

25 January 2013

Your Ref:

Our Ref: 0864/12

Mr Alistair P Sloan
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Dear Mr Sloan

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0864/12

I refer to your request for information dated 17 November 2012, which was received by Strathclyde Police on same date. I now have the remainder of the information you requested. I again apologise for the delay in responding to you.

I am writing to request information from the Chief Constable of Strathclyde Police pursuant to the provisions of the Freedom of Information (Scotland) Act 2002. The information I request relates to guidance issued to police officers.

I seek from Strathclyde Police the content of any documents issued to Police Officers which are designed to provide guidance on or instruction as to the investigation or management of the following:

- (a) Sexual Offences*
- (b) Missing persons*
- (c) public order offences*

In relation to the Sexual Offences SOP your request has now been considered and on 25 January 2013, a decision was made to provide some of the information requested by you. Some of the information requested by you is, however, considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Strathclyde Police to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

With regards to the Sexual Crime Investigation SOP I can provide you with the information detailed below. Please note that the under-noted has been redacted.

- 1.11 – Telephone Number
- 2.6.2 – 2.7.7 – Investigative Techniques

3.4.11 – Email Address
3.7.1 – 3.7.3 – Investigative Techniques
5.1.5 – Investigative Techniques
5.2.6 – Investigative Techniques
6.1.2 & 6.1.3 – Investigative Techniques
6.6 – Investigative Techniques
6.7.2 & 6.7.3 – Investigative Techniques
6.8.2 & 6.8.6 – Investigative Techniques
6.9 – Investigative Techniques
6.10 – Investigative Techniques
7.2.5 – Telephone Number
7.5.3 – Telephone Number
8.2.1 – Investigative Techniques
9.3.5 – Telephone Number
14.1.2 & 14.1.4 – Investigative Techniques
16 – Contact Numbers
Page 46 – Page 57 Appendices – Investigative Techniques

The exemptions applicable to the information are as follows:

Section 30(c) – Prejudice to effective conduct of public affairs

The information is exempt information if its disclosure under this Act would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs. The telephone numbers and email address are not public and are used for operational reasons. To disclose these may result in members of the public constantly phoning the number or emailing and therefore interrupting the daily duties of the Departments.

This is a non absolute exemption and requires the application of the Public Interest Test.

Section 35(1)(a)&(b) – Law Enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

The information relates to specific investigative techniques in relation to Sexual Offences.

It is well known that the investigation of rape and serious sexual crime is one of the most challenging and demanding aspects of contemporary investigatory police work and invariably an extremely sensitive and difficult situation for victims. Disclosure of the information would give the offender a better understanding of Police techniques in relation to such situations and could prevent the detection or apprehension of the offender/s.

This is a non absolute exemption and requires the application of the Public Interest Test.

Public Interest Test

With regards to the telephone numbers and email address I can find no public interest consideration that favour disclosure and the information favours non-disclosure as it may compromise the effective conduct of public affairs.

With regards to the remaining sections, there is an argument that public accountability would favour disclosure as the information requested concerns the efficient and effective use of resources by the Force and whether we have sufficient procedures in place for investigation Sexual Crime. That said I would contend that the need to ensure the effective conduct of the

Force in relation to the prevention and detection of crime in relation to such serious and sensitive crimes favours retention of the information.

