The London Rape Review

A review of cases from 2016

MOPAC Evidence & Insight

Justice Matters

October 2019

MAYOR OF LONDON

OFFICE FOR POLICING AND CRIME

Background and Methodology

MPS Rape Reviews 2005 – 2012

- Annual reviews resulting in 8 years of data from rape cases (4,550 cases).
- Established a history of learning on victim vulnerabilities, attrition and investigation.

Current MOPAC London Rape Review

- Revisits and updates the methodology
- Identify predictors of rape case attrition
- Uncover new avenues for research
- Collaboration with University of West London

Aim: to develop a comprehensive picture of reported rape in London and develop insights about the nature of reported rape in London.

146 variables coded across five broad areas:

- Victim Characteristics
- Perpetrator Characteristics
- Offence Circumstances
- Procedural Characteristics
- Case Outcome

Disadvantages and shortcomings

- Police system (CRIS) not designed as a research tool
- Ideally we would want to include: SOIT Logs; SOIT interviews; CPS data; Victim/survivor focus groups

Coding of all rape allegations made to the MPS in April 2016 (a sample size of 501).

Some basics - victim, suspect and case characteristics

Victim / Survivors

- 89% female
- 67% were under 30 (i.e., 31% under 18; 36% between 18-29)
- Small increase in male reporting
- Demographic profile broadly consistent across previous reviews

Suspects

- Slightly older age profile (i.e., 54% over 30)
- 29% had a prior police record (rising to 49% in cases that overlap with domestic abuse)
- 7% of suspects were a complete stranger
- 34% suspect acquaintance or friend
- 35% the suspect was intimate partner

Offence Circumstances

- 56% occurred in private/domestic setting
- 28% overlap with Domestic Abuse *(17% reported in response to DASH)*
- 23% of victims/survivors were recorded as having an injury
- 2% of cases a weapon was used

Reporting

- 29% reported on the same day
- 16% between 1-7 days after offence
- 12% between 1 week – 1 month
- 17% between 1month – 1 year
- 27% reported more than one year after
- 42% reported by a third party of some kind

Victims present with many needs – how best to address these

- **95%** of victims had at least one type of 'need';
- Over **one third** had two needs, and **one in five** had three or more needs.

Need	2007	2010	2011	2012	2016
Age under 18 years old	31%	35%	34%	34%	**31%**
Mental health issue	14%	14%	17%	18%	**41%**
Consumed alcohol and / or drugs prior to the offence	35%	35%	38%	32%	**27%**
Were / had been in an intimate relationship with the perpetrator	35%	28%	32%	27%	**35%**

Other needs less prevalent within the data:

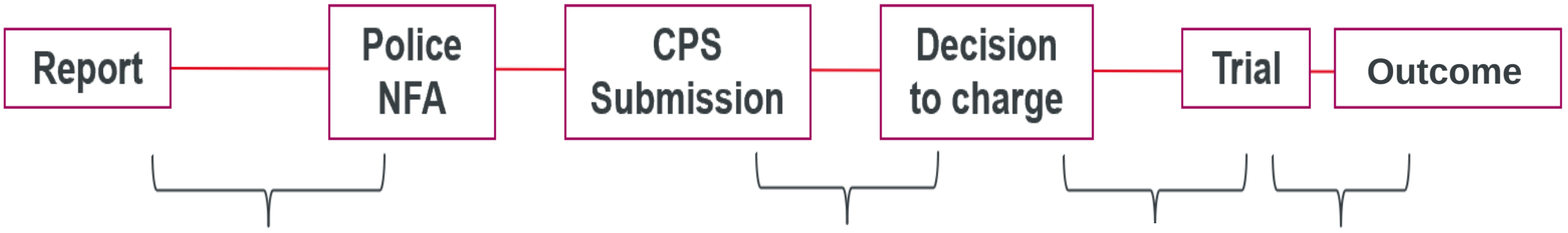
- Victim is a missing person/homeless (n=37, 7%)
- Victim is a sex worker (n=14, 3%)
- Victim is an asylum seeker (n=9, 2%)
- Victim requires interpreter (n=47, 9%)

Far more mental health issues identified in the 2016 victim/survivor group…

Victims with mental health issues were ***significantly*** more likely to:

- have been **victimised in the preceding 12 months** (36% vs 23%)
- have been a previous **victim of sexual assault or domestic abuse** (38% vs 25%)
- have a prior police record (25% vs 9%)

Timeliness of case progression



213 days between a ***reporting*** and the police decision to **NFA**.

