

# MOPAC MPS Oversight Board

## 23 September 2020

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### Progress on Rape and Domestic Abuse

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#### 1. Purpose of this Paper

The purpose of this paper is to provide an update on progress in rape investigations and views on any proposed targets in light of progress being made in the Government's End-To-End Rape Review, and the Government's planned rape prosecution targets for police and the Crown Prosecution Service (CPS).

The paper also addresses the timeliness of rape investigations, joint working with the CPS, and getting third party information including the extraction of mobile phone data – reflecting the findings of the recent [ICO report on Mobile Phone Data Extraction by Police Forces in England and Wales](#).

In addition, the paper updates on the MPS position regarding domestic abuse cases, given recent CPS data showing a decline in the adequate of handling of domestic abuse cases.

#### 2. Recommendations – that the Oversight Board:

- a) Note the progress in MPS investigations of rape; and
- b) Note the MPS position on handling domestic abuse cases.

#### 3. Rape Investigations

- 3.1 Rape investigation has been an area of particular challenge within recent years, both within London and on a national level. These investigations are some of the most complex that police deal with and we have welcomed the various review mechanisms established to place focus on this area and ultimately improve outcomes.
- 3.2 The MPS has already placed considerable focus on improving our approach to rape offences. Developments include the temporary appointment of a full-time lead responsible officer for rape, sexual offences and sex workers, as well as the establishment of a regular strategic rape partnership meeting and the creation of a joint-improvement plan with the CPS. We are committed to improving our partnership working, criminal justice outcomes, and the experiences of the victim / survivor throughout the criminal justice journey.
- 3.3 While there remains much more to be done, we have seen signs of improvement in aspects of the rape investigation. We have greatly improved our Serious Crime Analysis Section (SCAS) compliance in the completion of sexual offence pages – a

key investigative tool to support the identification of linked series. In addition, sanction detection rates continue to rise from a low of approximately 2.1% in the summer of 2019 to an average of 4.2% in August 2020.

- 3.4 While we are not able to comment on any governmental targets, with focus on the development of a MPS public protection plan, we have been working to establish our own performance measures to drive and monitor outcomes. These include focus on improving the timeliness of cases, reducing the number of police 'NFAs' (no further action) and increasing positive outcomes. A strand specific business plan will ensure targeted focus to achieve in the high priority areas. Our aspiration is to achieve a sanction detection rate for rape offences of 10%.

#### **4. Timeliness, CPS and Mobile Phone Data**

- 4.1 There are significant challenges in the timeliness of rape investigations, linked to the inherent complexities of this offence type. Reports have also steadily increased in recent years and we have been working hard to try to meet this demand while maintaining high quality investigations. Many of these investigations are reliant on the examination of digital media – an arena in which demand currently far outweighs capacity and technological advances further complicate it. This has led to backlogs and extended turnaround times, which can adversely affect investigatory timescales and victim / survivor experiences. Furthermore, it was recognised that enhanced partnership working, particularly with CPS, was required to drive significant improvements in the progression and outcome of rape investigations.
- 4.2 We are working hard to reduce the number of rape investigations ongoing for long periods. Over the last 2 years, there has been a significant increase in the number of investigations dealt with within 6 months of reporting, rising from 54% to 75%. We attribute this to increased partnership working with our CPS colleagues across London, joint-workshops, monthly oversight meetings, and focus on early investigative advice. We have also started work to address and reduce the number of rape investigations ongoing for more than one year. Our aspiration is for no more than 15% of cases to be over one year old, though acknowledge that there is more to be done to achieve this.
- 4.3 We have been working closely with the CPS to deliver the joint-improvement plan. This document is live and intended to support teams within both agencies dealing with rape and serious sexual offences, to work together more effectively. It features within both strategic and operational monthly meetings. Thematic areas of improvement include reducing attrition rates for victim / survivors, reducing NFA cases in London, both for police and CPS, and to improve the standard of police case files at the point of submission to CPS.
- 4.4 The ICO report published in June 2020 detailed findings of their investigation into the use of mobile phone extraction by police forces. In London, we recognise that digital investigation is a significant and evolving area of policing and that victim / survivors have been deterred from reporting sexual offences because of concerns relating to invasive access to personal data. We continue to invest in technical equipment to enhance capability and joint training with CPS to promote a deeper understanding of what makes a 'reasonable line of enquiry'. We are using the findings of a recent landmark Court of Appeal judgement R v Bater-James and Mohammed [2020] which gives extensive guidance relating to the retention, inspection, copying, disclosure and deletion of electronic material, held by prosecution, victims and witnesses.

- 4.5 We recognise the courage it takes victim / survivors to report an allegation of rape and we will continue to work hard with partners to reduce attrition rates and keep victim survivors engaged in the criminal justice system.

## 5. Domestic Abuse

- 5.1 The CPS data indicates that, within London, there has been a decrease in the number of domestic abuse case referrals to the CPS between 2018/19 to 2019/20. While this challenge is not limited to London, any fall in the overall number of domestic abuse perpetrators is a point of concern and deserving of reflection and focus. We continue to work hard to support and seek justice for victims of domestic abuse.
- 5.2 Due to the emergence of COVID-19 in early 2020, it is difficult to draw direct comparisons and conclusions from across the quarters. Consideration of the MPS data for Q4 2018/19 and Q4 2019/20, for example, offers a different picture. With a reduction in the number of domestic abuse cases in scope in Q4 2019/20 compared to Q4 2018/19, fewer referrals (a 15.7% decrease) still translates to an increase in referrals as an overall percentage of cases (rising from 47.8% to 49.4%).
- 5.3 An overall increased volume of domestic abuse cases between Q4 2018/19 and Q4 2019/20 has brought challenges, but we are committed to improving our approach and partnership work to make our processes more effective. As part of our improvement plan, we are empowering staff working in domestic abuse to consider whether there is sufficient evidence to refer to CPS, rather than referring as a matter of course. While this may result in a reduction in referrals to CPS, we are focused on ensuring that referrals are justified and proportionate. When we are unable to secure a criminal justice outcome, we take steps to ensure that the victim receives support and does not suffer further harm. Over the COVID-19 period to the week ending 23 August 2020, domestic abuse sanction detections have risen 20.9% compared to this period the previous year.
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