Cumbria Office of Police and Crime Commissioner

**Cumbria Police and Crime Commissioner (PCC) response to inspections of Cumbria Constabulary published by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)**

*Section 33 of the Police Act 1996 (as amended by section 37 of the Policing and Crime Act 2017) requires local policing bodies to respond to recommendations in inspectors reports within 56 days.*

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| **Inspection Title:** | A Joint Thematic Inspection of the Police and Crown Prosecution Service’s response to rape – Phase one: From report to Police or CPS decision to take no further action |
| **Date Published:** | 16/07/2021 |
| **Type of Inspection:** | National Inspection |
| **Key Findings** | |
| This is the first of two inspection reports that will consider the response, decision-making and effectiveness of the Police and Crown Prosecution Service (CPS) at every stage of a rape case – from first report through to finalisation of the case. This report focuses on those cases where either the Police or the CPS made the decision to take no further action (that is, not to proceed with the case). The second report, considering cases from charge to disposal, will be published in winter 2021.  In conducting this phase 1 inspection, inspectors from HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HM Crown Prosecution Service Inspectorate (HMCPSI) gathered extensive evidence of the experiences of victims of rape in the criminal justice system. We traced their cases through Police and CPS Files, examining the decisions made and support offered at every stage.  We commissioned a research report, to hear about victims’ experiences directly. And we asked Police and the CPS, Government departments and victim representative groups for their own qualitative data on what it’s like to report a rape in England and Wales today. | |
| **Recommendations:** | |
| 1. Immediately, Police Forces should ensure information on the protected characteristics of rape victims is accurately and consistently recorded. 2. Police Forces and support services should work together at a local level to better understand each other’s roles. A co-ordinated approach will help make sure that all available and bespoke wrap-around support is offered to the victim throughout every stage of the case. The input of victims and their experiences should play a central role in shaping the support offered. 3. Police Forces should collect data to record the different stages when, and reasons why, a victim may withdraw support for a case. The Home Office should review the available outcome codes so that the data gathered can help target necessary remedial action and improve victim care. 4. Immediately, Police Forces and CPS Areas should work together at a local level to prioritise action to improve the effectiveness of case strategies and action plans, with rigorous target and review dates and a clear escalation and performance management process. The NPCC lead for adult sexual offences and the CPS lead should provide a national framework to help embed this activity. 5. Police Forces and the CPS should work together at a local level to introduce appropriate ways to build a cohesive and seamless approach. This should improve relationships, communication and understanding of the roles of each organisation.   As a minimum, the following should be included:   * Considering early investigative advice in every case and recording reasons for not seeking it. * The investigator and the reviewing prosecutor including their direct telephone and email contact details in all written communications. * In cases referred to the CPS, a face-to face meeting (virtual or in person) between the investigator and prosecutor before deciding to take no further action; and * A clear escalation pathway available to both the Police and the CPS in cases where the parties don’t agree with decisions, subject to regular reviews to check effectiveness, and local results.  1. The Police and the CPS, in consultation with commissioned and non-commissioned services and advocates, and victims, should review the current process for communicating to victims the fact that a decision to take no further action has been made. They should implement any changes needed so that these difficult messages are conveyed in a timely way that best suits the victims’ needs. 2. Police forces should ensure investigators understand that victims are entitled to have Police decisions not to charge reviewed under the Victims’ Right to Review scheme and should periodically review levels of take-up. 3. The College of Policing and NPCC lead for adult sexual offences should work together to review the current training on rape, including the Specialist Sexual Assault Investigators Development Programme (SSAIDP), to make sure that there is appropriate training available to build capability and expertise. This should promote continuous professional development and provide investigators with the right skills and knowledge to deal with reports of rape. Forces should then publish annual SSAIDP attendance figures, and information on their numbers of current qualified RASSO Investigators. | |
| **PCC & Chief Constable Response to Report and Recommendation:** | |
| The Police and Crime Commissioner welcomes the Joint Thematic Inspection of the Police and Crown Prosecution Service’s response to rape – Phase one: From report to Police or CPS decision to take no further action – by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS): “I will continue to closely scrutinise how Cumbria Constabulary engages with victims of rape work and with all criminal justice agencies to drive improvements in the response to rape.  “Within my Police and Crime Plan, a focus on victims and reducing violence against women and girls are priorities. I have also set out the objective of working with partner agencies to “review the processes for bringing suspects of rape and serious sexual assault to justice, to understand why cases do not progress to prosecution and where improvements can be made”.  “My office will continue to engage with services supporting victims of sexual assault and abuse, to understand victims’ experiences of the criminal justice system and the effectiveness of support around this. This will inform our work with commissioning and support agencies to develop the pathway of services available at each stage of the process from report to court and this is reflected in my partnership working with criminal justice agencies.  “From information provided to me via my Public Accountability Conferences, I am assured that the Constabulary takes rape cases seriously and work to provide a good response to victims. I understand that a significant amount of work is being done in partnership with CPS to further improve the progression of cases through the criminal justice process, where appropriate.”  The Chief Constable for Cumbria said:  “Since October 2021 the Constabulary have engaged with the CPS in an “Early Advice Pilot Scheme”, which enables Police Officers to discuss Rape investigations, the issues surrounding the case and to set clear parameters and develop investigative strategies. The pilot is ongoing however the cases which have been submitted for charging decisions, so far, have been successful with a confirmed decision to charge being made within three weeks. This is a significant improvement and standard, and the Constabulary is confident that this is reducing the time from report to court and improving the overall service being offered to victims.  The Constabulary would ultimately like to see a successful outcome from the pilot scheme, improving the service we provide to victims and increasing the number of cases referred to CPS to go to charge and achieving an increased number of positive convictions in rape investigations.” | |