345 days

The average time from ***reporting to CPS submission*** indicating cases submitted take over 100 more days of police investigative time

138 days

The average length of time between ***CPS submission*** and ***decision to charge***

133 days

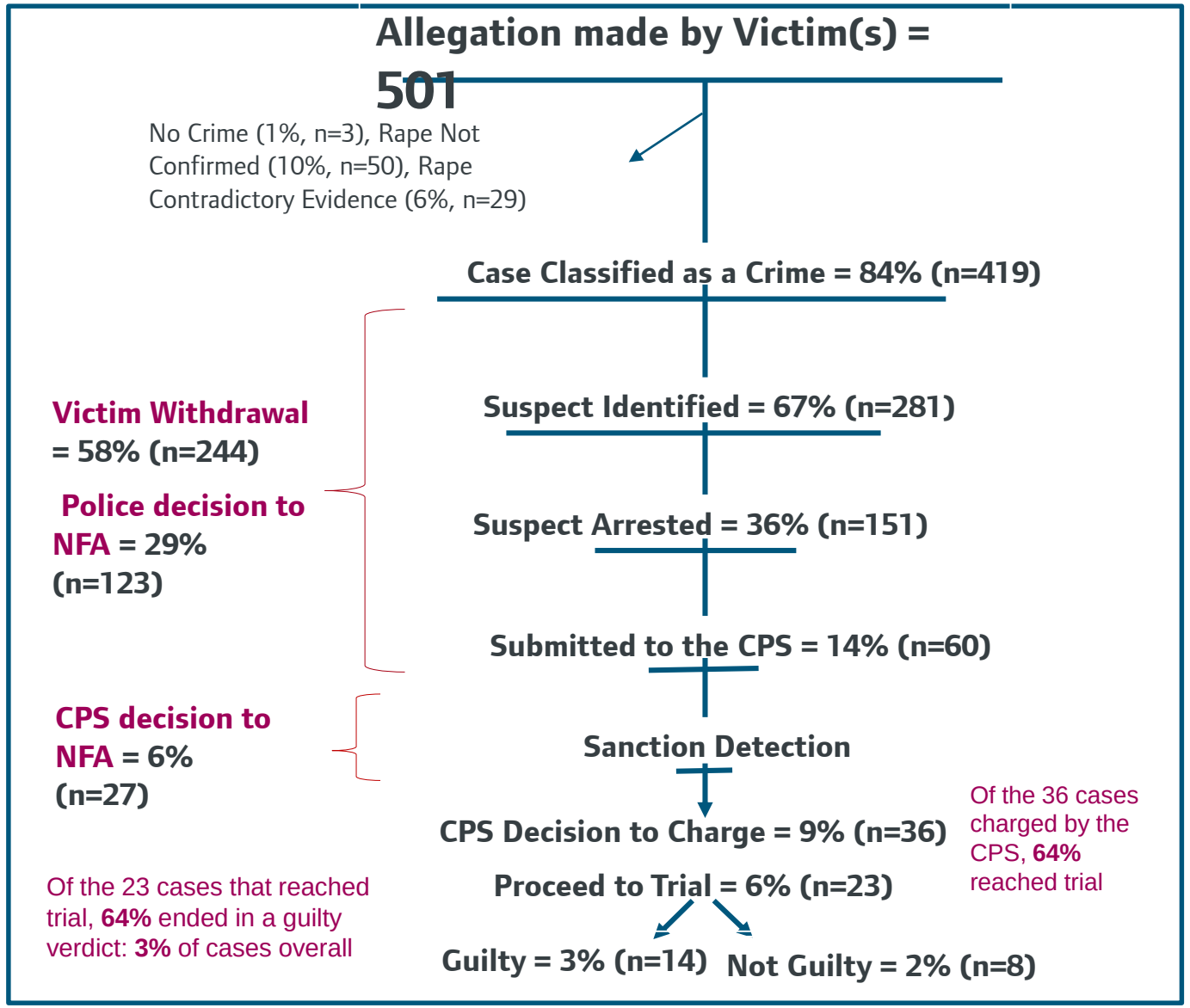
between ***CPS decision to charge*** and ***trial***

Trials lasted, on average, for **11 days**

On average, there was *18 months* from initial reporting to trial outcome.

There was no relationship between case characteristics and timeliness of case progression.