1. INTRODUCTION

- 1.1 The crime of rape has been referred to as the worst survivable crime.
- 1.2 The aim of this Standard Operating Procedure (SOP) is to assist officers in providing every victim with a professional and sensitive approach; treating all with respect and dignity in compliance with Force Policy. **The needs of the victim must be the paramount consideration at all times.**
- 1.3 The nature of rape and other serious sexual offences presents considerable evidential challenges. Investigations must be rigorous and thorough in all aspects to ensure the best evidence available is secured. People must have the confidence that their complaint will be taken seriously and professionally.
- 1.4 The [Sexual Offences \(Scotland\) Act 2009](#), hereinafter referred to as '[the Act](#)', details that sexual crime is not gender specific and the means by which such crimes can be committed is extended beyond that previously defined. It follows that the type and number of victims of such crime are extremely diverse.
- 1.5 This SOP is to be viewed and utilised as a reference document for officers. References and links to external documents are provided where appropriate and required.
- 1.6 Strathclyde Police is committed to supporting victims of rape and other sexual offences from the time of report and throughout the investigation; providing a service in a professional and supportive manner and conducting thorough and rigorous enquiry into all reports made. Victims expect and are entitled to a professional level of service affording them respect, time and re-assurance.
- 1.7 '[The Act](#)' came into effect on 01 December 2010. The Act is the predominant legislation in relation to sexual offences reported after that date. Previous legislation should be utilised for any offences reported after this date which occurred prior to this date. For reference refer to the [Sexual Offences \(Scotland\) Act 2009 - New and Old Offences - Comparative Checklist](#) which is hosted on the [Crime Division Mini-Site – Crime Guidance – Rape and Serious Sexual Assault section](#).
- 1.8 This legislation does not require proof of force for sexual offences and defines the concept of consent under the terms of 'Free Agreement'. [Sexual Offences \(Scotland\) Act 2009](#).
- 1.9 For the purposes of this SOP, a serious sexual crime/offence may include any of the following offences committed against the person and is not gender specific:
 - Any offence under the '[The Act](#)'
 - Abduction with intent to rape;
 - Assault with intent to rape;
 - [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#)
 - Sections [1](#) and [2](#) (incest and related offences);
 - Section [8](#) (abduction and unlawful detention);

- Section [10](#) (seduction, prostitution, etc of girl under 16);
 - Attempting to commit any of the offences set out in paragraphs above.
- 1.10 It should be noted that whilst some common law crimes and statutory offences were repealed following the launch of '[The Act](#)', offences in respect of sexual crimes that occurred before 01 December 2010 should be reported in accordance with the common law/statute in force at the time of the offence. Once again, to assist with this reference can be made to the [Sexual Offences \(Scotland\) Act 2009 - New and Old Offences – Comparative Checklist](#).
- 1.11

2. ROLE SPECIFIC RESPONSIBILITIES

2.1 VICTIM WELFARE

- 2.1.1 It is crucial that throughout the police investigation the views of the victim are listened to and their welfare considered at all times. All Members of Police Staff and Officers having contact with the victim, in whatever capacity, are responsible for this.

2.2 ALL OFFICERS

- 2.2.1 **All Members of Police Staff and Officers engaging in the initial contact with the victim must consider the following:**

- **Safety of the victim is paramount.** Assess the victim's situation and take action if required to ensure their safety. The victim's whereabouts (if a telephone contact) and current circumstances should be established including whether there is any potential danger to children or any other person.
- **Medical welfare of the victim is paramount.** If the victim requires medical attention ensure this is obtained. This is not specific to the sexual assault. Any and all medical welfare issues should be addressed. Refusal or there being no requirement for medical attention should be recorded.
- **Reassure the victim** and advise of next course of action.
- So long as this is compatible with the medical needs of the victim, **secure productions which may be lost to the enquiry if action is not taken at this early stage**

ALL OFFICERS SHOULD BE CONVERSANT WITH THE CONTENT OF THE ["FIRST CONTACT" DVD](#) – Investigation of Sexual Offences. Supervisors should ensure officers under their direction are aware of above.

2.3 PUBLIC SERVICE CENTRE

- 2.3.1 The Public Service Centre may often be the first point of contact between the victim and police. Call takers must ensure sufficient details are obtained from the caller to assess their safety and allow the appropriate deployment of officers. The call may originate from the victim or any other person.

2.3.2 The caller is making a current report of sexual crime. The date of crime is irrelevant. The level of response will be in accordance with the [Force Incident Attendance Policy](#).

2.3.3 With consideration to the welfare and safety of the victim and the trauma they will have experienced, Public Service Centre staff should ensure they:

- Obtain full details of the victim and suitable contact details
- Obtain full details of the reporter if different from victim and suitable contact details
- Ensure sufficient details are obtained from the caller to establish the nature of the crime, date/time it occurred, locus, suspect details and if possible location.
- Ensure the call is correctly managed and progressed.

2.4 AREA CONTROL ROOM

2.4.1 Area Control Room (ACR) staff may also be a first point of contact for victims. The call may originate from the victim or any other person.

2.4.2 The caller is making a current report of sexual crime. The date of crime is irrelevant. The level of response will be in accordance with the [Force Incident Attendance Policy](#).

