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Comisynydd Heddlu a Throseddau Gwent | Police and Crime Commissioner for Gwent: Jeff Cuthbert B.Sc., MCIPD

The Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

21st April 2022

Dear Home Secretary,

Police and Crown Prosecution Service Response to Rape, Phase Two Report

I am writing to you to respond to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' (HMICFRS) report entitled, 'A Joint Thematic Inspection of the Police and Crown Prosecution Service's Response to Rape - Phase Two: Post-Charge'.

As stated in my response to the Phase One report, rape and other serious sexual offences (RASSO) and the impact they have on victims' lives must be treated with utmost seriousness. RASSO can leave victims with life-changing mental and emotional trauma. Victims are entitled to a robust and effective criminal justice system that recognises and responds to their needs; a criminal justice system that they can trust and have faith in to deliver for them. Given the risk posed by RASSO perpetrators, it is also in the interests of the wider public that our criminal justice response is set up to succeed in bringing these people to justice and preventing them from causing further harm. Unfortunately, the national picture for policing and the wider criminal justice system reveals far too many shortcomings in these regards. I therefore welcome the conclusion of HMICFRS' two-part inspection of the Police and Crown Prosecution Service's Response to Rape. With the publication of these findings, I reiterate my commitment to ensuring we see improvements both nationally and within the Gwent force area.

I include below a statement from the Chief Constable, which outlines her views on HMICFRS' report:

'I welcome this joint inspection report from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HM Crown Prosecution Service Inspectorate (HMCPPI) which examines rape cases from the point of charge through to their conclusion. The report follows phase one of the joint inspection, which focused on the period between the victim first reporting the rape and the police or Crown Prosecution Service (CPS) deciding to take no further action.'

As I commented on phase one of the inspection report, it is important to reiterate that rape is an abhorrent crime that leaves life-long lasting trauma and impact on victims. It takes immense

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bravery and resolve for victims to report rape offences and investigating such offences and supporting victims is therefore a key priority in Gwent Police.

I share the concerns highlighted within the report regarding the length of time between the date of reporting an offence to the police to the start of the trial. As a force, we are continuing to work closely with our partners in the Crown Prosecution Service towards achieving the actions set out in the Police-CPS Joint National RASSO (Rape and Serious Sexual Offences) Action Plan 2021. The report emphasises the need for widespread reform and the potential for Operation Soteria to lead to system improvement. To that end, I have asked my Head of Public Protection to engage with the Home Office as a priority and I am pleased to confirm Gwent will be within the phase 2 rollout of Operation Soteria.

I commit to working through the recommendations within this report with the CPS and other partners in the criminal justice system to ensure victims are at the heart of everything we do.'

As stated by the Chief Constable, in Gwent we are undertaking work to improve our overall response to RASSO through the Police-CPS Joint National RASSO Action Plan. This entails an end-to-end approach that identifies areas of strength and weakness from the point of initial disclosure through to prosecution. Actions are progressing, though we recognise there is more to be done and we remain committed to securing the improvements necessary. I would like to echo the concerns raised by the Chief Constable regarding the length of time between the date of reporting an offence to the police to the start of trial proceedings. I am also concerned about confusing and inconsistent communication with victims after charges have been made. The criminal justice process can be intimidating and overwhelming for victims who have already experienced high levels of trauma. It is therefore vital that services are there to offer support and guidance in order to minimise the impact the process has on victims. The current shortcomings cannot be accepted.

I see great promise in Operation Soteria and believe that it has potential to address the issues highlighted across both the Phase One and Phase Two reports. Much like the Chief Constable, I am pleased that Gwent has been selected to participate in the second phase of the Operation Soteria rollout.

With regards to recommendations for policing included in the Phase 2 report, please see the updates below for more detail on the work we are undertaking in Gwent:

Recommendation 1:

Immediately, police and prosecutors should review and significantly improve communications with victims from the point of charge onwards. This should include: reviewing current processes, in consultation with commissioned and non-commissioned services and advocates, WCU, HMCTS and victims; and implementing changes so that



communication is clear and co-ordinated, with the victim's wishes for how they are communicated with, recorded and followed wherever possible. This should build on work to progress the parallel recommendation from the first phase of this inspection, which proposed improvements to communications with rape victims when a decision to take no further action had been made.

Much of this work is contained within the developed Independent Sexual Violence Advisors (ISVA) framework. This framework is at implementation phase and included participation in its construction from the CPS and third sector agencies as well as the Survivor Engagement Coordinator whose knowledge and experience also helped shape the framework.

On a monthly basis, Gwent Police RASSO Detective Sergeant's (DSs) meet with the ISVA team to talk through any issues with victims so that they can be easily and speedily rectified.

Recommendation 8:

Immediately, the police and the CPS should work collaboratively to ensure that bad character is considered in all rape cases and progressed wherever it is applicable. This will help to build strong cases which focus on the behaviours of the defendant. Work to progress this recommendation should include: all forces assuring themselves that officers involved in rape cases are aware of their responsibilities to research all available intelligence and information systems for information on suspects, and are doing so; all prosecutors assuring themselves that bad character has been either provided or requested from the police in all rape cases; and forces and prosecutors working together to assure themselves that opportunities for use of bad character have been properly exploited in every case, with recorded rationales for decisions in place.

Gwent Police are working on a national level to increase the number of Early Investigative Advice (EIA) Meetings that include this aspect of the case. EIA is a discussion between RASSO DSs, the Officer In Charge (OIC) and the CPS on how the evidence or the presentation at court of a case can be improved.

To increase these numbers, Gwent Police:

1. Published guidance to all staff
2. Monitored the number of EIA meetings held
3. Organised an input with CPS and the RASSO DSs/Detective Inspectors
4. Held an All-Wales RASSO Conference which covered the issue of EIA
5. Have a RASSO file submission checklist which contains details about the suspect's previous convictions

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Recommendation 9:

Immediately, forces should make sure that victims of rape are given the opportunity to make a victim personal statement (VPS) at the earliest possible time, with the option of updating this statement closer to the court trial date. This should include recording any reason why the victim declines to make a VPS. This will help make sure that victims are offered appropriate and bespoke support; and will build criminal justice system understanding of why victims decline to provide a VPS, to consider if improvements to the system would encourage more victims to do so.

At an early stage, but when it is right for them, the victim is interviewed. In that interview, the thoughts, feelings, and impact are recorded. It is good practice to do it at an early stage as the recording will capture the feelings of that moment. At a later stage, post charge, the Sexual Offences Liaison Officer (SOLO), together with the victim and the ISVA will decide the best moment to complete the VPS.

Gwent Police have reassured me they are confident that they have this process right.

In my response to the Phase One report, I stated that I was pleased with the efforts we have made to improve our response to RASSO in Gwent. This remains the case though, as before, there is still more that we can and must do. Now that it has been agreed that Gwent will become an Operation Soteria force, I believe we will see further improvements and, ultimately, an overall better service for victims in Gwent; this can only be a good thing. In any case, we must aspire to be better and, in my role as Police and Crime Commissioner, I will continue to push for improvements in this area.

Yours sincerely

Jeff Cuthbert B.Sc., MCIPD
Police and Crime Commissioner for Gwent