A focus upon attrition – the majority of cases end during investigation



Victim withdrawal was the most likely outcome observed

Victim withdrawal tended to happen *early* in the process

- Of those who withdrew:
  - 18% did so within 30 days of reporting,
  - 49% within 90 days
  - 77% within 180 days
- All but 8 cases withdrew during the police investigation stage

'I did not expect the process to be so intense... I would rather close the case and move on

'[viw] *does not want the suspect to go to prison - just to realise the seriousness of this*

Reasons for withdrawal were complex and often interrelated

- Stress and trauma caused or exacerbated by the investigation
- A desire to move on from what happened
- Concern for their own safety, or for the perpetrator's own situation
- The act of reporting ***in and of itself*** being enough
- Not having wanted to report the rape in the first place

'[viw] said she could not cope with things, *…she needed to be strong for her son,….'*

Can we explore attrition in more detail?

Statistical analysis enables us to explore the predictors of certain specific outcomes (where numbers allow)… Two outcomes were further investigated in this manner:

- **Victim Withdrawal (244 cases)**
- **Police No Further Action (NFA) (123 cases)**

Unable to look at other outcomes – as numbers were too small for analysis

The strongest predictors of both victim withdrawal and police NFA were ***procedural characteristics***.

What makes attrition more or less likely…

Victims are **more likely** to withdraw when:

- Multiple OICs (x8)
- Reported via the DASH (x3 more)

Victims are **less likely** to withdraw when:

- Participated in video recorded interview (x6 times)
- Suspect was family member (x4 times)
- Early evidence kit used (X2 times)

Police NFA was **less likely** when:

- Victim was under 18 (x3 times)
- Suspect involved in another rape (x8 times)
- Sought CPS advice (x10)

Police NFA was **more likely** when:

- Evidence casts doubt (x7 times)
- Inconsistent victim account (x7 times)
- no forensic opportunities (x5 times)

The London Rape Review
MPS Comment

Sue Williams
Head of Profession – Safeguarding

11 October 2019

METROPOLITAN POLICE

Overview

Since 2016 -

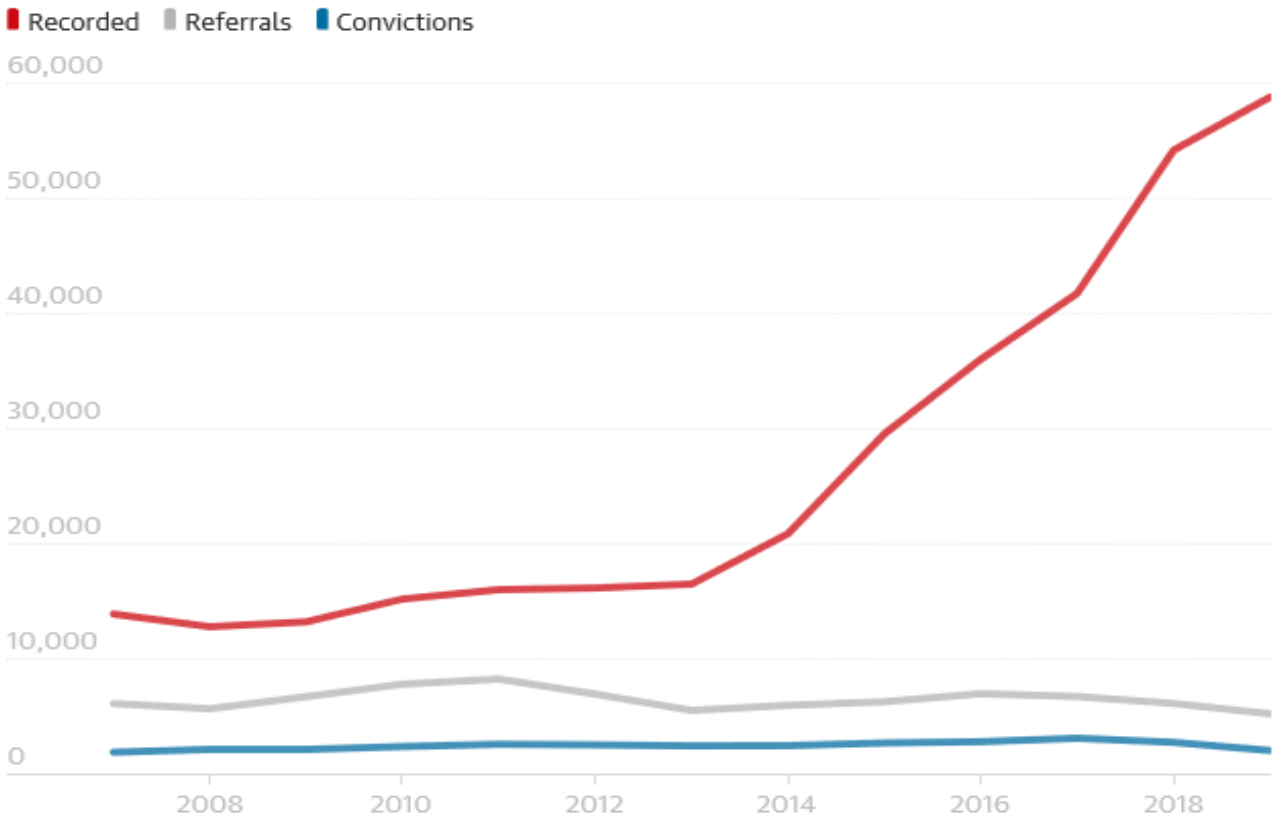
Implemented a new BCU structure, bringing 32 London boroughs into 12 operational units