2.4.3 With consideration to the welfare and safety of the victim and the trauma they will have experienced they should:

- Ensure sufficient details are obtained from the caller to establish the nature of the crime, date/time it occurred, locus, suspect details and if possible location.
- The report must be correctly coded on System for Tasking and Operational Resource Management (STORM) and all available information recorded on same.
- On receipt of a complaint of rape or serious sexual offence, contact should be made with the uniform supervisor of the initial attending officers.
- Ensure Criminal Investigation Department (CID)/Family Protection Unit (FPU) supervisors for division of incident are made aware.
- The ACR as per procedures will ensure an incident is restricted where appropriate.
- All incidents must be **fully updated and assigned the appropriate disposal code** prior to any incident being closed.

2.5 BAR STAFF

2.5.1 **Officers and Members of Police Staff responsible for the uniform bar,** dealing with the public, will often be the first point of contact for victims of sexual crime.

2.5.2 **Additional** Bar Staff responsibilities include the following:

- A first impression can only be made once. Staff must ensure they remain professional and supportive towards the victim, who is likely to be the main source of information and evidence in respect of the crime they are reporting. The victim should be in receipt of the staff members' full attention and actions fully explained, e.g. the need for the request of uniform/specialist officers to progress the enquiry. Full and willing engagement of the victim is paramount for the progression of any enquiry.
- The victim should be removed from the Public Bar area and should not be left unattended during this initial reporting phase.
- Initial attending staff should also at the earliest opportunity note the following:
 - Any notable injuries to the victim
 - Victim demeanour
 - Any other relevant observations
- Immediate contact should be made with a police supervisor.

2.5.3 The victim should not be subject to in depth questioning at this stage. Details obtained at this point should be in relation to the following:

- Establish crime reported
- Date/time of occurrence,
- Locus,
- Suspect details
- Location where possible, to ensure correct deployment of officers and coding of crime.

2.5.4 Such information should be contained in any subsequent operational statement.

2.5.5 Staff must ensure a STORM incident is created and full details recorded for the Control Room.

2.6 **OPERATIONAL/RESPONSE - OFFICERS**

2.6.1 Operational/Response officers will most often be the first physical point of contact a victim will have with police. Rapport with the victim at this stage cannot be over emphasised.

- A first impression can only be made once. Officers must ensure they remain professional and supportive towards the victim, who is likely to be the main source of information and evidence in respect of the crime they are reporting. The victim should be in receipt of the

officers' full attention and police actions fully explained, e.g. the need for the use of an Early Evidence Kit, (EEK) requirement for seizure of clothing and the introduction of specialised officers. Full and willing engagement of the victim is paramount for the progression of any enquiry.

- The victim should not be left unattended during this initial reporting phase.
- The following considerations are **NOT EXHAUSTIVE** and serve as a guide.

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2.6.3

2.6.4

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2.6.6

2.7.7

2.8 **OPERATIONAL/RESPONSE – SUPERVISORS**

- 2.8.1 The ACR has a duty to inform Operational/Response supervisors of officers attending a report of rape or serious sexual offence.
- 2.8.2 The supervisor will maintain contact and provide support to attending officers and will liaise with the CID/FPU regarding progression of any incident; including appropriate preservation of the locus and seizure of relevant productions where necessary.
- 2.8.3 SOLO will on occasion be deployed from Operational/Response resources. Discussion regarding deployment will take place between the relevant supervisor and the SIO. For Deployment of a SOLO see Force Deployment procedures – [Paragraph 3.1](#). Operational/Response resources may also be required for locus management.
- 2.8.4 Where reports of a less serious nature are received, discussion will take place between operational/response supervisors and the CID/FPU. Such circumstances may be progressed by operational/response resources where considered appropriate.
- 2.8.5 Supervisors should ensure that any operational statements are submitted prior to the end of the tour of duty.

2.9 **FAMILY PROTECTION UNIT/CRIMINAL INVESTIGATION DEPARTMENT – DETECTIVE OFFICERS**

- 2.9.1 Detective officers will be allocated their role by a supervisory officer, be this as a SOLO or enquiry officer.
- 2.9.2 The SOLO will perform their duties as per SOLO training. Duties are noted at 'SOLO - Responsibilities' – [Paragraph 3.6](#).
- 2.9.3 Enquiry officers will ensure the SOLO is kept updated with progression of enquiry and ensure relevant updates are provided for the SIO. Enquiry officers will ensure actions carried out by them are entered on the Crime Management System (CMS). Any additional information requiring to be

submitted as intelligence will be submitted on the Scottish Intelligence Database (SID) by the enquiry officer.

