

Police and Crime Committee – 25 June 2015**Transcript of Agenda Item 4 – Part 1: Rape case handling**

Joanne McCartney AM (Chair): I would like to welcome our guests today. We have, in effect, two parts to our meeting. The first hour will be to look at how the Metropolitan Police Service (MPS) and the Crown Prosecution Service (CPS) handle rape cases in London.

We are delighted that we have with us today the Right Honourable Dame Elish Angiolini DBE QC, who has undertaken an independent review on the investigation and prosecution of rape in London; Baljit Ubhey OBE, the Chief Crown Prosecutor for London; Patricia Gallan QPM, Assistant Commissioner (MPS); and Helen Bailey, Chief Operating Officer for the Mayor's Office for Policing and Crime (MOPAC). Can I welcome you all today? It is great that we have four very strong women before us today.

Caroline Pidgeon MBE AM (Deputy Chair): Absolutely, yes.

Roger Evans AM: There are some on the Committee as well!

Joanne McCartney AM (Chair): I am going to start, if I can, just with some key background issues. My first question is to Dame Elish. We have read your report, which is very lengthy and exhaustive, and it makes many recommendations, I believe 46 in all. Out of those, which do you think are the key ones to driving forward the reform of rape case handling in London? What would you prioritise as the top issues?

Rt Hon Dame Elish Angiolini DBE QC: As you will have gathered from the nature of the report and what is said in the report at the very beginning, while I was looking at the MPS and the CPS, to do so in isolation from the context in which they operate would be an utterly artificial exercise insofar as I had to discover what other variables were inhibiting those two organisations being effective as they could be. That was particularly so regarding some of the issues such as how the National Health Service (NHS) operates in conjunction with these, also the independent sexual violence advisers (ISVAs), as well as just the nature of the legislative provision and the other restrictions within which they operate.

My short answer to that question is that while there are some that are more prominent in terms of significance, particularly regarding resources and the methods and working practices, they are all intricately linked. The notion of cherry-picking some of them would mean that the report is likely to languish on some shelf gathering dust over years because it would not be effective. It requires that interaction of the recommendations in order for it to come to fruition and for it to be successful.

Joanne McCartney AM (Chair): OK. We are going to go into some of those issues a little later. If you like, it is a package and, if you take any link out, the whole thing would be less effective and might even fall down. Is that essentially what you are saying?

Rt Hon Dame Elish Angiolini DBE QC: It is, yes.

Joanne McCartney AM (Chair): How confident are you, given the initial reactions you have had from the MPS and the CPS in particular, that they will be able to deliver all the recommendations made in your report? Are you confident?

Rt Hon Dame Elish Angiolini DBE QC: I was confident at the beginning given the clear sincerity of a real desire to be able to improve the effectiveness of the services they provided. The response to the report was equally swift and quite clear: there was a determination, really, to create a sea-change in the way in which these cases are handled and resourced and ultimately how we deal with our most vulnerable and perhaps most marginalised victims of crime.

The difficulty with this type of crime is that we talk about frontline police officers and backroom police officers. It is a very dangerous dichotomy that has been created because the reality is the vast bulk of rape takes place behind closed doors. It is not happening in the streets. A very small minority of these cases take place on the streets. Likewise, the type of investigation that is taking place is not pounding around the streets. It is very much now behind the scenes. It is looking at social media. It is looking at closed-circuit television (CCTV). It is very intricate now and much heavier than it has ever been. Because these evidential opportunities exist, there are corresponding burdens that come with those as well. That is a very important feature of understanding the nature of this crime.

Joanne McCartney AM (Chair): You have authored the report. The report has been delivered. Are you going to be involved in following up the recommendations or monitoring them in any way? Have you been tasked to do that?

Rt Hon Dame Elish Angiolini DBE QC: No, I have not been asked to do that and my report, as an independent report, has now been handed over to those who have the power to implement it. However, I would say that the power to implement it is not wholly exclusively in the hands of the CPS or the MPS. It has to come from the Government.

Government, including local government here, has very successfully expressed a desire for greater reporting of this crime and that policy has been followed up with a great deal of exhortation to people to report crime. What has happened now is we are seeing a response to that, which is essentially a tsunami of cases coming in. The importance is to ensure that this system is not swamped into a state of inactivity or paralysis simply because that policy has not been funded in terms of the positive outcomes that are coming about as a result of the policy.

Joanne McCartney AM (Chair): Thank you. I am going to now turn to the MPS, the CPS and MOPAC. Perhaps I can start, Pat, with you from the MPS. All of us around this table are aware that it seems like there has over the years been review after review after review, perhaps not quite as comprehensive as the most recent independent review we have had from Dame Elish. We return, it appears, every few years to say, "That was recommended a few years ago and it still has not happened". Our own report into victims a couple of years ago made certain recommendations that were not necessarily acted upon. What confidence can we have that the MPS this time is actually going to implement and stay the course with these recommendations?

Pat Gallan QPM (Assistant Commissioner, MPS): It is a very fair question to put to us and, over the years with the various reports that have taken place, the MPS has moved forward but not forward far enough. We recognise that and that is why the Commissioner was very clear in asking for a comprehensive review from Dame Elish. We have accepted all 46 of the recommendations. That does not mean to say there are not going to be some challenges within it and some of them will take time because we cannot do them overnight.

However, for instance, we have three priorities. We are going to put more officers into the investigation of rape. If you ask me what the exact number is at this moment in time, we are doing a comprehensive review to look at the workload over a 24/7 period so that it is not just a finger in the air but we have worked out what is

actually required in terms of resources. We will put more resources into that, but it will mean on occasions that we will have to move resources out of other areas.

In addition, we are very keen to work with the CPS about having an embedded lawyer within the hubs because we think it is critically important that we have a CPS lawyer working with us through it, not taking the operational lead but giving us the critical advice that we require.

As we move forward, we are looking at the training of first responders and also what we call our sexual offences investigative techniques (SOIT) officers. Are we giving enough support internally? We are doing a review in terms of the occupational health of our officers who are dealing with rape and sexual offences cases because it is quite an arduous task that we give them. We are looking at what we can do to support them in that and also the training we give to first responders. You will have seen from Dame Elish's report that that is a critical part as well about how people first react when they come across a victim of such an offence.

Joanne McCartney AM (Chair): Thank you. That is something we are going to pick up later on. They are the priorities that the MPS has set for immediate action?

Pat Gallan QPM (Assistant Commissioner, MPS): Yes.

Joanne McCartney AM (Chair): Baljit, what priorities do you have? How can we be confident that the CPS will act upon them? How does the independent review add to strengthening your handling of rape investigation?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): First of all, we very much welcome the review. It does help us on the journey that we have been on as far as dealing with rape cases. We have been on a journey where we have improved our performance and our approach to dealing with these cases. This gives us a very good roadmap for the future.