Benefits:

- New safeguarding portfolio, combining child abuse, sexual offences and DA investigations
- Enhanced efficiency, consistency and resilience through one OIC

National Context

A Justice Gap



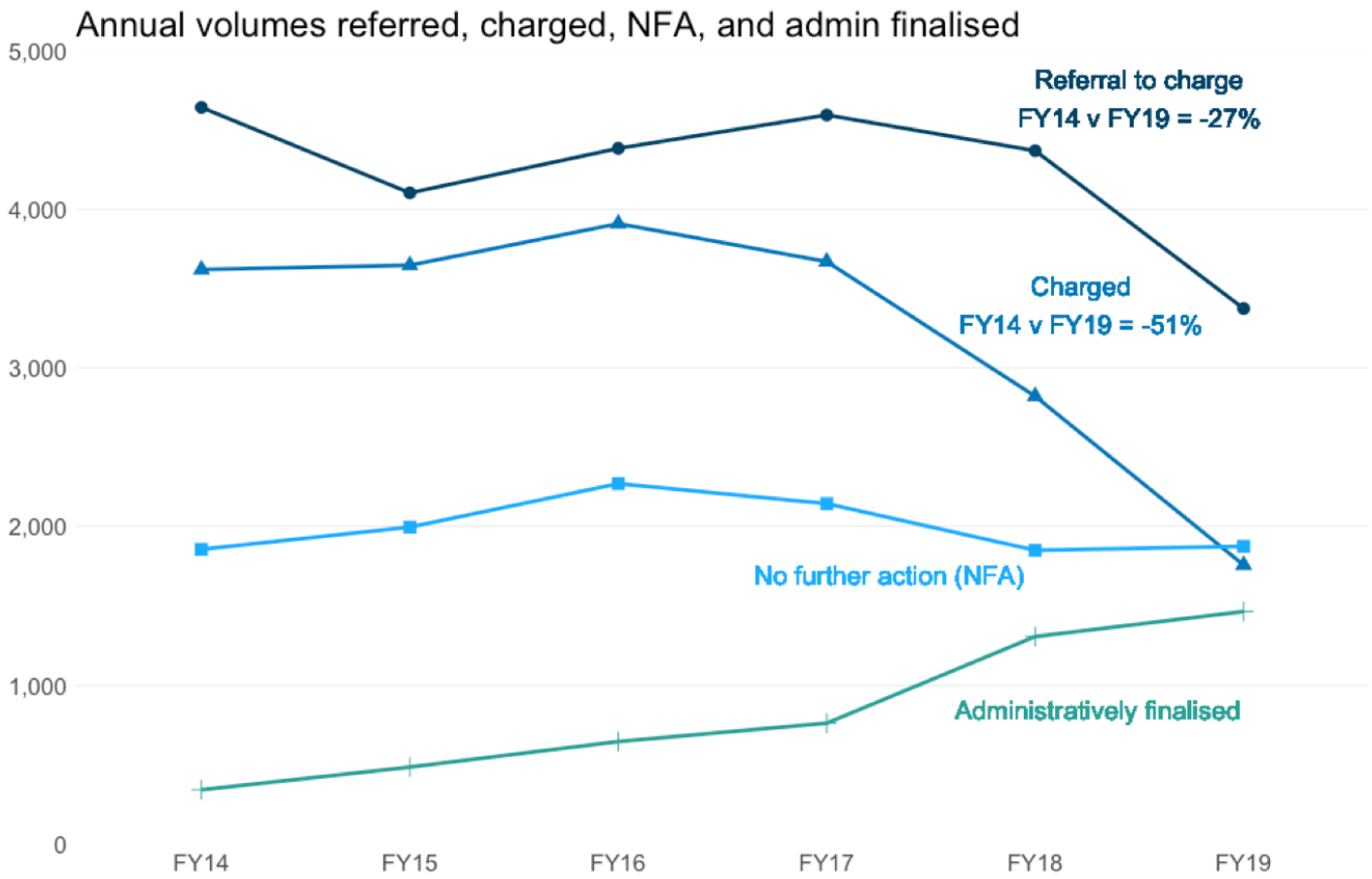
Guardian graphic | Source: Police recorded crime, Home Office and VAWG report, Crown Prosecution Office. Note: statutory charging was rolled out in April 2006