- 2.9.4 Officers should ensure the STORM Command and Control System is updated appropriately. Where applicable this should include a Crime Report (CR) Number and sufficient information to ensure the correct disposal code is applied. If an enquiry does not lead to a CR being raised then the STORM incident should be updated to justify why it does not meet the criteria laid down by the Scottish Crime Recording Standard.
- 2.9.5 Details of an officer's role during medical examinations at Archway Glasgow: Sexual Assault Referral Centre (SARC) or with a Forensic Medical Examiner (Police Casualty Surgeon) are detailed under 'Forensic Medical Evidence' – [Paragraphs 6.3](#) and [6.5](#).
- 2.9.6 Further details of a Detective Officer's duty are retained in the [Association of Chief Officers in Scotland \(ACPOS\) Scottish Investigators' Guide to Serious Sexual Offences](#).
- 2.9.7 Further investigative considerations are contained within the [ACPOS/Crown Office and Procurator Fiscal Service \(COPFS\) Guidance for the Investigation and Prosecution of Serious Crime Protocol](#).

2.10 **FAMILY PROTECTION UNIT/CRIMINAL INVESTIGATION DEPARTMENT - SUPERVISORS**

- 2.10.1 ACR staff have a responsibility to notify CID/FPU supervisors where there has been a report of rape or serious sexual offence.
- 2.10.2 Consideration should be given to the deployment of a SOLO in line with the SOLO - Force Deployment Procedures – see [Paragraph 3.1](#). The enquiry team will then be identified by CID supervisors.
- 2.10.3 **OUTWITH DAYSHIFT HOURS:** The Senior CID Officer on duty within the division responsible for the enquiry will identify and appoint a trained SOLO. Where it is considered necessary and in line with local arrangements this may be in consultation with the on-call Duty Detective Inspector (DI) the division.
- 2.10.4 **WELFARE:** Supervisors who have responsibility for officers regularly deployed to serious sexual crime incidents, must ensure they have an awareness of support mechanisms available to officers and offer such services and make referrals where appropriate. For further information see [Staff Welfare –Section 15](#).
- 2.10.5 **CROWN OFFICE AND PROCURATOR FISCAL SERVICE (COPFS):** Where it is identified at an early stage that an enquiry is in respect of significant serious sexual crimes, consideration should be given to contacting COPFS at the outset to facilitate early input from the prosecutor's perspective. The National Sex Crimes Unit have on occasion assigned an Advocate Depute to liaise with the (SIO).

2.11 **SENIOR INVESTIGATING OFFICER:**

- 2.11.1 A SIO of Detective Inspector rank or above will be appointed to all rape enquiries ([Common Law Rape](#) and Section [1](#) and [18](#) of 'the Act').
- 2.11.2 For all other serious sexual crime to which this SOP applies the appointment of an SIO at a rank appropriate to the scale and severity of the investigation will be directed by Divisional CID senior management.
- 2.11.3 SIO duties will include the appointment and direction of an enquiry team incorporating the appointed SOLO as well as management of the Crime Report as detailed below.
- 2.11.4 All crime reports when they are allocated to an SIO will contain the wording as detailed in Paragraphs 2.11.5 and 2.11.6, which will assist with the direction of the investigation.

Note: Except in instances where the SIO decides to maintain a formal 'Policy File' the electronic CR will be the single source document used to record all SIO directions and considerations relative to the investigation.

2.11.5 All Rape crime reports which are undetected after 21 days will be subject of a Procedural Review - Name, rank of the SIO and details of the SIO's initial lines of enquiry. Was a Crime Scene Manager and/or SOLO appointed to the enquiry? The SIO should update the time/date when the SOLO was deployed. The SOLO should update the time/date when they first met the complainer. Record decisions in respect of a forensic medical, if not conducted at Archway Glasgow, record the reason. Record decisions in respect of a media strategy, Policy File and what steps were taken to trace any named suspect. In respect of sexual offences, a SID Log is to be raised at the beginning and the end of the enquiry in case of any disclosure issues. Whenever a SID Log is raised an update should be put on the CR.

2.11.6 If, after 28 days, the crime report remains undetected or has been "no crimed" then a full Investigatory Review will be undertaken.