In terms of what this means for the CPS, to some extent it mirrors what it means for the police. We need to look at the resourcing of the team and, again, we have secured some additional resourcing. We still have to work out the fine detail of what that actually means, but we do recognise that with the growth in work, the team is not resilient enough to cope with both the demand now and indeed the demand of the future. Ironing out the resourcing is a key priority.

On working more effectively with the police - and this does touch upon the point about having a lawyer in the police hubs to give early investigative advice - we have absolutely accepted that recommendation and we will be working with the police to identify how we take that forward. We have a meeting of our management teams in July to work through practically what that actually looks like and how we are going to do it and whether it is going to be phased. We absolutely understand that that is a key.

However, it is not just putting a lawyer in a hub. We need to have a much greater understanding of roles and responsibilities and why it is that prosecutors may ask for rather a lot of information in these cases before we can authorise charge. The nature of this type of work is that having more information up front means that we can make better decisions and really have an informed case strategy. As part of the national rape action plan, there will be regional workshops that will bring frontline police and CPS prosecutors together. That will be a really good opportunity to build those relationships.

There is also something, though, for the CPS in terms of building on the work that we have done around myths and stereotypes. There was a time when we did not even understand what 'myths and stereotypes' meant

when we talked about rape cases. Now we understand what that means. What the review is saying is that we could be more imaginative and creative in how we challenge those myths and stereotypes. There is some work that we need to do around looking at that and how we prosecute cases. We have set up a scrutiny panel that will look not just at rape cases but at other cases and we have asked Dame Elish to chair that panel and to help us specifically with that issue around myths and stereotypes.

The last challenge for the CPS is around working more effectively with a wider range of partners. What the review says is that we do need to look at how we involve forensic medical examiners, our interface with the Havens and, indeed, a better relationship with trial counsel. We have some more work to do about extending. We talk about 'the prosecution team' and we often talk about 'police and prosecutors'. When it comes to this work, we need to have a much more holistic view of what the prosecution team is and make that a reality.

Joanne McCartney AM (Chair): The issue about myths and stereotypes across all agencies came across very strongly from the report.

Jenny Jones AM (Deputy Chair): On the scrutiny panel that you have just described, the London Violence Against Women and Girls Panel, what powers will that have?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): In terms of ...?

Jenny Jones AM (Deputy Chair): Making things happen. If you have a rubbish borough, can they do anything about that?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): It is more about looking at cases and our approach to casework. It is not a panel about looking at lots of data and holding people to account for performance. That is not the role of the panel. What we are doing is bringing together a range of different representatives from organisations that deal with victims of sexual violence and which can really help shape our thinking and understanding about how we approach cases. It is more about scrutiny of casework and how we improve our approach to casework rather than about looking at data and performance and holding individuals to account.

There is another place for us to do that and certainly we have just recently agreed with the police some bilateral key performance indicators. Again, we are going to be reviewing our governance arrangements to say, "Let us be clear about what success looks like across the end-to-end process". How are we going to look at how different parts of the police and the CPS are performing in relation to that? Are those borough-based police issues? Are they issues in terms of the CPS? Are they issues about what is happening in different Crown Courts? Therefore, there is a place for performance and accountability, but that is not what the scrutiny panel is there to do.

Jenny Jones AM (Deputy Chair): Presumably, they will make recommendations --

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): Yes.

Jenny Jones AM (Deputy Chair): -- with Dame Elish voicing those recommendations to the MPS. Is there any deal with the MPS that it will take up those recommendations and enact them? We often find that we do very good reports, we make very good recommendations --

Tony Arbour AM: Yes, that nobody follows.

Jenny Jones AM (Deputy Chair): -- and the MPS does absolutely nothing about it. Will you be able to actually get those recommendations into MPS practice?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): I think we have both agreed and have made it clear that we accept the recommendations of this report and we absolutely --

Jenny Jones AM (Deputy Chair): I meant the panel that you were talking about that will do good work.

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): Yes. The panel is not just about this review. I need to be really clear about that because that panel will be looking at a whole range of casework, not just rape cases. It will be a dimension of the work. I do not want to use the panel to do something that it is not designed to do. It will play a role but, actually, how we take these recommendations forward is about the joint work that we do.

Pat Gallan QPM (Assistant Commissioner, MPS): If I can maybe add, we do have a multi-agency panel. We are calling it the Multi-Agency Rape Investigation Improvement Group, which is quite a long title. That group has not just the CPS but some outside advisers on it as well from the NHS and other groups. They will be going through all of the recommendations and ensuring that we are delivering against them. That has just been set up.

Jenny Jones AM (Deputy Chair): Is the CPS panel a duplication?

Pat Gallan QPM (Assistant Commissioner, MPS): No, the thing with doing all of this is that it is quite complicated. First, we have Dame Elish's review and we want to make sure that we are going through all of the recommendations and making sure we have all of those in place. What Baljit [Ubhey] has just been talking about is then about the nuts and bolts and about how we deal with rape on a day-to-day basis. Therefore, there is the strategic level, which is Dame Elish's review, saying, "These are all the things that you need to put in place if you are actually going to improve rape investigation overall", which we are absolutely committed to doing. Then there is how we are doing on individual cases on a day-to-day basis and improving those. That is what that group is going to do.

As well as that, over and above it we have a joint group that is going to do joint performance. Is there a particular area of London - because Sapphire is grouped into more than one borough - where we are maybe not performing as well? Is that to do with how first responders have dealt with it? Is it because there has been a delay with the SOIT officer? Has there been an issue in terms of the Haven? Was something that has happened at the Crown Court in terms of the criminal justice system? We are going to have to take a multi-layered approach if we are actually going to tackle it.

Also, MOPAC is going to hold us to account because you are not going to forget this report and what has happened and you will ensure we are delivering.

Joanne McCartney AM (Chair): We can write afterwards but perhaps, Baljit and Pat, you could send us some details about how you are going to scrutinise it, it would be helpful.

Pat Gallan QPM (Assistant Commissioner, MPS): Yes, absolutely.

Joanne McCartney AM (Chair): Helen, I have just been told that you are going to hold the MPS and the CPS to account to ensure they deliver on these recommendations. I noticed the Commissioner in his foreword

to his response to Dame Elish's report said that he would be looking to MOPAC and the Government particularly about resourcing. I am just wondering what you think MOPAC's role is going to be?

Helen Bailey (Chief Operating Officer, MOPAC): We have a number of roles in this. Firstly, to add to what colleagues have said, we very much welcome this report because this is a difficult area and this report highlights some really important issues for us.

That last conversation was instructive because, as we develop the outcomes from the recommendations here and the work that we need to do, what we will be doing in MOPAC is looking at our colleagues across the criminal justice agencies and in the MPS and asking, "What is your plan to deliver this? How are you succeeding with that? How does that interface with the governance arrangements we already have, for instance, through our board panel and, for instance, through our performance dashboards and the work we do on measuring the work of the police and the criminal justice agencies already?" We want to bring that into that framework.

