

**THE OFFICE OF POLICE AND CRIME COMMISSIONER  
FOR DERBYSHIRE  
DECISION RECORD**

<b>Request for PCC Decision</b>	<b>Received in OPCC Date: 9 JULY 2013</b>	<b>OPCC Ref: 59/13</b>
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**Title: RAPE SCRUTINY PANEL**

**Executive Summary: To be completed by PCC Specialist lead**

The report contained an overview of the recent work of the Rape Scrutiny Panel within Derbyshire and the work undertaken between November 2012 and February 2013. During this period the Panel met twice and reviewed four cases.

**Decision**

**Resolved that**

The Rape Scrutiny Panel continues to meet bi-monthly to provide independent oversight of rape investigations in Derbyshire.

Detailed minutes be prepared that capture best practice and learning points for the Force and other agencies.

That the detail of any investigative failure or best practice is disseminated by the SOLO Unit to the Divisional DCIs who are responsible for the briefing of their staff.

**Declaration**

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct for the Police and Crime Commissioner for Derbyshire. Any such interests are recorded below.

None

The above request has my approval.

<b>Signature</b> <i>Electronically Signed</i>	<b>Date</b> 22 July 2013
<b>PUBLICATION SCHEME CONSIDERATIONS</b>	
<b>Is the related Section B report to be published</b> <b>Yes</b>	
If no, please indicate relevant exemption	

<b>Is the publication of this approval to be deferred</b> <b>No</b>
If Yes, provide reasons below
<b>Date to be deferred to –</b>
NB Statutory Instrument 2011/3050 (as amended by SI 2012/2479) states that: <i>all decisions made by a PCC are in the types of information that must “be published as soon as practicable after it becomes available to the elected local policing body”.</i>

<b>OFFICER APPROVAL</b>
<b>Chief Executive or Nominee:</b>
I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner
<i>Electronically Signed</i>
Name    David Peet
Date    22 July 2013

**STRATEGIC GOVERNANCE BOARD**

**22 JULY 2013**

**JOINT REPORT OF THE CHIEF EXECUTIVE AND CHIEF CONSTABLE**

**13A: RAPE SCRUTINY PANEL: REPORT BY THE CHAIR OF THE RAPE  
SCRUTINY PANEL**

**1. PURPOSE OF THE REPORT**

- 1.1 To provide the Commissioner and Strategic Governance Board with an overview of the recent work of the Rape Scrutiny Panel within Derbyshire Constabulary and the work undertaken between November 2012 and February 2013. The panel met twice during this period and reviewed four cases.

**2. INFORMATION AND ANALYSIS**

**BACKGROUND**

- 2.1 The investigation of rape is complex and requires a number of agencies to work together to ensure support for victims and effect prosecution of offenders. The purpose of the Derbyshire Rape Scrutiny Panel is to review concluded rape investigations independently of the Force to identify areas of best practice and opportunities for improved working practice.
- 2.2 All the members of the Panel have expertise and experience in the area of sexual assault and are independent of the Force and Commissioner's Office. This allows the Panel to provide independent oversight, adds to the transparency of the investigation process and gives partner agencies greater understanding of the complexities involved in a rape investigation.
- 2.3 The Panel is chaired by Kate Alcock, a former member of the Police Authority and Strategic Public Protection Committee with members drawn from the following organisations: Derbyshire Criminal Justice Board, SV2 (previously known as Rape Crisis), Derby Women's Work Project, Victim Support and Derbyshire Friend.

## **APPROACH**

- 2.4 The Panel Chair works with the Derbyshire Police SOLO (Sexual Offence Liaison Officers) Unit to identify cases to be examined. This may follow a theme, such as domestic rape or male rape. The panel also reviews incidents recorded as “No Crimes” in order to ensure force wide compliance. Prior to the meeting all members of the Panel are circulated with copies of the investigating officer’s overview report and decision documentation from the CPS. The SIO (Senior Investigating Officer) or if unavailable another officer involved in the investigation attends the Panel meeting to provide further information and to answer questions

