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## SI2817

# Sexual Violence and Abuse

The Police Service of Northern Ireland is committed to robust challenge and investigation into Sexual Violence and Abuse in all its forms.



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## 1. Introduction

This Service Instruction provides the Police Service of Northern Ireland (PSNI) with clear information on how to respond to and investigate instances of sexual violence and abuse.

The following are different types of sexual violence and abuse:

- Child Sexual Abuse;
- Rapes;
- Stranger rapes;
- Child Sexual Exploitation; (CSE)
- Female Genital Mutilation. (FGM)

It is supplemented by guidance produced by the College of Policing Authorised Professional Practice – '[Major Investigation and Public Protection](#)'.

## 2. Objective

The objectives of this Service Instruction are to:

- Enhance the standard of criminal investigation relating to sexual violence and abuse;
- Enhance the quality of service for victims and witnesses who report sexual crime;

- Take effective action against offenders so that they can be held accountable through the Criminal Justice System; and
- Increase confidence in the Police Service, encouraging more victims to report.

## 3. Definitions and Deployment

Rape and sexual abuse are crimes of violence and can be defined as any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. They may include coercive and controlling aspects of sexual violence and abuse.

The definition of Rape and other sexual offences has changed in recent years with the introduction of new laws including The Sexual Offences (Northern Ireland) Order 2008, which contributed to strengthening and modernising the law on sexual offences. For those definitions, and the law on sex in Northern Ireland, go to [The Sexual Offences \(Northern Ireland\) Order 2008](#).

Child Sexual Exploitation (CSE) is not a specific criminal offence in itself but rather encompasses a range of offences and other forms of serious criminal offences.

Female Genital Mutilation (FGM) is a specific offence in its own right. The Female Genital Mutilation Act 2003 makes it illegal for FGM to be performed in the United Kingdom (UK) or for a UK national or UK resident to aid, abet, counsel or procure FGM on any UK national or resident anywhere in the world even if it not illegal in that country. This legislation includes parents who allow FGM to be performed on their daughters.

Responsibility for managing day to day investigations, in the main, rests with C7 Public Protection Branch, namely Rape Crime Unit (RCU) or Public Protection Unit (PPU). However, some reports may be allocated to other disciplines within the Service for investigation, for example, the Local Policing Team (LPT) or C1 Criminal Investigation Branch (CIB).

Within the Case Allocation Policy, where the term 'stranger' is used, the following definition will apply

- Where the victim has had no previous knowledge of the offender and has not knowingly met them before the offence and is unable to name them or provide information about their identity, following basic enquiries;

- Cases in which there were brief or single encounters within a short time period where the victim may be able to identify the offender but would not describe them as an acquaintance, for example, they had met at a party, club or bar;
- Where the victim's knowledge of the offender is limited to the period immediately prior to the assault; or
- Where the offender has had no prior contact or knowledge of the victim other than by close observation, for example, stalking.

In cases of non-recent Rape or Assault by Penetration (or Attempts), i.e. those that occurred in excess of 7 days, and there is no immediate concerns regarding the welfare of the victim or other potential victims, arrangements will be made by a police supervisor for an officer from the relevant department or branch to contact the victim within 24 hours, or as soon as is reasonably practical.

#### 4. Outside Northern Ireland

Practical considerations arise where the victim/or suspect do not live in Northern Ireland or the incident occurred outside Northern Ireland, or indeed the United Kingdom. Subject to the overriding principle that the welfare of the victim is paramount,

the PSNI is responsible for the investigation of offences committed within Northern Ireland, or for those offences that legislation permits to be prosecuted in Northern Ireland regardless of what country they occurred in. The investigation, including victim care, evidence gathering and forensic recovery should be undertaken by the police service at the time the victim makes the initial report until a decision is made in relation to assuming control. Good liaison is required between the call taker, supervisor, the investigating officer, if appointed, and critically the victim or person who has reported on their behalf. This decision should be reached at an early stage between those key PSNI personnel involved and any external police service.

Factors to be considered:

- Identify which police service has primacy for managing the investigation;
- The extent of assistance that may be provided by police services other than the one assuming responsibility for the investigation;
- Investigating the possibility of further linked crime in each police service and the surrounding area or more widely;
- Consistent investigation strategy including continuity of evidence, media release of information, payment for

forensic science work and managing handovers.

All reports will be recorded in line with National Crime Recording System (NCRS) guidelines. However, it is important to note that if the PSNI, at any time, has primacy over the investigation, or the crime committed outside the jurisdiction would constitute an offence within Northern Ireland, then a crime must be recorded.