At the moment, of course, we are in the very early stages. We are still absorbing the report and we are still thinking about what we can do with it and about it.

You are absolutely right. The Commissioner says that there is a concern here about resources. That is of two sorts: both the totality of the resources available and also the way in which they are distributed across particular crimes and particular issues and responses. There is an ongoing conversation between us and the MPS about how that might change in future and we have not come to the end of that. Doubtless there will be a conversation, too, with the Home Office because this is an issue that does not affect just the MPS but it affects police and criminal justice agencies more generally. I do not hold out a huge amount of hope that they will find a whole new pile of money, but it is always worth having that conversation.

Joanne McCartney AM (Chair): OK. We will touch upon them shortly.

Caroline Pidgeon MBE AM (Deputy Chair): All right. I wanted to move on and perhaps I can start with Dame Elish and ask about the structural changes.

It is quite clear that in both the CPS and the MPS there have been so many different changes over recent years. We have had the Sexual Offences, Exploitation and Child Abuse (SOECA) Command since May 2013 in the MPS. We now have these - I do not know how you pronounce it - Rape and Serious Sexual Offences (RASSO) teams in the CPS. They have come in in 2014. What impact do you really think all the changes we have seen have had on both the MPS's and the CPS's response to rape in recent times?

Rt Hon Dame Elish Angiolini DBE QC: Certainly, looking at what is happening, I get the impression that the bringing together, essentially, of this expertise and concentrating it has brought greater flexibility for the MPS in deploying resources and having peer groups who are experts in this area.

However, the problem with London is its scale and that has always been, clearly, an issue. It is similar to the situation about having a local district hospital but, if you are having a heart attack, you want to be in a centre of excellence. Therefore, are you willing to travel further to get that? I suspect it is a similar model here. This is such a complex area of crime and it is very often simplified because many people think it is relatively straightforward. It is far from that, particularly given the vulnerabilities of those who are complainants, their behaviours and the psychological dynamics you will see described in the report, as well as the labour-intensity of the investigations. They are very, very labour-intensive compared to anything I was investigating in the

early 1980s when very often there was a low prospect of a conviction, but technology and other aspects of forensic evidence have given us great opportunities.

The position is that the idea of this command - and however complex its nomenclature, it is referred to still as the Sapphire Command - and the RASSO units is excellent, but it is in danger of being a bottleneck of excellence if it spreads its staff out, not deliberately but simply because of the sheer numbers of cases that are coming through. The idea that a CPS rape lawyer is dealing with 70 cases at various stages in their life at one time and attempting to add value to that is just remarkable. Having looked at the individual cases, the cases are being well prepared by the CPS. They are in those circumstances, but they cannot add value to them. Many of these cases require that much more proactive investigation in order to secure the prospect of a conviction in many of these cases, which are evidentially weak.

The problems I described in the report are those of transport and those of the Havens being inaccessible because they do not know where they are, and a very remote way of working has meant that the work is compartmentalised and you have all these tensions among the agencies, particularly between the MPS and the CPS, because of the inability to work collectively and collaboratively in these areas.

That is why I came up with what is a radical proposition of having a central sexual assault referral centre for London. As the capital city of the United Kingdom and as such an important city in the world, with the resources that are going into the current Havens - and 'Haven' is a misnomer - there are fabulous people working in there, absolutely dedicated and very effective, but they are not the most attractive of places. Most people in the locality know what they are and so the idea of anonymity is overegged, I have to say. The notion of having a central Haven in one of the hospital grounds here, which would be a fairly anonymous place to go, and to have a large-scale Haven that would have the police co-located in a discrete location that would be able to deal with intoxicated or drugged complainants so that they are not sent back off home and never seen again - they disconnect again at that point, having reported - is vital. Also, it is being able to have these agencies coming together to work with what essentially is a crisis in someone's life. That would be a holistic way of dealing with this, which would be as effective as it possibly can be.

The reality is that most complainants of rape never report. We know that. As much as 80% will never report a rape. Those who do, very often disengage at some point. The critical point is the very first response. A sexual assault referral centre, properly and very seriously resourced, set up and organised, would certainly be a very important answer to that. People are more likely to go into the therapeutic context of this and have the opportunity to make a decision, provide their forensic evidence, have that preserved and then be able to think about it. That is the reality. People do not run to a police station after having been raped. It is a very, very rare occurrence. The vast bulk of them will delay for weeks and many months and very often many years, as we know from the Savile inquiry. Therefore, we have to adjust our whole notion of what is in the best interests of these complainants and most likely to secure a prosecution at the end of the day and have a complete mind-set change in relation to how people report that. A uniformed police office is not where victims want to go and so we have to look at a different option and a different way of working and set our arrangements around that, as opposed to how we have traditionally worked.

Caroline Pidgeon MBE AM (Deputy Chair): It is challenging how both organisations work, but I am sensing that you are saying the newer structures that are in place are the right ones but the problem is the scale and we need a huge amount of resources to go into it for them to be able to operate properly.

Rt Hon Dame Elish Angiolini DBE QC: It is not for me to say what the resources are and that is for others to determine, but they have to have the appropriate resources. There are changes that I suggest, which could remove some of the layers of checking that take place that are not particularly effective because, again, of the

sheer scale of cases that those who are supervising are having to deal with, as well as investigating their own cases. The opportunity to bring about efficiency changes that could result in some savings as well is important, but much more important is the effectiveness of those investigations and the energy that is going into them whilst supporting those who are working in this area.

It is very traumatic for individuals dealing year after year after year with some of our most challenging complainants as well. There is a notion of someone who is compliant in these circumstances. Many of them face very, very significant mental health difficulties and, because of that, very often they are being exploited and subject to sexual abuse. Also, they have very little support from their own communities and they can be ostracised from their own communities for making an allegation of rape. The pressure that these complainants feel is unlike any other area of criminality. You are not stigmatised for having been mugged, but complainants feel they are as soon as they report a rape. The level of support continuing throughout the whole process is critical to the success of these cases.

Caroline Pidgeon MBE AM (Deputy Chair): Thank you. What progress has been made in strengthening the RASSO's ability to provide early investigative advice?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): That is very much one of the recommendations. As I have indicated, we have committed to adopting that recommendation. We are also looking at three national pilots that are piloting early investigative advice. Nottinghamshire started a pilot in May and the East Midlands in June and we are going to have a look at how that is working because there are different models and different approaches. Do you simply give early investigative advice or also charging advice? I need to sit down with our management teams and we need to work through the detail of what model will work for London. We have not started. We need to do the detailed work. I need to get the resources to be able to deliver that. That will take a little bit of time, but we are absolutely fully committed to making that happen.

