

Case 03 Issue 39 – Child sexual abuse		LEARNING THE LESSONS
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Police first responders handling of a reported rape of a 15 year old girl

Inappropriate response to a vulnerable victim of sexual assault who subsequently disengaged with the police, raising issues about:

- *Inappropriate manner of questioning*
- *Victim blaming language*
- *Providing incorrect or misleading information about process*
- *Accepting reports as truthful*

This case is relevant to the following areas:

Professional standards		Forensics and evidence gathering	
Public protection			

Overview of incident

Ms A contacted the police to report Miss B, a 15 year old girl she was the foster carer for, had returned to her address after being reported absent. On her return, Miss B told Ms A she had been raped. Ms A told the police and a note was created on the force system which said Miss B had been approached by a black man who asked if she wanted to smoke weed. He subsequently raped her.

Shortly after this report, PC C and PC D arrived at Ms A's address. PC C told the IOPC he believed he was there purely to find out where the incident had occurred. It was unclear why PC C believed this as force policy stated one of the "immediate actions" of an initial responding officer to a report of serious sexual assault is to obtain an initial account.

College of Policing Authorised Professional Practice (APP) – police response to concern for a child

"An investigation begins with a report of child abuse. Officers and police staff should establish as much detail as possible to support a thorough investigation. A victim or witness making a

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report may not always identify it as such. Police officers and staff need to ask relevant questions and clearly identify reports as child abuse.”

Find out more:

<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/concern-for-a-child/>

Once inside the property, Ms A asked the officers if she should leave them with Miss C. PC C replied “Unfortunately you’ve got to stay” because Miss B was under 18 years old. PC C confirmed Miss B was ok to discuss the matter with two male officers.

PC C asked Miss B to give details about where and what time the incident occurred. She said she had been raped in the stairwell of a multi-story car park. While Miss B was providing this information, PC D left the room. He said he was going to speak to a senior colleague. Body worn video footage captured the conversation PC D had with PS E. PC D told PS E a unit would need to go to the car park where Miss B said the incident had occurred. He was recorded saying it was one of the main car parks in the area and “... this has been going on for over an hour in the stairwell and people would have heard it and possibly seen it, and given that she’s an absentee, it might be a bogus one.” PS D said he would arrange for a unit to go to the car park. PC D reiterated he was making PS E “aware of my personal feelings on it, I know the protocol we’ve got to deal with it properly but it just seems a little bit odd already because of the timings.”

PC D spoke over the radio with DC F. PC D expressed similar concerns about the account of Miss B to DC F. He said “It’s one of the busiest car parks, people are gonna be coming in from shopping at that time into the town centre. Surely we would have had some calls on this and I don’t think we have.” DC F said he appreciated this but the scene needed to be secured. PC D said this was going to “be a protracted one so hopefully late turn are gonna come down and take over.”

DC F advised PC D of the need to secure Miss B’s clothing, early evidence and get her first account and refer it to the serious sexual offence unit. PC D said he was not going to do anything until other, late turn units had arrived but would make sure they attended with evidence bags. DC F said it may be appropriate to secure early evidence as soon as possible and asked if he was going to contact the serious sexual offence unit. PC D said he would do “in due course, once we have bottomed out what the full story is then we will do but let’s get that stairway secure and we will go from there.” PC D went back inside the room where PC C was speaking to Miss B. He was gone for approximately 12 minutes.

While PC D had been out of the room, PC C asked Miss B to go through what had happened. Miss B gave an account in which she stated she had met a “boy” and had gone to the car park to smoke with him. He forced her to have sex with him. Miss B confirmed she had never met this person before. PC C said “if you don’t know him and you’ve never met him before, why did you go to the stairwell with him?” There was an exchange between Ms A and Miss B about smoking weed, to which PC C said the “bigger concern at this moment in time is possibly the fact that you’re reporting to police that you’ve been raped.” Miss B said it was Ms A who was making the allegation, not her.

**The Children’s Society: appropriate language: child sexual and/or criminal exploitation
– guidance for professionals**

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“It is imperative that appropriate terminology is used when discussing children and young people who have been exploited, or are at risk of exploitation. Language implying that the child or young person is complicit in any way, or responsible for the crimes that have happened or may happen to them, must be avoided.