2.11.7 An SIO will ensure the actions detailed are addressed and recorded.

2.11.8 The decision as to whether an SPR2 is to be submitted in respect of any rape investigation rests solely with the SIO.

2.11.9 The SIO will retain responsibility for the identification and retention of all documentation and productions in respect of rape investigations. Documents and productions will be retained indefinitely in line with homicide protocols.

2.11.10 The SIO will ensure briefing of the SOLO prior to deployment and any re-interview of a victim.

2.11.11 The SIO will ensure completion of the SOLO deployment monitoring form, providing comment where applicable on SOLO suitability, standard of statement etc.

3. SEXUAL OFFENCE LIAISON OFFICER

3.1 SOLO DEPLOYMENT

3.1.1 A SOLO will be deployed to enquiries in respect of Relevant Offences as listed below. **This includes reports of historical offences whereby the offence in question is one which if committed currently would be investigated as one of the Relevant Offences.**

3.1.2 **Relevant Offences:** A SOLO will be deployed in respect of the following:

- [Section 1](#) of '[the Act](#)', - Rape.
- [Section 18](#) of '[the Act](#)', - Rape of a young child.
- Abduction with intent to commit any of the above offences.
- [Section 2](#), of '[the Act](#)' – Sexual assault by penetration.
- [Section 19](#), of '[the Act](#)' - Sexual assault on a young child by penetration.
- [Section 20](#), of '[the Act](#)' - Sexual assault on a young child.
- Attempts to commit any of the above offences
- [Section 46](#), of '[the Act](#)'- Sexual abuse of trust of a mentally disordered person.
- [Incest](#).
- [Rape](#) – Common law pre Dec 2010
- [Lewd, Indecent & Libidinous Practices](#) – Common law pre Dec 2010
- [Section 3](#), of '[the Act](#)'- Sexual assault (where the S.I.O. considers the seriousness of the assault is such that the appointment of a SOLO is necessary).
- Any other sexually motivated offence of a serious nature (where the S.I.O. considers the appointment of a SOLO is necessary).

3.1.3 **Consideration should also be given to a SOLO being deployed in respect of the following:**

- | | |
|---|---|
| • Section 21 , of ' the Act ' | Causing a young child to participate in a sexual Activity. |
| • Section 22 , of ' the Act ' | Causing a young child to be present during a sexual activity. |
| • Section 23 , of ' the Act ' | Causing a young child to look at a sexual image. |
| • Section 24 , of ' the Act ' | Communicating indecently with a young child. |
| • Section 25 , of ' the Act ' | Sexual exposure to a young child. |
| • Section 26 , of ' the Act ' | Voyeurism towards a young child. |

3.2 DEPLOYMENT PROCEDURE

3.2.1 DAYSHIFT HOURS

3.2.2 A Detective Inspector (DI) within the division responsible for the enquiry should identify and appoint a trained SOLO. Where possible this should be in discussion with the Divisional SOLO Co-ordinator.

- 3.2.3 Where possible the relevant DI should make contact with the SOLO and/or their line-manager, prior to making a final deployment decision, to consider issues such as current SOLO deployments, planned annual leave, etc; which may affect the officer's ability to provide an appropriate service to the victim.

3.3 **OUTWITH DAYSHIFT HOURS**

- 3.3.1 The senior CID Officer on duty within the division responsible for the enquiry will identify and appoint a trained SOLO. Where it is considered necessary and in line with local arrangements, this may be in consultation with the on-call Duty DI for the Division and an officers' line manager.