Caroline Pidgeon MBE AM (Deputy Chair): You mentioned earlier about piloting the co-location of a specialist lawyer. Has that been piloted yet or is that what you are going to consider once you look at these other examples outside London?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): Yes. It is not co-location of the whole team. It is about deploying a lawyer into the police hub to give early investigative advice.

One of the issues that the report highlighted is that at the moment, because of skill levels and understanding, there is a lot of to-ing and fro-ing between the police and the CPS about whether a case meets the right standard for a charging decision. What the early investigative advice will do is it will take away some of that traffic of correspondence because a lawyer will be able to give advice at a very early stage. If a case is built and does then come in for charging advice, it should be to the required standard. It should help in terms of better case-building and efficiency.

Caroline Pidgeon MBE AM (Deputy Chair): Was it not the case that you had lawyers in police stations and they were taken out a few years ago?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): That was the case. A few years ago, lawyers were co-located.

One of the reasons why a change was made was lack of resilience. The difficulty is that if you have individuals in lots of different places, you have much smaller teams. What we were finding and what my predecessor was

finding was that we simply did not have the resilience to deliver a strong service. Obviously, if you pool resources together, you do get more resilience.

Caroline Pidgeon MBE AM (Deputy Chair): Yes, but if you are going to be putting a lawyer in each Sapphire base in London, is that not going back to the same model that you are saying does not work?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): No, because very small complete teams were in all the different boroughs. That was for all of our work. That was before we had specialist RASSO units. It is a very different model. We will still have our centralised RASSO team. We will need to grow that team. In addition to that, we will need to put specialist lawyers in the hubs for the specific function of giving early investigative advice. That is what we are envisaging going forward.

Caroline Pidgeon MBE AM (Deputy Chair): OK. I just wanted to bring the Assistant Commissioner in about the barriers that you see to this closer partnership between the MPS and the CPS. You are very different organisations, although you work together. What are those barriers? Have these changes to these RASSO units had an impact on how you work together, either positive or negative?

Pat Gallan QPM (Assistant Commissioner, MPS): It is one of those things. We would like to see even closer working relationships with the CPS for a number of reasons. We see it as a step forward when CPS lawyers are coming into the hubs and that is something we have been pushing for. It is not there yet and that is why we are very keen that we have it in the future.

That is for a number of reasons. First, we will ensure that we are getting the right evidence in the right way, which hopefully will lead to speedier investigations and results for victims. Also, we will ensure that when we look at the issues about performance that have been mentioned earlier, we are actually measuring the same things as being the outcomes we are seeking to achieve. On some occasions, our performance indicators have us thinking about things in different ways and we really have to have the same objective in mind. It is very much a step-change.

We also have to put more resources in as well, as we have discussed, and make it an attractive career for officers so that they want to come into this area of policing.

Caroline Pidgeon MBE AM (Deputy Chair): Thank you.

Roger Evans AM: Obviously all the celebrity cases that we have had in the last couple of years have probably encouraged a lot more reporting and that has to be a good thing. However, from City Hall, of course, we are very close to Southwark Crown Court and we have been able to watch the progress in these cases. It seems to me from having watched them that prosecutors have significantly upped their game from the first ones that were taken.

Is that the case and are there things that you have learned from the progress of those cases that you can apply more generally to the wider activity of prosecuting rape in London?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): We are always constantly learning when we do new things in prosecuting these cases. There has been quite a bit of learning around the media handling and the impact on victims and how things are done at court. We have certainly spoken to the barristers who have prosecuted those cases on our behalf to look at what we can learn and what we can do about being more proactive with victim care at court, for example. Yes, there has been some learning.

In terms of the cases, we will always look at cases and cases are often very different. What we cannot say is that we will absolutely apply the learning from one case to another. What we have also learned doing those cases is that people sometimes come forward and so you do not have a finite picture even when you are prosecuting the trial at court.

What we have learned is that the cases are complex. There are extra victim and witness-handling issues that we need to think about and that we have very experienced counsel and experienced prosecutors working very closely together. In fact, we have had that on those cases and that has worked very well. It very much echoes some of the recommendations about having that very close working relationship between the reviewing lawyer, trial counsel and the police team. That has very much been the case on those and indeed on other prosecutions, but we need to do that more consistently across all our work.

Roger Evans AM: You have made a very good point there about using experienced counsel and it does seem with these cases that the more experienced people you are using, the better your chances are of getting a conviction. Do you have any initiatives within the CPS for ensuring that more of your team are experienced in this field?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): This has been the practice for some time now. In order to review and prosecute rape cases, you have to be a rape specialist and you have to go through a significant amount of training. All the lawyers who deal with rape cases are specially trained. The same applies as far as the advocates whom we instruct. We have a panel and people have to have done various training and be accredited to be instructed in rape cases. Undoubtedly, this is an area because of the complexities where a specialism is definitely the way forward.

Roger Evans AM: Training and experience are not the same thing, though.

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): No, but both are important and it is through doing the work that you gain the experience.

Roger Evans AM: Yes, OK.

Jenny Jones AM (Deputy Chair): A few of us as Assembly Members have sat around for the past 15 years trying to hold the MPS to account for the way that it has handled rape. I am just wondering if any year has been a good year or even adequate. I cannot remember one. It is almost as if we start from scratch every single time and that performance does not improve; it just changes, without improvement. Dame Elish, after doing the review, did you feel that that was the case?

Rt Hon Dame Elish Angiolini DBE QC: No. Actually, I would disagree with you. Although it is peppered with criticisms and quite hard observations about both organisations, I have had a long journey of 30 years in how rape has been dealt with and it is like night and day. If you think about the Thames Valley crisis and the way victims were being dealt with at that stage and what was happening in courts, there have been very significant improvements in the way victims are being dealt with by police and indeed by the introduction of these ISVAs. They are very valuable. Victims were singing their praises about the way they were treated by these individuals and the confidence it gave them in the system.

Combined with the variables that are in there and the pressures that are in there is the fact that this is the most difficult area of criminality to prosecute. You have to always remember that. There is nothing more difficult than prosecuting these cases. There is antipathy in the public still about rape victims and a presumption of some form of contributory negligence.

There was again misreporting even of my report suggesting that there was a recommendation that, if you were drunk, that *per se* would be rape. That is just nonsense. What I indicated in the report, as you will have seen, is that the law requires to be codified because it currently is the law from the Court of Appeal that if someone is so incapacitated through alcohol they cannot consent, but it is not in statute and that is why there is a recommendation for that.

What I am saying is that the organisations are struggling to do what is excellent policy and to implement it because of a variety of factors, including counselling of police officers. What was seen as cynicism is actually a form of vicarious trauma over many years dealing with these cases. That has to be dealt with.

The other aspect is that the conviction rate has gone up. It has gone up and there are many more victims coming forward than we have ever had before, which again is a measurement of success in the system. The problem is that the system has to be able to deal with it.