METROPOLITAN POLICE

NEW SCOTLAND YARD

National Context

Police Referrals and CPS Charges



METROPOLITAN POLICE

NEW SCOTLAND YARD

The London Rape Review

Findings

Areas of progress

- Dispelling rape myths
- Crime data integrity
- Cross-government approach

Impact of victims' vulnerabilities on outcome of investigations

- Evidential difficulties impacting on charging decisions
- Mental Health

Attrition concerns

- DASH – DA R/A Process

Victim engagement factors

- VRIs
- EEKs

Timeliness

- Digital media and forensics
- 345 days to CPS submission – final case submission
- HAVEN referrals

The London Rape Review

Positive Outcomes

Trauma informed policing activity

- Training implemented
- Exploring further opportunities

EIA

- CPS surgeries (North and South London)

Joint-implementation plan

- MPS, CPS and CMT

CROWN PROSECUTION SERVICE

RECOMMENDATION 4

The CPS should include in the current Rape and Serious Sexual Offences (RASSO) training a specific section which covers the neurological impact of trauma on memory so that it is understood in the charging process and represented by the prosecution in court proceedings.

RECOMMENDATION 4 – CPS RESPONSE

The CPS accepts this recommendation. which will assist prosecutors in their role.

We are currently looking at the options available to ensure it is implemented quickly and effectively.

RECOMMENDATION 7

The revised pre-trial therapy guidance soon to be published by the CPS must ensure that partners are not discouraging victims/survivors from long-term therapeutic services such as counselling and peer support and that victims/survivors have confidence that their records are safeguarded and not being used to cast doubt on their credibility.

I recommend that CPS should only be requesting therapy notes to show the impact of the crime on the victim and not for any other purpose.

RECOMMENDATION 7 – CPS RESPONSE
LEGAL PARAMETERS

- The CPS is unable to agree the recommendation because, as a matter law, police and prosecutors must:-
  - pursue material following all reasonable lines of enquiry, whether they point towards or away from the suspect (para 3.5 MoJ CPIA Code of Practice);
  - disclose material which might reasonably be considered capable of undermining the case for the prosecution against the accused or of assisting the case for the accused (section 3 CPIA).

RECOMMENDATION 7 – CPS POSITION

- CPS guidance is clear that victims must not be prevented or discouraged from receiving therapy.

- Personal information such as therapy notes must only be requested where the request amounts to a reasonable line of enquiry, to ensure a fair investigation and prosecution.

- Therapy notes must not be ‘automatically’ disclosed to the defence. Where the legal tests for disclosure are not met, the prosecution will not disclose the material to the defence and furthermore will oppose any application by the defence to the court obtain the material.

LONDON SURVIVORS GATEWAY

THE HUB FOR **SEXUAL VIOLENCE SUPPORT SERVICES**

Belief. Respect. Choice.

the havens
SURVIVORSUK male rape and sexual abuse
solace
WOMEN&GIRLS NETWORK
MOPAC MAYOR OF LONDON
nia
galop safe | just | fair
RASASC SUPPORT CENTRE

LONDON SURVIVORS GATEWAY

THE HUB FOR **SEXUAL VIOLENCE SUPPORT SERVICES**

- Pan-London pathway for all survivors and professionals
- Easy online referral
- Quick response within window of helping seeking
- Specialist first response with holistic assessment
- Up-to-date information on all services
- Safety net when services are closed or in transition
- Mapping need and demand
- ‘Complex Needs’ ISVAs
- Increased collaboration amongst agencies

Belief. Respect. Choice.