## **DECEMBER MEETING.**

- 2.5 The focus of the December 2012 meeting was for the panel to review cases whereby CPS had discontinued cases post-charge. To assist with this Miss Janine Smith a specialist sexual assault CPS barrister attended the meeting.
- 2.6 In the first case considered by the panel Miss Smith faced considerable challenge about the decision to not to proceed as all members felt very strongly that the case should have been put before a jury. This is the only case to date where the Panel has disagreed strongly with a decision made. Following further information which became available at the February 2013 meeting of the Panel, the Chair will be writing to the CPS to formally express the Panel’s concerns about this decision and the impact on the victim. One other issue arose about another Force not collecting early forensic evidence and Derbyshire Constabulary has followed this up with that Force in relation to lessons learned.
- 2.7 In the second case considered at the December meeting the Panel agreed with the CPS decision not to proceed with the case. The decision not to proceed was taken in the course of the trial when a witness changed the emphasis of his evidence and for another reason relating to the victim. It is rare for there to be witnesses in rape trials and the Panel agreed with the

investigating officer that in future where there are significant witnesses they should be video interviewed. This has been fed back to the Force and implemented.

## **FEBRUARY MEETING**

- 2.8 At the February 2013 meeting the panel also considered two further cases where the Force decided to take no further action. The first related to an incident at an outdoor Music Festival. The Panel agreed that the Force could not take any further action because on the non-cooperation of the victim. The panel recommended that there should be more publicity at public events in relation to the support available from SV2, Derbyshire Friend and Victim Support, as members of the public may want to report historical incidents. The SOLO Unit is also liaising with the SV/DV governance board to make all aware of support available at such festivals (including universities and colleges) and with District and City Councils to raise awareness for future festivals. SV2 will also publicise their service in relation to supporting victims of sexual violence.
- 2.9 The second case considered related to a historic allegation of rape of a teenage victim in a domestic setting. The Panel was very positive about the thoroughness of the investigation and believed that all lines of the enquiry had been followed up. The Panel members found the decision not to prosecute frustrating, but they understood why the case hadn't proceeded to court. However the Panel was concerned about the lack of intervention by both the victim's GP and Health Visitor. The SOLO Unit is looking at Health Visitor approach/referrals force wide, and whether this issue should be raised with the DV/SV Governance Board.

## **FURTHER WORK**

- 2.10 The Panel has received positive feedback from the Force on the reduction in delays in advice and decision making by the CPS in relation to rape cases.

This issue had arisen in earlier meetings of the Panel and will continue to be monitored.

- 2.11 The Panel received a report on the No Crime Audit of Rape Cases with which it was satisfied.
- 2.12 The Panel was asked to review the notice given to suspects of rape and it amended it to apply to male and transgender victims. The revised version was also edited to give a stronger message to suspects. The panel has recommended that the partner agencies should be provided with a generic copy of the notice as they would be able to make victims aware of this and this will provide reassurance to victims.
- 2.13 The Panel Chair is in discussion with the Equality Unit and the Force as to whether and how the Panel can assist in the monitoring of the delivery of the Force's Equality and Diversity Strategy. Rape and sexual assault impacts disproportionately on women, gay men and the disabled. This work is on-going.

### **3. RECOMMENDATIONS**

- i. That the Police and Crime Commissioner supports the Rape Scrutiny Panel continuing to meet bi-monthly to provide independent oversight of Rape Investigations in Derbyshire.
- ii. That detailed minutes are prepared to capture best practice and learning points for the Force and other agencies.
- iii. That the detail of any investigative failure or best practice is disseminated by the SOLO Unit to the Divisional DCIs who are responsible for the briefing of their staff.

### **4. IMPLICATIONS**

**All implications are assessed and scored to the table below.**

**HIGH –supporting explanation and narrative required and to be contained within the report**

**MEDIUM – narrative to be contained within the report at the discretion of the author**

**LOW– no narrative required**

	LOW	MEDIUM	HIGH
Crime & Disorder		✓	
Environmental	✓		
Equality & Diversity		✓	
Financial	✓		
Health & Safety	✓		
Human Rights		✓	
Legal	✓		
Personnel	✓		

<b>Contact details in the event of enquiries</b>	<b>Name: David Peet</b> <b>External telephone number: 0300 122 6021</b> <b>Email address: david.peet.16406@derbyshire.pnn.police.uk</b>
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