Most important of all, conviction is not the only performance indicator for what is happening here. What is very important for victims is that someone listens to them, that someone helps them in their situation, that they are not HIV (human immunodeficiency virus) positive, that they do not have hepatitis, that they are not pregnant and that someone can assist them with the pressures they are having in their lives that are contributing towards the situation they find themselves in as victims of rape. There is a much wider brace of performance indicators.

It would be unfair to say that things are standing still. Even with my harsh comments, I would say that I have seen significant progress over the last 15 - and particularly 10 - years as well.

Jenny Jones AM (Deputy Chair): You are making the point that if confidence grows, then the number of reports will grow because there is still a huge number of unreported rapes and sexual assaults.

Rt Hon Dame Elish Angiolini DBE QC: Yes.

Jenny Jones AM (Deputy Chair): Yesterday, it was reported in *The Guardian* that the MPS has lifted a suspension on a police officer who had sex with a rape victim. That sort of thing just is not going to give people confidence that the MPS is capable of understanding their situation, I would have thought.

Pat Gallan QPM (Assistant Commissioner, MPS): Maybe if I can answer that, first of all, the MPS did take it very seriously because it was investigated. The officer stood trial and he was acquitted, but that does not mean to say that we do not still take that matter very seriously. We have --

Jenny Jones AM (Deputy Chair): If the suspension has been lifted --

Pat Gallan QPM (Assistant Commissioner, MPS): Sorry, if I can just finish, it would be helpful. The first thing is that every case needs to be taken individually. That officer had to have his case reviewed, which has happened. There were significant differences because there was an acquittal at court. However, if there are any other developments - ie he seeks to retire - it would be reviewed. There is actually a review of his case today. His resignation has not been accepted and we need to wait for due process about what will be the decision regarding this conduct or not. Some of the article in *The Guardian* was prejudging decisions that have yet to be made.

Jenny Jones AM (Deputy Chair): That is interesting because it seems to say here that Fiona Taylor, the Deputy Assistant Commissioner of the MPS Professional Standards Department, lifted his suspension paving the way for his retirement. That does not give people confidence in the MPS.

I would also say that it is something that we have talked about and asked for a guarantee on many times around this table that the MPS would not allow police officers to retire when there was any outstanding question of their ethics or their behaviour.

Pat Gallan QPM (Assistant Commissioner, MPS): I have answered that. There was the acquittal at court and so the case of his suspension had to be reviewed because we have to do that whether we like it or not. He is not under the change in the regulations about conduct because the incident happened prior to the change in the law. As a result of that, the change did occur. His suspension was lifted and he is on restricted duties. However, if he seeks to retire, there has to be a review again of the decision. The MPS has not accepted his resignation and there will be a consideration of that. We also have to review the decision at court and all of the evidence to decide what the case should be regarding whether there is a case to answer for gross misconduct.

The point is that the MPS does not condone this in any way. We take it exceptionally seriously. If we did not, we would not have looked to do what we have done regarding it.

Jenny Jones AM (Deputy Chair): Let us move on to MPS staff because the increased volume of reporting and the public pressure is clearly putting an immense amount of strain on resources. Are there extra measures that you are bringing in to help staff?

Pat Gallan QPM (Assistant Commissioner, MPS): That was one of the things that I said in my introduction. I need to start in the first place. The MPS --

Jenny Jones AM (Deputy Chair): I wanted some specific examples, please.

Pat Gallan QPM (Assistant Commissioner, MPS): Yes, I am going to answer that. I started off by saying that we asked for this report and the reason we asked for it was because we knew we had to make further improvements and we take it very seriously.

As I explained, what we were looking at was the actual workload and scientifically looking at the workload that officers have and the demand - because we have had a significant increase in demand of about 30% in the last year alone - to ensure that we can put the right number of staff into that. We are not going to do it as a finger in the air, but we have said, and the Commissioner has said, that it is probably approximately 200 staff. We will have it ready within about four weeks to put before not only me but my other management board colleagues to say, "Yes, we are going to put that commitment of officers in", but also to say where we are going to take them from elsewhere in the MPS.

As well as that, we have said quite clearly that we carrying out at the moment a review about what occupational health support we can give to officers. Again, that is not something that we just say we are going to do and not look at what is appropriate. We are going to talk to staff and ask them what they would want and what would support them.

In addition to that, I am having a seminar with all of the officers within the Sapphire section of the command in early July to see whether they have seen the report and read it - they all know about it - and to see what their reaction is and what else we can do, explain what we are doing at the moment to assist them and hear what

they have to say. They are the people on a day-to-day basis who are dealing with victims and it is important that we listen to them, too.

Jenny Jones AM (Deputy Chair): We heard about a more immediate review of current staffing at supervisory levels. Is that what has been finished? That is the report you are talking about?

Pat Gallan QPM (Assistant Commissioner, MPS): That is what I have said. That is going to come back in four to five weeks' time. I can say it again. We have to look at all of the workload and find out the exact numbers.

Joanne McCartney AM (Chair): Is that across the whole command or is that the whole of the MPS you are talking about?

Pat Gallan QPM (Assistant Commissioner, MPS): No, it is just in terms of the Sapphire that we are looking at this.

Joanne McCartney AM (Chair): OK. Dame Elish, in her report, said that there was a danger that if we encourage more people to report, which we want to do, it could lead to an exponential increase in workloads not just for the MPS but obviously for the CPS staff. What are you doing to make sure that you will have sufficient prosecutors in place?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): I have a commitment that there will be additional resourcing made available to increase the size of the team. We have not worked out exactly what that will look like.

There has been a growth in work across the country and the CPS nationally has recognised that we need to have a proper look at how we resource the RASSO units. We absolutely think the model of having a specialist team of lawyers is the right model, but getting the resourcing right is really important. We have been involved in that work and we have been given an assurance that we will get some additional resourcing in London in order to meet that national standard.

In addition to that, there is something about the nature of this work and the impact that it can have on people. Historically, we have not had a targeted welfare package for lawyers who deal with these cases. We obviously have the usual support that is available for all staff, but what we have agreed is that there will be a bespoke welfare package for rape specialists. That will involve a mandatory session with all rape lawyers, talking about what the risks and signs might be of stress, etc, and then some follow-up interventions. We are hoping to launch that in September this year. It will be a really positive and important step forward and it is something that has been missing historically as far as our RASSO teams are concerned.

Joanne McCartney AM (Chair): That is very helpful. Thank you.

Caroline Pidgeon MBE AM (Deputy Chair): In the Sapphire part of the SOECA Command, do you have the same issue that we found when we were looking at the child abuse area? You have an awful lot more women working in it and therefore a lot more women going on maternity leave and higher vacancy rates. Therefore, you might need to, as it were, overstaff in order to have your full complement. Is that a similar picture in Sapphire?