3.4 **DEPLOYMENT**

- 3.4.1 Having identified that an incident relates to a report of one of the Relevant Offences, a SOLO will be appointed to the victim without undue delay. (This is part of any subsequent review of the enquiry. Deploying officers should record reasons for any delay in appointing a SOLO.)
- 3.4.2 In circumstances where delay in deploying a SOLO is unavoidable, only basic details should be taken prior to their attendance.
- 3.4.3 The SOLO will be deployed from within the division responsible for the enquiry. (Use can be made of the Contact Database on System to Co-ordinate Personnel and Establishment (SCOPE) to establish which officers are available.)
- 3.4.4 Where the victim is a child every effort should be made to deploy a SOLO who is also trained in Joint Investigative Interviewing (JII) as these skills and experience are likely to prove useful. If the enquiry relates to a child victim who is reporting a familial matter, the SOLO deployed MUST also be trained in JII.
- 3.4.5 In circumstances whereby a JII trained officer participates in an interview with a young child and a serious sexual crime is disclosed, the interview should continue to its natural conclusion at which point advice should be sought from the SIO.
- 3.4.6 As soon as a SOLO has been identified, the officer currently attending to the victim should be notified and the victim informed of the SOLO name and a realistic estimate of time of attendance at their locus.
- 3.4.7 In enquiries which are or are likely to become protracted, consideration will be given to the deployment of an additional SOLO to increase resilience.
- 3.4.8 Where it is absolutely necessary for the removal of a SOLO from an enquiry, another trained SOLO must be identified and the victim visited by both SOLO officers to explain the changeover and introduce the newly deployed officer.
- 3.4.9 At the conclusion of the enquiry the SOLO will, in discussion with the SIO, establish a suitable exit strategy; ensuring that the victim has appropriate agency contact information or referral and/or details of Victim Information and Advice (VIA) following discussion with a representative from the Crown Office and Procurator Fiscal Service(COPFS).

- 3.4.10 Each SOLO involved in an incident must ensure the completion of [Force Form 3:1:53 – Sexual Offences Liaison Officer Deployment Monitoring Form](#) with details of any involvement they have had. The SOLO must ensure the Form is submitted to the SIO for comment and onward transmission to the Divisional Co-ordinator. This form will be completed by SOLO officers following ALL deployments as a SOLO regardless of the timescale or extent of any subsequent enquiry. The exact time at which this form is completed will be agreed in discussion with the Divisional SOLO Co-ordinator. Having completed the relevant sections the SOLO will pass the form to the S.I.O., who will add their comments and forward the form to the Divisional SOLO Co-ordinator.
- 3.4.11 The Divisional SOLO Co-ordinator will process the information contained in the [Force Form 3:1:53 – Sexual Offences Liaison Officer Deployment Monitoring Form](#) maintain records of SOLO deployments. They will then submit the form to the Force SOLO Coordinator. (Transmit by e-mail directly to

3.5 SOLO COORDINATION

- 3.5.1 A Detective Inspector (DI) shall be appointed within each Division to the role of Divisional SOLO Co-ordinator. The Force Public Protection Unit (FPPU) will retain a list of all Divisional SOLO Coordinators.
- 3.5.2 An officer of the rank of DI or above within the FPPU shall be appointed to the role of Force SOLO Co-ordinator.

3.5.3 FORCE SOLO CO-ORDINATOR ROLE:

- Maintain a list of contact details for Divisional SOLO Co-ordinators.
- Notify Divisional SOLO Co-ordinators of identified good practice and learning issues which affect SOLO across the Force.
- Provide details of Force Policy in respect of the use of SOLO to Divisional SOLO Co-ordinators.
- Chair quarterly meetings with Divisional SOLO Co-ordinators.
- Provide support to S.I.O.
- Provide regular updates to the Force representative on the Association of Chief Police Officers in Scotland (ACPOS) Sexual Crime Working Group in respect of SOLO issues discussed at that forum.

3.5.4 DIVISIONAL SOLO CO-ORDINATOR ROLE:

- Ensure trained SOLO within the Division are entered appropriately on SCOPE.
- Ensure skill maintenance and training needs are addressed & adhered to for all officers deployed as SOLO and hold regular meetings with Divisional SOLO Ensure training opportunities are considered and attended.
- Where possible make arrangements for less experienced SOLO to shadow a more experienced officer in the role.

- Provide advice and assistance to the divisional Detective Chief Inspector and DI in respect of all aspects of SOLO.
- Maintain accurate records and recording mechanisms for SOLO deployment monitoring forms.
- Provide regular updates to the Force SOLO Co-ordinator to in respect of deployments and highlight areas good practice and learning.
- Identify and address any welfare issues in respect of SOLO. For further information see [Section 15 – Staff Welfare](#).
- Provide support to SIO.
- Ensure relevant officers within the Division are aware of the Co-ordinator's role.

3.6 SOLO RESPONSIBILITIES

3.6.1 The SOLO provides the critical link between the victim, SIO and the enquiry team in all serious sexual crime investigations. The SOLO should, unless there are pressing reasons to the contrary be an integral part of the enquiry team.

