



Heddlu Police

DYFED-POWYS

Investigation and Prosecution of Rape

Policy summary:	<i>This Policy covers the Dyfed-Powys Police Response to Rape</i>
Policy number:	<i>037/2021</i>
Version control:	<i>Version: 5.0</i> <i>Date: October 2021</i> <i>Author: Det Supt [REDACTED]</i> <i>Rationale: Policy review and update</i> <u>See full version control here.</u>
Date implemented:	<i>October 2021</i>
Review date:	<i>October 2023</i>
Owner/contact: (approved by –Board)	<i>Det Supt [REDACTED], Head of PVP</i> <i>DCI [REDACTED], owner of RASSO portfolio</i>
Consultation and approval	<i>Support Services</i> <i>NPCC RASSO Lead</i>
Welsh Translation	<i>Yes</i>



1. Statement of Policy

This purpose of this policy is to ensure there is a consistent strategic and tactical response to rape. This policy ensures compliance with the National Guidance for the Investigation of Rape and guidance provided by the College of Policing.

This policy applies to all Dyfed-Powys Police Officers and employees who provide a response to such offences, from the first point of contact, through the investigation and prosecution. Rape defined within the Sexual Offences Act 2003 is a serious offence which can have a long term and devastating impact on a victim.

The Force response to rape is prioritised and this commitment is encompassed within the Police and Crime Delivery plan, specifically under the priorities of keeping our communities safe, safeguarding the vulnerable and protecting (the community) from serious harm.

Applies (but not limited) to: All categories of Dyfed-Powys Police employees, whether full-time, part-time, permanent, fixed term, temporary (including agency staff, associates and contractors) or seconded staff. Any employee accessing and using Force assets and property must have due regard to the contents of this policy.

2. Policy Scope

This policy is implemented in Force and is supplemented by guidance documents. The policy is available to all members of staff.

Any deviation from the policy must be recorded and available for review at a later date.

Policy Objectives

- Deliver guidance in respect of the investigation and prosecution of rape which is compliant with National Guidance and best practice.
- Ensure offenders are held accountable through the criminal justice system.
- To identify prevention opportunities.
- Increase confidence in the Force response to rape and improve reporting.



- Adopt a multiagency approach in the development of services for victims.
- Promote a structure which regularly reviews performance, to ensure the Force response to rape evolves and improves.

3. Powers and Policy/Legal Requirements

- [ACPO Guidance on the Investigation and Prosecution of Rape.](#)
- [APP Rape and sexual offences](#)
- [Early Investigative Advice \(EIA\) Process](#)
- [Guidance On Charging Submission In RASSO Cases](#)
- [Sexual Offences Act 2003](#)

EQUALITY IMPACT ASSESSMENT

Section 4 of the Equality Act 2010 sets out the **protected characteristics** that qualify for protection under the Act as follows: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation.

The **public sector equality duty** places a proactive legal requirement on public bodies to have regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is unlawful under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty applies to all protected characteristics with the exception of Marriage and Civil Partnership, to which only the duty to have regard to the need to eliminate discrimination applies.

Carrying out an **equality impact assessment** involves systematically assessing the likely or actual effects of policies on people in respect of all the protected characteristics set out above.



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An equality impact assessment should be carried out on any policy that is **relevant** to the public sector equality duty. An equality impact assessment template is available [here](#). A welsh version of the equality impact assessment template is also available [here](#). Guidance on how to complete the template can be found on the diversity intranet page.

Equality Impact Assessment Completed

Name:	Det Supt [REDACTED]
Department:	CID
Signed:	[REDACTED]
Date:	30/09/2021

HUMAN RIGHTS ACT

CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name:	[REDACTED]
Department:	Legal Services
Signed:	[REDACTED]
Date:	30 September 2021



4. Options and Contingencies

The responsibility for local Force response to rape is shared between the Divisional Commander and the Detective Chief Inspector who is responsible for the following:

- The knowledge, implementation and compliance of this policy with their staff.
- The identification of suitable officers to undertake training and roles required for the specialist investigation.
- The investigation of rape in their geographical area.
- The response to any media interest in an investigation together with other key decision makers, e.g. Corporate Communications, Senior Investigating Officer
- Ensure a Community impact assessment is in place for an offence/investigation which is defined as a critical incident.