Language should reflect the presence of coercion and the lack of control young people have in abusive or exploitative situations, and must recognise the severity of the impact exploitation has on the child or young person.

Victim-blaming language may reinforce messages from perpetrators around shame and guilt. This in turn may prevent the child or young person from disclosing their abuse, through fear of being blamed by professionals. When victim-blaming language is used amongst professionals, there is a risk of normalising and minimising the child’s experience, resulting in a lack of appropriate response. “

Find out more:

<https://tce.researchinpractice.org.uk/wp-content/uploads/2020/02/Appropriate-language-Child-sexual-and-or-criminal-exploitation-guidance-for-professionals.pdf>

PC C said “the allegation has come from you... at the end of the day it’s going to be you standing in the... dock, giving evidence to say that you’ve been raped by a stranger.” He went on to say “The phone call to police is reporting that a crime has taken place. The allegation is you sitting here with me, writing out a lengthy statement saying that you are willing to go to the [Court] and stand up and say that you have been raped by a stranger and if we catch him he is to be convicted of that crime. That is not for your foster carer to make that decision that is for you to make that decision yourself.”

He continued “If you have been taken into a stairwell and you have been asked to perform a sexual act on a male that you do not know and you are saying that he has had sexual intercourse with you without your consent you are telling me that you have been raped. If it is not as simple as that and you want to discuss it with me without your foster carer being here, we can do that.” It may be questioned whether this was in keeping with the force’s first principle for investigating serious sexual offences , which is that reports will be accepted “in the first instance as being truthful.”

Miss B confirmed she had been asked to perform a sexual act without giving her consent. PC C said “so you’re telling me you’ve been raped?” Miss B said “Yeah.”.

There was no suggestion in any of the footage that PC C discussed Miss B’s potential eligibility for special measures if the matter went to court. Under the *Youth Justice and Criminal Evidence Act*, Miss B met both the criteria to be considered a vulnerable witness, as she was under 18; and an intimidated witness, as she was the victim of a serious sexual offence.

PC C asked if Miss B wanted to “go ahead and make an allegation of that and provide all details that I need to take from you. It means that you will need to go to a medical centre.” By medical centre, PC C was referring to a Sexual Assault Referral Centre. Miss B said she was planning to do so. The IOPC found PC C used language which force guidance suggests should be avoided when dealing with rape and serious sexual offences. The evidence showed he referred to an “allegation” 10 times during this conversation.

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The body worn video showed Miss B place her head in her hands. PC C asked if she wanted to “discuss it”. Ms A asked whether the condom Miss B had mentioned was still at the scene. Miss B said she did not know what the man did with it.

In Miss B’s initial account, she said she had told the man she did not want to get pregnant. PC C said to Miss B “But if you said to him, I don’t want to get pregnant, then is that you? What made you say that? What, did you not tell him to stop?” Miss B said she had been clear in telling the man she did not want to have sex with him “but if you’re really gonna do it, at least have the decency to wear a condom.”

PC C asked “what are you wanting the police to do for you?” Miss B said she wanted the man to “get what he deserves, but at the same time I’m not in it to be labelled as a snitch.” PC C asked if this meant Miss B did not want to report the incident, but she said she did. PC C said “are you going to go to court?” Miss B can be seen on the body worn video to nod her head.

PC C gave Miss B details about what the checks at the Sexual Assault Referral Centre would involve. Miss B said she did not feel comfortable with the checks that would be carried out. PC C said “if you do not go through that we cannot help you.” PC D added “we can’t wait, there’s a time limit on what’s got to happen.” PC C continued “and unfortunately you don’t get to pick and choose what parts you do and what parts you don’t do, it’s either the whole thing or nothing.” Attendance at the Sexual Assault Referral Centre is completely voluntary on the part of the person reporting an offence. Once someone has attended the Sexual Assault Referral Centre, they are under no obligation to support a prosecution. It is unclear why PC C made these comments to Miss B.

Miss B responded “then we can just leave it as nothing, cos there’s things I don’t feel comfortable with.” PC C said “so you’re not gonna report to us the rape?” Miss B said “I already told you”. When asked if there was a yes or no, she said “No”.