## **5. Roles and Responsibilities**

The Case Allocation Policy, mentioned before, clearly defines the remit of RCU and PPU.

Early consultation with the Central Referral Unit (CRU) is recommended.

## **6. Victim Engagement**

Victims of sexual crime should experience a seamless service between the PSNI, The Rowan (Sexual Assault Referral Centre), the Public Prosecution Service and any other service that may be availed of, for example health services.

Victim Support provides practical and emotional support to victims of crime, and particularly sexual crime, across Northern Ireland.

The Rowan provides 24 hour assistance to victims of sexual violence and abuse, whether they self-refer or make a report to the police, including forensic medical examinations. The service is jointly funded by the Police Service and the Department of Health. Please see the following link for information on the services of [The Rowan Sexual Assault Referral Centre \(SARC\)](#).

Victims who require immediate medical treatment or who present with chronic mental health issues **and** who are **actively** unwell, observed by their behaviour, should not be taken to [The Rowan](#). This includes being clearly intoxicated. While it is critically important to obtain evidence at the earliest opportunity, The Rowan is not the appropriate place, **at that time**, to take victims such as these, for the following reasons:

- They may present a risk to themselves and others;
  - they will not have the capacity to consent to a forensic medical examination;
  - The Rowan staff do not have the expertise to manage their presentations;
- or

- In the cases of chronic mental health they are likely to require specialist assessment and intervention.

It is vitally important to be victim focused in these situations. Therefore, officers will need to be aware of the need to assess/consider these matters at the outset, before contacting The Rowan. This will also warrant good liaison with response officers on those occasions where they too are involved. For example, it may warrant an individual being brought to a hospital Emergency Department or, in other cases, home.

In circumstances such as these, where a forensic medical examination is postponed, officers should give consideration to what advice needs to be relayed to the victim or other appropriate person, e.g. carer that may preserve evidential opportunities, for example, the retention of unwashed clothing, avoiding, where possible, eating or drinking. In appropriate circumstances, consider using an Early Evidence Kit. The Rowan has a high number of victims, both adults and children, who present with additional vulnerabilities; therefore it is imperative that District Uniform personnel, who transport victims of sexual crime to the centre, remain in the company of the victim. The uniform / transporting officer is required to complete a full briefing with the

Investigating Officer and The Rowan staff. The uniform officer is required to remain at The Rowan and then convey the victim to a place of safety following completion of the examination.

Where a reported case of Rape or Sexual Assault by Penetration (or Attempts) has occurred within the previous 7 days on a child or adult, the attending officer will commence a Sexual Crime Log, Form SCL/1.

In cases that are non-recent, i.e. in excess of 7 days, details will be obtained by the person who has initial contact.

All reports that relate to sexual crime, with or towards another person, where it has not resulted in attendance at The Rowan, the Investigating Officer should ensure that the victim is provided with information on the support services provided by The Rowan, including contact details, and encourage them to contact same. This should be recorded on the police system.

Importantly, officers should keep in mind when speaking with victims that tight timeframes do exist for the dispensation of medication for sexually transmitted infections, in particular HIV, and for emergency contraception. Medication given to help prevent HIV should be given as soon as possible, and must be started within 72 hrs of the assault. Emergency contraception may also be given as soon as possible and usually

within 72 hrs but can be given up to 120 hrs. The sooner medication to prevent HIV and emergency contraception is taken, the more effective it is. In cases where a victim chooses not to attend The Rowan or where a forensic medical examination is not required the 'Your Wellbeing' document is required to be completed and noted on the OEL. For further information contact The Rowan Nurse on call.

Where an adult victim is unwilling, at that time, to engage in the criminal investigation they must be advised that a forensic medical examination, if relevant, for DNA collection is still available.

Where an adult victim no longer wishes to co-operate with the investigation, it is recommended the following details be recorded:

- Whether the victim has been put under pressure to withdraw their support for the investigation;
- Nature of the original allegation – if not covered in a previous statement;
- The victim's reason for withdrawing support for a prosecution;
- The likely impact on the victim's life, and that of witnesses, or other people, if the case is continued.

If the victim refuses to make a 'withdrawal' statement then this fact and the stated

reasons must be recorded on the investigation log of the occurrence report and the officer's notebook.

Officers must follow the premise that a victim's report is accurate unless the victim informs them otherwise, or unless the investigation uncovers information that clearly contradicts the victim's account. Where evidence suggests an allegation is clearly false then consideration should be given to prosecuting the complainant for appropriate offences. Early liaison between the Investigating Officer, Supervisor and the Public Prosecution Service is encouraged.

