learning for us.

The conviction rates in the report are a little confusing and are not recognised by the CPS who report a much more positive picture as outlined below.

The following is a table that demonstrates Q1, Q2 so far, and year to date conviction rates in relation to offences of rape in Nottinghamshire:

Prosecution Team Performance Management (PTPM) - Performance Dashboard 2016-17

Violence Against Women & Girls

			Performance Improvement/Decline Trend Margin:	3.0%								
Measure No	Data Source	Measure Description		Apr-16	May-16	Jun-16	Q1	Q1 Rank	Jul-16	Aug-16	YTD average	
26	MIS	RYTD Rape Convictions										
High		National		57.5%	57.3%	57.2%			57.7%	57.7%	57.5%	
weighted		East Midlands		64.9%	65.0%	65.7%		1	65.9%	66.3%	65.6%	
		Derbyshire		67.9%	69.2%	72.4%		1	71.2%	72.2%	70.6%	
		Leicestershire		69.6%	69.7%	68.6%		4	68.1%	69.9%	69.2%	
		Lincolnshire		59.4%	56.7%	55.9%		27	56.7%	60.0%	57.7%	
		Northamptonshire		57.4%	60.3%	61.0%		15	60.7%	58.9%	59.7%	
		Nottinghamshire		68.6%	64.3%	64.9%		12	67.2%	66.7%	66.3%	

- This data has been drawn from the CPS's administrative IT system, which (as with any large scale recording system) is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.
- The official statistics relating to crime and policing are maintained by the Home Office (HO) and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice (MOJ).
- Data shows Nottinghamshire performing well in their peer group with conviction rates higher than the Regional and National average year to date.

4. HMIC Rape Digest:

- I. **Figure 3.4: Number of transferred or cancelled records for adult rape for the financial year (a) for Nottinghamshire³¹ and (b) for England and Wales. The figures in brackets in the table give the transferred or cancelled records ratio**
 National = 6%
 Force 9% (ranked 9th highest)
 Comment: more **adult rape** cases are cancelled/transferred in Notts

There are so many factors and variables involved which could impact upon the figures as they are presented. It is therefore very difficult to make any meaningful comparisons between forces – a point that is caveated throughout the report. We are unable to comment upon the accuracy of other force's recorded crime data, their focus or processes employed to ensure that recorded crimes of Rape are being transferred or cancelled where the rules enable them to do so.

Reassurance can be given that the data returned to the Home Office by Nottinghamshire Police is accurate and fully complies with the requirement of NCRS and Section C of the Home Office Counting Rules which strictly govern when a recorded crime can either be 'Transferred' to another force or 'Cancelled'. Nottinghamshire Police have extremely robust processes in place for ensuring that the rules are strictly adhered to which was highlighted as being 'national best practice' by the HMIC following their last crime data integrity inspection in 2014.

In short, all recorded crimes of Rape, where additional verifiable information has been secured during the course of an investigation to determine beyond any doubt whatsoever that the offence did not occur, must be referred to a Rape Detective Inspector for review in the first instance. If deemed suitable then the case is referred to the Superintendent Head of Public Protection for their attention and review. If agreed that it is suitable for consideration of cancellation, the case is then referred to the Force Crime Registrar who has sole responsibility for reviewing and cancelling the crime. If any doubt whatsoever remains then the rape will remain recorded. The

requirement for all Rape cancellations to be made solely by an accredited FCR has since been adopted into the rules.

**II. Figure 3.6: Number of charge/summons for adult rape by financial year
(a) for Nottinghamshire³³ and (b) for England and Wales³⁴**

National = 12%

Force = 7% (ranked 8th lowest)

Comment: less cases of **adult rape** result in a charge/summons in Notts

It is important to understand that this is the “ratio” of offences that are charged, as a comparator, rather than the actual number of actual offences charged.

The number of offences charged has actually remained fairly stable in Nottinghamshire. In fact, the most recent year (2015/16) saw the second highest number of offences charged in a year, over the 5 year period.

The report does not help with how the number of offences charged compares to each of the other forces: it only compares the ratio.

Naturally, if the number of offences reported offences increases (which is explained below), and the number charged remains stable, the ratio of offences charged will inevitably decrease.

The difficulty in prosecuting rape offences is also caveated within the report. However, the Head of Public Protection is confident that wherever an opportunity to prosecute an offence of rape in Nottinghamshire is available, it is taken. This is because of the quality of the initial response to rape offences in Nottinghamshire, combined with the proficiency and thoroughness of investigations (conducted within the rape unit) and the relationship that exists with the local CPS (RASSO lawyers.)

The figures suggest that Cheshire is charging in excess of 20% of their Rape cases. It is our intention to visit Cheshire to establish if there is any learning for us in this area of business.

III. Figure 3.8: Number of child rape offences recorded by financial year (a) for Nottinghamshire³⁷ and (b) for England and Wales³⁸

National = 109/100k

Force = 142/100k (ranked 9th highest)

Comment: More **child rape offences** reported in Notts

Again, there are many factors than can impact on these figures as they are presented, and it becomes very difficult to draw any meaningful comparisons between forces.

Within Nottinghamshire, it is felt that there are at least 3 reasons for the increase in recorded child rape offences:

1. Child victims of rape and sexual offences, and their families, are more confident in Nottinghamshire Police than ever before and therefore are more inclined to report offences;
2. There is an ongoing and large scale investigation into historic child sexual abuse. Many of the offences reported are rape offences;
3. The rules regarding the way in which rape offences are now recorded have changed. As explained above, Nottinghamshire have extremely robust processes in place for ensuring that the rules are strictly adhered to.

IV. **Figure 3.13: Number of charge/summons ratio for child rape by financial year (a) for Nottinghamshire⁴⁷ and (b) for England and Wales⁴⁸**

National = 22%

Force = 16% (ranked 9th lowest)

Comment: Less **child rape offences** result in a charge/summons in Notts

The explanation here is as per point 2 above (adult cases).

It is worthy of note that the numbers of child rape offences have actually shown an improvement over the 5 year period – where numbers of offences charged have increased year on year (with the exception of 2015/16 – when the figures have remained the same (45)).