Miss B said she had already provided details, but PC D said “This is just the start of it.” Miss B said “You’ve asked me to tell you what happened and I’ve told you what happened.” PC D said “Unfortunately you’re gonna have to repeat this story.” Miss B acknowledged this and said “Yeah in a court room”. PC D told Miss B “this is a long process, we do the initial bit and we’ve got a long way to go yet. So we’ve got to get some details from you and it’s up to you how much co-operation you want to give us... you need to be aware that as soon as you venture into this, you can’t come out of it.” Miss B said “It’s such a hard decision for me to make... you lot are basically pestering me to make this decision.” PC C said he understood “but you’re 15 so you need to just make that decision” within the hour. Ms A told Miss B to go to her room and think about what she wanted to do. Around this time, both PC C and PC D switched off the body worn video recording.

In his statement to the IOPC, PC D said when Miss B came out of her room “her demeanour had changed and she seemed more relaxed.” This was not recorded on body worn video. PC D said Miss B eventually agreed to begin handing over clothing.

Shortly after, PC G and PC H arrived at the address. PC D advised them he did not have an early evidence kit, but they said they had one. Soon after, PC C and PC D left the address and returned to the police station.

PC G and PC H told the IOPC that PC C and PC D told them Miss B “would not engage with them” and “her story had discrepancies in it”. PC H later recorded the incident as a crime.

Type of investigation

IOPC independent investigation.

Outcomes for officers and staff

PC C

1. PC C, the officer who questioned Miss B while PC D left the room, was found to have a case to answer for gross misconduct in respect of the allegations he:
 - questioned a vulnerable victim of sexual assault in a manner where she disengaged and refused to co-operate
 - showed signs of suspicion and doubt which contributed to the victim losing trust and confidence in the police
 - coerced the victim to change her mind by giving the victim misleading and incorrect information
 - failed to conduct an initial investigation as per the first responder checklist (which lists the minimum level of investigation required)
 - failed to intervene or challenge the way in which another officer communicated with the victim
 - failed to record the first account provided by the victim via EAB, pocket note book or any other means, as per the first responder checklist
 - failed to show the victim any respect, compassion or empathy when dealing with a vulnerable minor
 - provided inaccurate information to late turn officers and his superiors that the victim was not willing to engage with him
2. PC C received a final written warning.

PC D

3. PC D, the officer who left the room to speak to a senior officer, was found to have a case to answer for misconduct in respect of the allegations he:
 - questioned a vulnerable victim of sexual assault in a manner where she disengaged and refused to co-operate
 - showed signs of suspicion and doubt which contributed to the victim losing trust and confidence in the police
 - coerced the victim to change her mind by giving the victim misleading and incorrect information
 - failed to intervene or challenge the way in which another officer communicated with the victim
 - failed to conduct an initial investigation as per the first responder checklist (which lists the minimum level of investigation required)
 - failed to record the first account provided by the victim via EAB, pocket note book or any other means, as per the first responder checklist
 - failed to show the victim respect, compassion or empathy when dealing with a vulnerable minor

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- provided inaccurate information to late turn officers and his superiors that the victim was not willing to engage with him
 - discredited the victim's account and reported to the duty sergeant that the account given was untrue
4. PC D received a written warning.

Questions to consider

Questions for policy makers and managers

1. What guidance or advice does your force give to support officers in recording initial accounts from vulnerable victims of crime?
2. How does your force equip officers to communicate with victims with respect, compassion and empathy?
3. What training does your force give to officers and staff on avoiding victim blaming language and behaviours?
4. Does your force give officers clear guidance on how body worn video should be used when capturing initial accounts?
5. What training does your force provide on the importance of the 'victim or child's voice' being heard?
6. What training does your force deliver to officers on trauma informed practice, particularly with care experienced young people?
7. How does your force make sure officers specifically trained in dealing with vulnerable young people are sent to incidents where their skills may be required?
8. Given the age of the victim, how would you have expected officers to provide information about the forensic examination and role of the Sexual Assault Referral Centre?

Questions for police officers and police staff

9. What would you have done differently?
10. How would you have dealt with the girl's concerns about giving evidence differently?
11. What advice would you have given the girl about access to support services and next steps in the investigation?
12. Do you know what your local Sexual Assault Referral Centre offers by way of services for young people?
13. How would you explain what a medical examination involves to a young person who had been the victim of a sexual assault?

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14. How do you think the behaviours of the officers involved impacted on the girl's ability to disclose?