The 'Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland' sets out a framework for joint working arrangements for victims who are children, as does, in the case of adults deemed 'vulnerable', the ['Protocol for Joint Investigation of Alleged and Suspected Cases of Adults in Need of Safeguarding'](#).

In cases involving child victims or victims who are adults in need of safeguarding, Police Officers and Social Workers should focus efforts from the outset on gathering evidence that does not only rely on the victim's statement. Police Officers and Social Workers are also responsible for ensuring that the victim, and any other

potential victim, is protected from the suspected offender.

Officers must also take cognisance of the statutory obligations placed upon them by the Victims Charter.

For information on Help Lines and other specialist counselling services that may be offered to victims go to [Sexual Violence: Directory of Services](#).

## 7. The Rowan

The Rowan, work with the PSNI to provide forensic medical examinations, for victims of sexual violence and abuse. It is the responsibility of the investigating officer to liaise with The Rowan to arrange the examination.

## 8. Suspect Considerations

The following are suspect considerations in the assessment of risk, not exhaustive:

- (i) Suspect has access to the victim
- (ii) Previous violence committed by the suspect and/or the use of a weapon
- (iii) Previous reports of sexual offences committed by the suspect
- (iv) Stalking activity by the suspect



- (v) Suspect previously committed burglary offences
- (vi) Child abuse and cruelty by the suspect
- (vii) Suspects social attitudes
- (viii) Victim's vulnerability due to disability, incapacity, age, location and opportunity
- (ix) Social isolation or vulnerability of the victim
- (x) Vulnerability due to being part of an 'at risk' group e.g. sex workers; young people at risk of child sexual exploitation.

Common Law Police Disclosure (CLPD) must be considered where there is a public protection issue relating to the suspect's work or in their volunteering capacity. This allows police to pass relevant information at the time of arrest or charge to the employer or regulatory body to allow them to act swiftly to put in measures to mitigate any dangers. Once information is provided under CLPD, PSNI are under no obligation to provide any further information about the individual in question. For further information contact the PSNI's Protective Disclosure Unit.

When dealing with all offenders, who are suspected of committing a sexual crime, consideration should be given to a referral to [zPPANIAdmin@psni.police.uk](mailto:zPPANIAdmin@psni.police.uk) on a PPANI 1. Other methods of managing risk

may also be considered e.g. Risk of Sexual Harm Order, Sexual Offence Prevention Order, Child Abduction Warning Notice or FGM Protection Orders.

Where it is suspected that an offender has died, confirmation, for example, in the form of a death certificate, must be sought. The investigating officer must assure themselves, through their enquiries and victim interview that no other person was involved in the abuse.

Officers should consider advising the suspected offender, if not already done so by a Forensic Medical Officer (FMO), about the risks of contracting a sexually transmitted infection following unprotected sexual activity and the need to seek medical advice.

In cases whereby a suspected offender discloses they have a contagious infection that may be harmful to others, this should be brought to the immediate attention of the Custody FMO who will consider matters of disclosure to The Rowan FMO.

In terms of suspect disposal, each type of disposal can have implications upon not only the victim but the wider community issues raised during an investigation of this nature. The often overt nature of scenes, searches and suspect arrest can create community tensions within that Local Police Team Areas. Communication with local

Intelligence hub, District personnel and PPU should be considered within all disposals to mitigate risk to individuals and adverse comment by the community, who will often seek explanations for the police activity.

There will be cases where it is appropriate for police not to grant bail. However, where bail is granted, it is considered best practice to consult with the relevant District as to potential bail addresses, conditions imposed and any requests for “passing attention” for victim or suspect addresses. Each circumstance will be different and police must be able to justify why a certain condition is imposed or address deemed not suitable for bail, particularly for Pre and Post charge Police Bail.

An information pack for suspected offenders arrested or interviewed for child sexual related offences, to help deal with some of the issues that may arise thereafter must be provided and a record made. The safety and welfare of the offender must be a key consideration in all investigations.

Where electronic or media storage devices are seized, either from the victim or the offender, regardless of the outcome of the investigation, if the device contains indecent images of a child, they cannot be returned.

## **9. Cases of Rape/Attempted Rape by a Stranger.**

Reviews of serious sexual offence investigations committed by ‘strangers’ are required if investigative opportunities are to be exploited and the trust and confidence of the victim maintained.

## Appendix A Contact Us

### Service Instruction Author

Public Protection Branch

### Branch Email

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