Pat Gallan QPM (Assistant Commissioner, MPS): It is absolutely a similar situation in that unit. One of the things that we need to look at is whether we should be backfilling for maternity leave. Traditionally in

policing we have not done that and we need to start viewing that from a different aspect. It is very encouraging that we have lots of women in that area and it is not something I would want to discourage in any way, but also we need to recognise that people will - quite rightly - go on maternity leave. We should ensure that when that happens it does not lead to an increase in workload for the people there. We need to look at our modelling around that and get it right because our vacancy rate is actually higher when we include people who are off on maternity leave.

Caroline Pidgeon MBE AM (Deputy Chair): It is an issue across that whole command?

Pat Gallan QPM (Assistant Commissioner, MPS): Yes.

Caroline Pidgeon MBE AM (Deputy Chair): That is something that we might want to pick up. Thank you.

Navin Shah AM: I have a couple of questions on training itself. If I could start with Dame Elish, do you think the MPS and CPS proposals to enhance training for practitioners go far enough?

Rt Hon Dame Elish Angiolini DBE QC: I have seen the response, which indicates the intention to further the specialist training that is given and that looks very promising. There is a profound recognition of how complex these issues are and the nature of the working from what I have seen in the response and the discussions I have had with the Commissioner and the Director of Public Prosecutions (DPP). Again, the training that is available in terms of toolkits is not just attending courses but it is also shadowing. It is also the ability to work with other people in a training capacity in other agencies so that they can understand the pressures they have. It is a mix that is required.

As well, there needs to be a very significant understanding of the complex issues that surround rape. It is not just that the law is terribly complex in this area. You will see the description of the case law and how even the notion of consent is difficult for lawyers to pick apart. For police officers to put that into practice and understand that in very complex circumstances, demands high intellectual agility. Therefore, people going into this area are required to have that intellectual agility, compassion and empathy, as well as the resilience to be able to deal with what is sometimes horrific and to have that day after day, sometimes dealing with two or three different rape victims in one shift, and then having the ability to try to get one police car from among 20 officers and transport a rape victim across London to a Haven, in the meantime having to put contamination sheets on, find a Haven that can take that person, etc. All of that adds tremendously to the pressure.

All of the training and understanding of that is significant and has to be ongoing because of the changes in case law that are occurring as well, which have a subtle impact apparently but can actually have a significant impact on the outcome of a case. That is how bringing the CPS lawyers, who are aware of what the new case law is and how it is impacting on cases going through the courts, into the process at the very beginning can be important.

An example, for instance, is what can a forensic physician add to the case if there are no injuries? The practice there would be not to call a forensic physician, but in fact the forensic physician has a great deal to add about the demeanour of the complainant and about the fact that injuries are so rare in these cases. That information going before a jury can be significant and can result in a change. Knowing not just what looks critical but also what will build up the case is important and that training has to be focused on that. Therefore, yes, I am confident. The training that exists, is good. It is just not enough.

Navin Shah AM: From the briefing notes I have, there is particular reference to the issues about expertise and poor response, particularly at frontline officer level.

Rt Hon Dame Elish Angiolini DBE QC: Yes.

Navin Shah AM: Are you confident that the proposals are fit for purpose and that they will do the job?

Rt Hon Dame Elish Angiolini DBE QC: My proposals are, so far as possible, to try to get rape victims going into these sexual assault referral centres rather than going to police stations because it is very difficult to train young police officers in this area.

As a young prosecutor, I had very little notion of the dynamics of sexual offending. It is very difficult to grasp it, particularly when you are younger, likewise domestic violence, and a lot of that comes with maturity. You are accelerating that process with training and having to get people to deal with notions that seem pretty alien. Most people assume that if you are the victim of a rape, you will run down the street crying and go straight to the first police officer. That is the last thing that many rape victims do. They will not tell their mother, despite the fact that for many years they have been cross-examined because they did not tell their mother or a close friend. They will suppress it. It is a natural process to suppress it and repress it because of all the psychological issues. Learning about that is really important for these first responders because they form a view of a victim instantly and they make judgements at that point and that can have a very significant impact on the route of the case at that point.

Therefore, there needs to be more training of these people, but hopefully less participation in the future because we will have a different mode of reporting, which will be much more expert from the very first minute that someone is the subject of a rape.

Navin Shah AM: If I can go to Pat Gallan, what additional training is being offered to first responders to ensure an understanding of the complexities rape recalling and reporting?

Pat Gallan QPM (Assistant Commissioner, MPS): That is one of the things we are reviewing at the moment to work out what that training should look like. Who should we train? Should it be every single first responder or should we have specialist officers just doing it?

We have reviewed also having our SOIT officers on 24/7. We have them on 24/7 but they are not always the first people to go to see a rape victim. We are looking at all of that to see what the best way is to get victims the type of help they need. There will be a high level of training for everybody so that people know what to expect and how to deal with victims, but the important thing for us is getting the specialist care for them as quickly as possible.

Navin Shah AM: Do you have a timeframe and can you let us know how you are progressing with this?

Pat Gallan QPM (Assistant Commissioner, MPS): It would be helpful for me if I could come back to you and say, "This is what we are doing", rather than just picking a time out of the air. It is going to be within the next three months. We need to have something in place to say, "This is what we are going to do around that".

Navin Shah AM: Certainly, the Committee would be interested if you can come back with a clear agenda and timetable for this, please?

Pat Gallan QPM (Assistant Commissioner, MPS): OK.

Navin Shah AM: I have the next question again to Pat. Do the MPS and MOPAC as commissioners of the Havens in London support the recommendation to replace London's three Havens with a single, large, central facility?

Pat Gallan QPM (Assistant Commissioner, MPS): What we absolutely accept is that the Havens have limited capacity and require improvement, having visited one myself. Our slight hesitation - and we want to ask victims - is about the distance of travelling because there is an issue about whether they would be willing to come into central London. However, in terms of the generic recommendation, we absolutely accept that there has to be a look at Havens and how they can best serve.

Helen Bailey (Chief Operating Officer, MOPAC): Can I just add to that? At the moment, we spend £2.2 million on Havens and a further £1.3 million on Rape Crisis Centres, which we co-commission, the Havens with NHS England and the Rape Crisis Centres with the boroughs.

[Dame] Elish's report poses some very significant challenges about the volume, the availability and the ability to take the victims who walk through the door as well as providing appropriate opportunities for police officers to bring victims to those Havens. We need to look at all of that and talk to King's College, which is the trust that does the overall commissioning for us. We completely take and have accepted [Dame] Elish's recommendations about what we should do to improve that.

However, is it feasible? Do we have a central London location that would do the trick? Would it be big enough? Would it provide for all of those people to be there and to provide the service in the way that we would like? There is a practicality-versus-ideal-scenario question that we are struggling with at the moment and we will further explore that through the review of sexual violence and the work we are doing with the NHS on sexual violence in London.