Senior Investigating Officer (SIO) responsibility

All rape offences have a SIO who is at the minimum rank of Detective Inspector. Their responsibility is to develop and manage the investigative strategy, record key decisions and accompanying rationale, review progress and record outcomes. The SIO must also manage resources including any specialists required for the investigation and be accountable to Chief Officers for the conduct of the investigation.

First Response

- All reports of rape are recorded in compliance with the National Incident and Crime Recording Standards on the designated Force systems. The investigation progress must be documented on the designated Force system. Progress including negative enquiries must be documented.
- All rape offences are subject of a proportionate investigation with the support of suitably trained officers.
- Rape offences are investigated by an officer who has received the appropriate training accordance with College of Policing Guidance.
- Where appropriate, a Sexual Offences Trained Officer (referred to as SOTO) will be deployed, and the victim will be asked for their preference of a male or



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female officer. This will be facilitated unless this would cause an unnecessary delay to the investigation.

- Where the incident has occurred within the forensic timeframe the attending officer will do so with consideration of the guidance namely, [The College of Policing Guidance for First responders](#).

CPS engagement

Investigating Officers and their supervisors must work collaboratively with specialist Rape And Serious Sexual Offences (also referred to as RASSO) lawyers in order to build a strong evidential case.

Officers must avail themselves of early investigative advice (EIA) from the Crown Prosecution Service (also referred to as CPS) in accordance with the CPS Protocol. This can take place at any time during the investigation.

File Preparation

The File build is completed in accordance with [National File Build Standards](#).

Decision to Submit for Charging Advice

On completion of the investigation, the Senior Investigating Officer reviews the case and assess whether the case meets the evidential test in accordance with the Charging Guidance for CPS. If the Senior Investigating Officer deems the evidence to be sufficient to meet the threshold, the case will be submitted to CPS. This review is documented by the Detective Inspector and a copy accompanies the file.

Where the Senior Investigating Officer deems the evidence to be insufficient to meet the threshold, they ascertain if there are any further lines of enquiry which may develop the evidential case. If all reasonable lines of enquiry have been pursued and the evidence does not meet the test, the case will not proceed to CPS.

In these circumstances the Senior Investigating Officer completes a finalisation report.

Third Party Material

Enquiries must be made early in an investigation to establish the necessity for third party material. Any application to another agency must provide sufficient information to enable the recipient to understand the information that is sought.



Disclosure

All officers adhere to the Criminal Proceedings and Investigations Act 1996 and its Code of Practice when investigating Rape Offences. SIO's ensure the relevant roles stipulated within the legislation are nominated for each investigation.

A comprehensive Disclosure Management Document accompanies any file submission to CPS.

Withdrawal Statement.

Where a victim decides to withdraw an allegation of rape, a SOTO will take the statement and ascertain the circumstances of the withdrawal, if the SOTO is unavailable a suitable alternative must be identified (usually the Officer In Case (OIC)).

Victim

The victim is treated in accordance with the [Victims Code of Practice](#). The investigation will be recorded on the Force Crime Management System.

All victims are offered a referral to the Independent Sexual Violence Advocate (ISVA) service. Where the victims do not require a referral, they must be given information about the option to self-refer, a reminder of the available support will be offered throughout the investigation and recorded.

Ongoing victim contact may be conducted through a third party, including an ISVA providing there is agreement by the victim. The purpose of this is to improve victim contact.

Victims of rape offences may receive "Special Measures" under S17 of the Criminal Justice Act and also sections 23 - 30 of the Youth Justice and Criminal Evidence Act 1999. Attending officers must explain these options with victims and ensure they are cognisant of the variety of measures which are available.

When appropriate, a medical examination is required and the consent of the victim must be sought and documented. The medical examination takes place in accordance with local procedures relating to the Sexual Assault Referral Centres.



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All victims are subject of a risk assessment and a risk management plan to ensure they are appropriately safeguarded.

Offender Management

Once a suspect has been identified officers must undertake a review of the threat posed and complete a risk assessment with an appropriate risk management plan to protect the victim and the community.

Officers must think widely about the opportunities for the management of suspects and offenders including (but not exclusive to) pre-charge bail, civil orders and WISDOM referrals.

Management of registered sex offenders, MAPPA, IOM and WISDOM is the responsibility of the designated Offender Management Units in which the suspect or offender resides.