3.6.2 The role of the SOLO is wide and varied and will include aspects of the enquiry linked to interviewing, legal/procedural issues, and all matters surrounding the victim including medical/forensic/production matters. Duties include the following:

- Obtain initial full statement from victim. A key element of a Sexual Assault investigation is the victim's statement as it is essential evidence gathering. Any mistake made by an officer during the interview can have a negative effect on the victim's credibility and continued cooperation. There are a wide range of factors to be considered when deciding on the timing of the victim interview and best practice is for all cases to be assessed individually depending on both the welfare of the victim and the needs of the investigation. (see [Paragraph 3.7](#) - Interview Considerations)
- Arrange and attend medical examination and brief attending doctor. (Details required for the organisation of the examination and officer duties are detailed in [Section 6 - Forensic Medical Evidence](#).)
- Conduct **all** subsequent investigative interviews with the victim including the noting of any retraction or withdrawal of complaint and reasons for doing so from the victim.
- Provide external agency referral information to the victim.
- Ensure ACPOS and Rape Crisis Scotland Referral Procedures are completed. (See [Appendix 'A' – Victim Referral – ACPOS/Rape Crisis Scotland Information Sharing Protocol Procedures](#).)
- Keep the victim advised of progress of enquiry until submission of a report to the COPFS or to the point it is clarified there will be no report. Liaise with VIA if the matter is reported to the COPFS.
- Support victim in respect of all police procedures e.g. identification of locus, Video Identification Parade Electronic Recording (VIPER).

- Ensure the SIO is fully updated with all appropriate information in relation to the victim.
- Ensure SOLO Deployment Monitoring Form is completed and submitted.
- Conduct any further enquiry as may be instructed by the COPFS.

3.7 INTERVIEW CONSIDERATIONS:

3.7.1

3.7.2

3.7.3

3.7.4 The victims' statement should be noted on Force statement forms

- [Witness Statement – Non Disclosable Info - Force Form 5:35:3 A,](#)
- [Witness Statement - Disclosable Info - Force Form 3:35:3 B,](#)
- [Witness Statement – Non Disclosable Info Continuation Sheet Force Form 5:35:3 C,](#)
- [Witness statement – Disclosable Info Continuation Sheet Force Form 5:35:3 D](#)

Note: All aforementioned forms are hard copy forms.

3.7.5 Where practicable, a dedicated interview suite should be utilised for the victim interview. If such a suite is unavailable, a suitable office away from public view should be used. If the victim is more comfortable being interviewed at home and the locus is not those premises, consideration should be given to meeting this request.

3.7.6 Officers should bear in mind that there can often be distractions within the home address and so alternatives should be considered. Organisations such as Rape Crisis may be contacted to provide possible accommodation for the purpose of interviewing a victim. The opinions of the victim should be taken into consideration in deciding this issue.

3.7.7 Interviews must not be held in rooms used for suspect or accused persons to avoid any cross contamination.

3.7.8 Whilst cognitive interviews are a tactical consideration for any SIO their use in connection with serious sexual crime must be considered carefully. Officers must be mindful of the requirement for the victim to 'revisit' the crime and the subsequent impact it may have on the victim's welfare. Only officers trained to the national standard should carry out cognitive interviews.

4. CHILD VICTIMS

4.1 The Safety and Wellbeing of the child is paramount.

4.1.1 Child victims of sexual crimes should be interviewed in accordance with [Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland.](#)

- 4.1.2 Child Protection Procedures must be adhered to. For further guidance see [Child Protection SOP](#).

4.2 **CHILD VICTIMS/WITNESSES**

- 4.2.1 To ensure the best level of service is provided to the child, officers conducting interviews should be trained in JII and as a SOLO.
- 4.2.2 Where an interview is conducted jointly with Social Work partners, at the briefing stage, after discussion, the choice of lead interviewer will be made by the Briefing Supervisor. The police officer involved should as stated, be JII trained and a trained SOLO.
- 4.2.3 In circumstances whereby a JII trained officer conducts an interview with a young child and a serious sexual crime subsequently comes to light during that interview, the interview should continue to its natural conclusion at which point advice should be sought from a SIO.