Navin Shah AM: Sorry, Helen. Did you say you are consulting the boroughs as well in terms of practicality?

Helen Bailey (Chief Operating Officer, MOPAC): We would need to specifically if we took the money from the Rape Crisis Centres as well as from the Havens. We would want to involve them in any event because this is a provision that everybody relies on. However, the other commissioner for the Havens is not the boroughs but NHS England.

Navin Shah AM: OK. Thank you. Does the CPS agree with the Commissioner that there is a need for an increased number of ISVAs in London? I go back to the Commissioner's comment that he was promoting this and that he would take this up both with the Home Office and with MOPAC. Can you give us any information?

Baljit Ubhey OBE (Chief Crown Prosecutor, CPS): Certainly, in my experience of having met ISVAs, we had an event aimed at barristers and we had victims come along and talk about their experience and the valuable role in terms of support that ISVAs can provide. The answer is that it is clearly something that does improve the experience that victims have. It is a very positive thing and is something that we would wholeheartedly support.

Navin Shah AM: Helen, do you know where we are on this?

Helen Bailey (Chief Operating Officer, MOPAC): On ISVAs, yes. At the moment there are about - we think because we do not fund all of them directly - 25-plus across London, which is clearly not enough. However, we are, as I said before, doing a needs assessment with the NHS looking at sexual violence and the

best way to spend the money to combat that. We suspect that one of the outcomes will be increased commissioning of ISVAs.

However, it is worth saying that we have recently announced the Pan-London Domestic Violence Service, which means that by the time we finish commissioning we will have about 150 independent domestic violence advisers across London. There is a considerable crossover between sexual violence and domestic violence and so they are providing a similar sort of service to a different subset of victims and people in need. Some of that is being picked up, but I agree that we need to look at ISVAs separately as well.

Navin Shah AM: When are you likely to reach your objectives?

Helen Bailey (Chief Operating Officer, MOPAC): I am not entirely sure, but we are not going to drag our feet about it. We need to do a proper commissioning and review process and work closely with the NHS on this. The worst possible thing, given [Dame] Elish's report, would be if all the agencies came to a different view and funded different kinds of provision.

Navin Shah AM: Thank you.

Joanne McCartney AM (Chair): Could you write to us and let us know about that review and the timeline? I did ask the Mayor whether MOPAC would commission a needs assessment. He did not say yes and so I am glad you are doing something.

Helen Bailey (Chief Operating Officer, MOPAC): He said he would raise it with the Commissioner and he is due to do that on Monday. Pat [Gallan] and I will be advising the Mayor and the Commissioner respectively and I am sure he will say something similar to what I have just said to you.

Joanne McCartney AM (Chair): There is a review underway already, which is very helpful to know.

Helen Bailey (Chief Operating Officer, MOPAC): Yes, there is.

Jennette Arnold OBE AM: I know that, Helen, you are as aware as I am that one of the successes over the last couple of years has been the work done in getting women from London's many and varied diverse communities to be able to find a space to report their experience, whether it is sexual assault or rape.

One of my concerns about this centralisation is that those skills and awareness that have been developed in the structure that we have now will be lost. Can you give us an assurance that will be as high up in your thinking as anything else? The idea that there is one of anything that can suit the multiplicity and diversity of London just does not sit well with me at all.

Helen Bailey (Chief Operating Officer, MOPAC): You make a very good point and of course the issues about diversity will absolutely be there. [Dame] Elish's point in suggesting that we have one Haven is that you could staff it with people from a whole range of backgrounds and you could have the third sector involved to a much greater degree than you might be able to if you had lots of smaller ones.

There are a lot of things that we have to balance in that, but we will absolutely take that point. NHS England will be on our case to make sure that we do not lose all the value we have had from third-party reporting as well as from straightforward reporting, too.

Rt Hon Dame Elish Angiolini DBE QC: Chair, if I could come in on that, we toyed long and hard about whether to have a north-south divide or to build up the local. The current situation is that although you have these three Havens geographically located, they take only two or three patients at once. They do not take people who are reporting a rape that happened over a year ago as well. They are able to deal with only a very narrow window of individuals. At night-time, you cannot call in and it is by appointment only. Very often, you are having victims in one part of London travelling past a Haven to the other side of London because of that. The reality of the numbers is such that they are actually travelling in any event. The support that is taking place will, again, not necessarily be expert if it is local, whereas there is great expertise.

The forensic physicians who are available in the NHS Havens are the real experts. You want to get them in there so that they are able to preserve the evidence, give the appropriate type of crisis response and be able to respond to all the issues that you mentioned about ethnicity and culture as well that can affect people and understand the pressures that are coming there. That is something that is very difficult to have in small pockets all around London. If you are willing to fund all of these big centres around London, it is fine, but it is bringing the resources together so that you have that resilience and that flexibility.

As well as that, there is the peer support which that will bring. Some of these physicians and psychiatrists who work in these areas are very isolated from each other and they do not get a chance to come together. Being able to work collectively will help.

As well, there is giving evidence remotely, which is what I also suggest. To save time and money, you could have victims and expert witnesses giving evidence remotely via CCTV or remote camera - I am not sure if I have the name of it - in the courtroom rather than having to go to a courtroom. Even with all of the screens, etc, that you have in a courtroom, they are not pleasant places to be. That is something that I say after years in them. There is a great tension around a courtroom. Even if you have a screen, you can have members of the public, which I find astonishing because it does not happen in Scotland. The public are cleared out of the court when a complainant gives evidence, but that does not happen in England. Only the press are allowed to remain in Scotland while a complainant in a sexual offence gives evidence. Here, you can have the friends of the accused sitting in the back rows and some of the complainants said they were shocked to be able to see these people coming in and were aware that they were present, even if they had a screen. That is why, again, you could really afford to fund all of these CCTV areas around London, but to be able to be in a safe place where you feel comfortable, you know it and you are familiar it.

There could be proper recording facilities for these interviews as well there so that, again, you do not have to go to a police station in a borough with a main road outside and the judge jumps up and down because all he can hear is a bus passing rather than a complainant's evidence.

You really have to professionalise this. It is a very, very serious business and you need to be willing to do that, whether it is one central one or two, whatever you can afford. How we treat these victims is an indication of how civilised we are as a society. There are the unheard victims, many of them. What is happening at the moment is that there is a genuine effort to do things but there is no real recognition in government of just how complex this is and how much has to go into this if we are ever going to really get these people coming forward and getting the treatment they require and the support they require and into the system.

Joanne McCartney AM (Chair): Thank you.

Roger Evans AM: What work is the MPS doing to address under-recording and 'no-criming' of rape cases?