The Senior Investigating Officer must ensure that all action to reduce risk to the victim and members of the community is put in place including the use of the following where appropriate, e.g. civil orders, pre-charge bail, referral to perpetrator programmes.

Serious Crime Analysis Section (SCAS)

The Force submits information in accordance with the SCAS policy. A designated member of staff within FIB undertakes the role of Force SPOC and will monitor performance.

SIOs must consider SCAS research as part of their intelligence strategy.

No Further Action (NFA) Decision

In the event a decision is made that the case doesn't warrant any further action, the SIO with the SOTO will ensure the information is passed where possible in a face-to-face meeting or via video calling, with the ISVA or other supporter in attendance. The Officers must be prepared to explain the rationale for the decision making.

In order to provide assurance around Police decision making, Dyfed-Powys Police must ensure CPS conduct regular audits of the investigations where there is a police decision to take further action. In accordance with the [Joint CPS and Police Protocol on Rape](#).



CODE OF ETHICS

CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Code of Ethics and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Code and the principles underpinning it.

Name:	Det Supt [REDACTED]
Department:	CID
Signed:	[REDACTED]
Date:	30/09/2021

5. Take action and review

Governance

The lead officer is the Assistant Chief Constable who is responsible for the strategic lead for rape offences and the coordination of Policies.

Rape is managed under the Vulnerability portfolio which receives oversight from the Strategic Vulnerability Group and is chaired by the Detective Chief Superintendent. The Rape Portfolio takes strategic direction from the National Vulnerability Action Plan.

The Detective Chief Superintendent ensures processes are in place to achieve the following:

- Monitor the effective investigation of rape and provide quality assurance
- Maintain investigative standards by providing training opportunities and feedback from audits, guidance and best practice



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- Ensure there is a process in place for all “No Crimes” to be reviewed by the Force Crime Registrar
- Provide a consultancy and advisory service for crime investigation issues

Tactical Response

The Force response to rape investigation is managed by the designated Detective Chief Inspector with oversight from the Detective Superintendent for Protecting Vulnerable People.

In addition, they are responsible for an annual review of the Force response to rape in conjunction with the compilation of the Force Management Statement, focusing on the capacity and capability in this specialist area.

Understanding the threat

The Detective Chief Inspector with the Rape Portfolio must ensure that strategic analysis is conducted on a regular basis to identify any opportunities for preventative action. This preventative action must be delivered by the Force and where applicable with partners.

Freedom of Information Act 2000

Section 19 of the Freedom of Information Act 2000 places a requirement upon the Force to publish all policies on the Force website. Policies are why we do things and procedures are how we do them. A case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations. Where a combined policy and procedure document is being produced the Force is legally required to publish the policy section and assess the procedure part to ensure no sensitive information is published. Generally the default position shall be that a policy and accompanying procedure document will be produced separately.

There is a requirement therefore to review this document to establish its suitability for publication. Please identify below whether the document is suitable for publication in its entirety or not. Where it is believed that disclosure will be harmful please articulate the harm that publication would cause and highlight the relevant sections within the



document. Where it is perceived that there is harm in disclosure the document should be forwarded to the Disclosure Unit for review.

Suitability for publication

Suitability for publication	Yes/No	Date	Signature
Document is suitable for publication in its entirety	✓	30/09/2021	██████████
Document is suitable for publication in part, I have identified those sections which I believe are not suitable for disclosure and have articulated below the harm which would be caused by publication.			

Harm – in publication: N/A

FOI review – to be completed by Disclosure Unit

(Only required if author believes there is any harm in disclosure)

Suitability for publication	Yes/No	Date	FOI Decision Maker
Document is suitable for publication in its entirety			
Document is suitable for disclosure in part and relevant redactions have been applied. A public facing version has been created.			

Once review has been undertaken FOI Disclosure Officer to return document to policy author and following sign-off document to be published within Force Publication Scheme. Any future changes to the document should be brought to the attention of the Disclosure Unit, as appropriate.



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Full Version Control

Version	Date	Author	Rationale
5	October 2021	Det Supt [REDACTED] [REDACTED]	Policy review and update
4	March 2016	DCI [REDACTED] [REDACTED]	Policy review and update
3	May 2014	T/DCI [REDACTED] [REDACTED]	Timely update
2	October 2013	T/DCI [REDACTED] [REDACTED]	New Force policy template
1	November 2009	DS [REDACTED] [REDACTED]	First version