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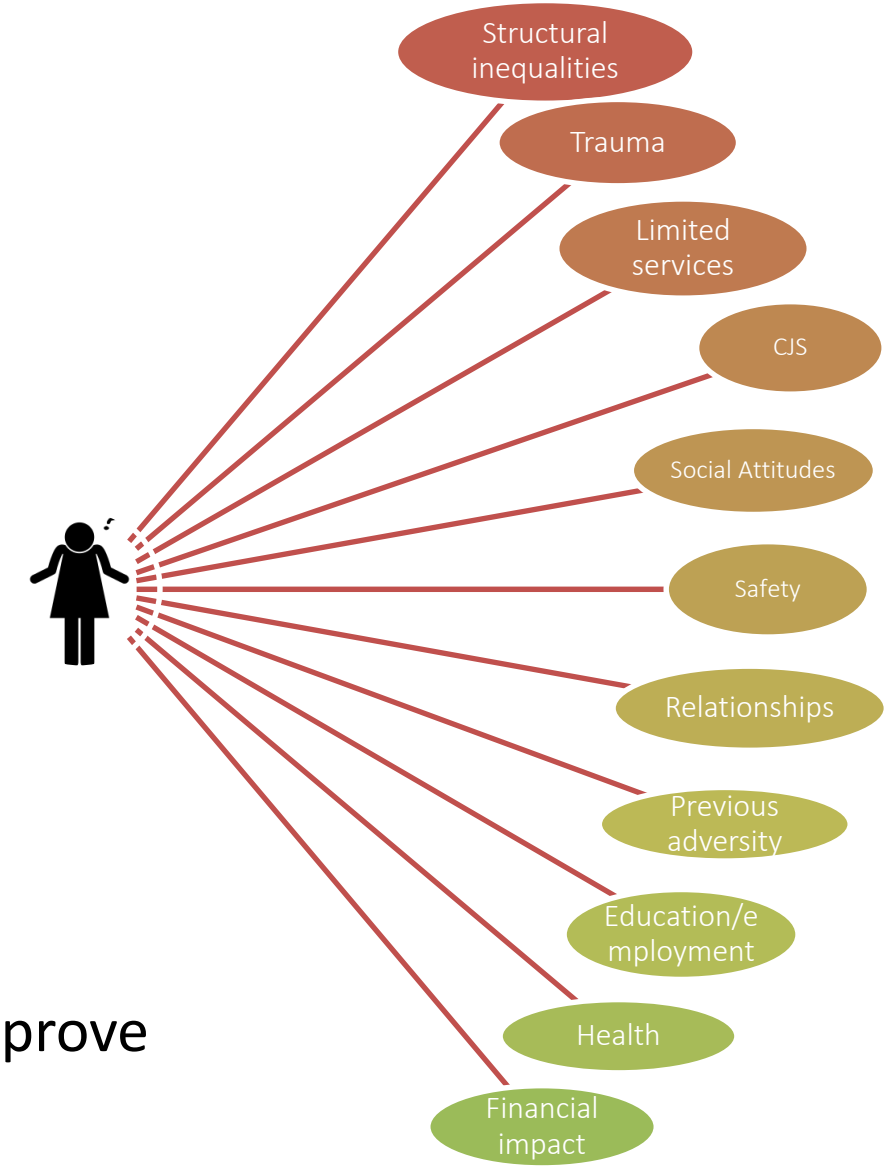
Addressing ‘Complexity’

- Mutuality, honesty and collaboration: survivor as educator
- Strengths-based
- Gender and trauma-informed response
- Understand and identify intersecting adversity
- Focus on safety and choice
- See the injury not only the diagnosis or coping mechanism
- Wider understanding of ‘justice’
- Partnership work, communication and advocacy
- Continuous training, reflection and support to improve practice



LSG Responding to ‘Justice Crisis’

LONDON SURVIVORS GATEWAY
THE HUB FOR SEXUAL VIOLENCE SUPPORT SERVICES

- Improved understanding of individual and collective needs
- Opportunity for pan-London survivor collaboration
- Extending collaboration and partnership
- Bringing together diverse funding streams
- Hub for improving professional practice
- Simple pathway for increasing referrals across sectors
- Timely first response
- Identify gaps, issues and opportunities
- Quality assurance
- Further research and learning