Pat Gallan QPM (Assistant Commissioner, MPS): If I can start off with encouraging people to come and report it, we have changed our policy on 'no-criming'. We have taken that out of the system now and people do not 'no-crime' allegations. If I can give you the figures, for 2013/14, 179 cases were 'no-crimed' and last year, 2014/15, only five crimes were 'no-crimed'. We have changed our philosophy around that and we have put to from the officers on the street all the way through the ranks to say, "Our stance is that we believe the victims and we get the evidence and it is not a case of 'no-criming'".

Roger Evans AM: You have said that you are not going to 'no-crime' cases, but you still 'no-crimed' five in exceptional circumstances?

Pat Gallan QPM (Assistant Commissioner, MPS): There have been exceptional circumstances. They had to be looked into and signed off at a senior level as to why that was the case. We have changed the philosophy around that. We have taken some of the boxes off our reporting system so that people cannot easily put that in. We have also changed in terms of our daily reporting. Rather than people saying, "An alleged rape has taken place", because that does not happen with other offences, we will say that that is the offence that has taken place.

We are trying to encourage victims to come forward. I know it is difficult and people will ask what has changed, but with the increase in the numbers reporting and also the convictions at court and the celebrity cases you have mentioned, people do realise that we are taking people seriously and want to see them coming to us.

Roger Evans AM: Dame Elish, can you comment on the effectiveness of that new policy?

Rt Hon Dame Elish Angiolini DBE QC: Regarding 'no-criming'?

Roger Evans AM: Yes.

Rt Hon Dame Elish Angiolini DBE QC: I do so in some detail in the report. Of course, there are cases reported that are quite legitimately to be categorised as 'no-crimes' because they may be false allegations. These do occur in a very small minority of cases, but it does happen. Therefore, it has to be recognised in those circumstances that that is an appropriate categorisation. However, again, how that is perceived and the policy behind it is important and the fact that it is supervised and regulated.

Of more concern to me during my report was the fact that while 'no-criming' had gone down, this other category of 'no further action' had not, which can have the same outcome as a decision to 'no-crime' but would not be subject to the formal scrutiny that 'no-crime' cases are. I reviewed a number of 'no further action' cases where I recommended that because of the significance of that decision, it should be measured. The number of cases that go into that category is not currently measured and that is just as significant as 'no-criming' and, also, what the outcomes of those decisions are. 'No further action' means that a case can be final. Other cases may be resurrected when another allegation comes in and can be used to corroborate the later allegation but, nonetheless, it is a decision made by a detective inspector without any other form of supervision or scrutiny unless that detective inspector has sought the advice of the CPS.

However, again, in my own jurisdiction when we practice, where there is a *prima facie* case with sufficient evidence to proceed and the decision is to take no proceedings, it will be subject to the scrutiny of law officer, the equivalent of the attorney, and that is how senior the scrutiny of this is. That is in a bijou jurisdiction with a population of less than 5 million. It is just not possible to do that in this jurisdiction here but, nonetheless, the scrutiny of those 'no further action' cases needs to be enhanced.

Roger Evans AM: Do you have any evidence that a reduction in 'no crime' is accompanied by an increase in 'no further action'?

Rt Hon Dame Elish Angiolini DBE QC: There was an increase in 'no further action' during the report.

Roger Evans AM: There is a correlation between the two?

Rt Hon Dame Elish Angiolini DBE QC: It is not an exact correlation. There has been a genuine downturn in the use of 'no crime' because of the memo that was issued to say that it should not be used. We have seen a very significant dip over those years but there was an increase, it would appear, in the cases. They are not measured. The number of cases in that category is not measured. It is not part of the performance measurement and that is why I am making that recommendation. The anecdotal evidence that came from the officers was that that was coming through.

Roger Evans AM: Assistant Commissioner, I imagine you will want to reassure the Committee about that.

Pat Gallan QPM (Assistant Commissioner, MPS): What I was going to say was that this is one of the very reasons we are very keen to have CPS lawyers with us. Part of it is to get to that evidential test. At the moment, if we do not have enough evidence, we cannot put it to the CPS for a formal decision as to what should happen regarding prosecution or otherwise. Dame Elish has explained because of the volume why it would not be practical to have every single case with that happen. However, having the CPS embedded with us means we can get early advice as to what more we can do and should do to try to build an evidential case. If that is not possible, in cases that might be high profile, we would be looking to work with the CPS to have a decision to say why it is not possible to go forward.

Roger Evans AM: Helen, does MOPAC have a view on this?

Helen Bailey (Chief Operating Officer, MOPAC): On specifically 'no-criming' and --

Roger Evans AM: Yes, 'no-criming' and 'no further action'. 'No-criming' is something we have had on our radar for quite a while but 'no further action' is a new one for me.

Helen Bailey (Chief Operating Officer, MOPAC): What Pat [Gallan] has been saying is that things have changed over the last year. From a MOPAC point of view, we will want to monitor and track that in light of Dame Elish's recommendation and just reassure ourselves that one is not, as you hint, transforming itself into the other. That would be appropriate. However, we have too little data at the moment to draw any conclusions as yet.

Roger Evans AM: Just on the issue of reporting, while we are talking about this, I know MOPAC is very keen on using new technology to improve policing in London. We have apps for reporting more volume-type crimes and obviously something for this purpose would need to be specialised and more sensitive.

Is there work going on to provide opportunities for people to report rapes that they may not have otherwise? We did a piece of work a little while ago and suggested that we could report through automatic teller machines (ATMs) at banks, for example. Victims are very often suppressed by their perpetrators and prevented from reporting. Providing other opportunities might be helpful.

Helen Bailey (Chief Operating Officer, MOPAC): We completely agree with the spirit of that and we are working generally on apps and information technology (IT) based things that will help people report crime more easily. This is a difficult one because it is a difficult crime and we absolutely want people to come forward. We do not want them just to drive up the numbers by telling us that something has happened and not make it possible for them to get hold of either the police or a third party for the support that they need.

Let me give a moment's puff for the Crimestoppers anonymous reporting service. We do have a service there where people can report things completely anonymously and also be put in touch with people who can help them. There is a range - and Jennette [Arnold OBE AM] hinted at them - of third-party reporting arrangements in London where people can report to voluntary organisations, the health service or others and say that this has happened to them.

I am much more comfortable at the moment with those, personally, than I am with the ATM idea because ATMs are often places where people are vulnerable to being begged from and other things. Vulnerable people in a vulnerable place doing something that makes them even more vulnerable makes me feel nervous. However, the general thought behind it is one that we will continue to think about and work on as we become more digitally enabled as both MOPAC and the MPS.

Joanne McCartney AM (Chair): Thank you. Thank you very much for coming today.

Caroline Pidgeon MBE AM (Deputy Chair): It was fantastic.

Joanne McCartney AM (Chair): We have read the report. It is a very comprehensive report and we are very pleased that you have done it. We are aware that we have only touched on some of those key issues today, but we will return to this regularly and we will check with the MPS and the CPS as to what progress they are making against your recommendations. Thank you very much.