4.3 **RESPONSIBLE ADULT**

- 4.3.1 When interviewed as a suspect person, a child requires to have suitable adult representation present during the interview in the form of a responsible adult. This adult may be the parent/guardian of the child if that individual is not the suspect or other significant individual in the enquiry.
- 4.3.2 Where it is not possible for the parent/guardian to be present, the attendance of a responsible adult should be sought from local Social Work Services.
- 4.3.3 It should be noted that a responsible adult is different from an appropriate adult and as such a request for a responsible adult should not be made under the Appropriate Adult Scheme.

4.4 **ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND RAPE CRISIS SCOTLAND INFORMATION SHARING PROTOCOL**

- 4.4.1 [The ACPOS/Rape Crisis Scotland Information Sharing Protocol Guidance](#) is **not** applicable to child victims of rape and serious sexual assault.
- 4.4.2 Referrals should be made wherever appropriate for child victims and their families to the appropriate agencies.

4.5 **CHILD VICTIMS OF CRIME CHARITY**

- 4.5.1 Where a child has been the victim of a sexual crime consideration should be given to an application to 'Child Victims of Crime' ([CVOC](#)). This is the only national Police Children's Charity. They provide material and therapeutic support for children up to the age of 16 years who have been a victim of, or traumatised by any criminal offence committed within the United Kingdom (UK) and nominated by serving police officers. The link will take officers to the [CVOC website](#) with the nomination forms.

4.6 **CHILD SUSPECTS**

- 4.6.1 As per this guidance, occasion may arise whereby a child discloses the commission of offence(s) during a witness interview. Whilst in essence the child becomes a 'suspect', officers must be cognisant of the wellbeing of the

child. For further information and guidance see Suspect Management. ([See Section 8: Suspects](#))

4.7 MEDICAL EXAMINATION OF CHILDREN

- 4.7.1 Further guidance on medical examination of children can be found in the [Child Protection SOP \(Section 17 therein\)](#)
- 4.7.2 Medical examination of a child will be conducted following a tri-partite discussion with health and social work partners. Contact should be made with the relevant Health Board Single Point of Contact for Child Protection matters. The welfare and needs of the child will be at the forefront of the discussion. Consideration will be given to general health needs, capture of forensic evidence, recording of injuries and the possible requirement for a comprehensive health assessment.
- 4.7.3 Details of local Health contacts and procedures are available from divisional Family Protection Units. Local Health contacts will discuss matters with the on-call Child Medical Examiner for the Force.
- 4.7.4 Medical Examinations of children will **not** take place in a police office.
- 4.7.5 Where the child is aged 13-15 years consideration may be given to utilising Archway Services where their criteria is met.

Note: The following documents can be used as reference:

- [Archway Glasgow - Police Engagement Referrals](#)
- [Archway Glasgow - Non Engagement Referrals](#)

5. TYPES OF REPORT

5.1 CRIME NOT READILY IDENTIFIABLE

- 5.1.1 Similar to Drug Facilitated Sexual Assault (DFSA), there may be occasions whereby a victim is aware and reporting that something untoward has occurred, which is likely to be of a sexual nature; however they are unable to state definitively what the crime is. Officers must be aware of possible reasons for this as it could be a result of a number of things including intoxication (voluntary or involuntary), trauma, mental health issues or physical injury resulting in loss of memory.
- 5.1.2 All available information should be obtained from the victim and this should be relayed to the CID/Family Protection Unit (FPU) to allow further consultation/enquiry and deployment of a SOLO where required.
- 5.1.3 **The victim should be treated with dignity and respect and made fully aware of what action will be taken.**
- 5.1.4 Each incident should be considered on its own merit and progress will be dependant on the circumstances and information available.
- 5.1.5
- 5.1.6 In order to ensure evidence is not lost, productions should be seized which may prove to be relevant at a later stage. Although it is not possible to

produce an exhaustive list, for reference see [Appendix C - Items for Seizure – Crime not Readily Identifiable/Drug Facilitated Sexual Assault](#).

- 5.1.7 Where a victim is engaging with the police all such reports must be investigated thoroughly in order to establish or discount the commission of a crime. Consideration should be given to a forensic medical examination and where there is dubiety as to the validity of this; discussion should be had with a forensic medical examiner in conjunction with the SIO.
- 5.1.8 Where there is a sufficiency of information to comply with Scottish Crime Recording Standards (SCRS), a CR must be raised. If subsequent enquires find no crime to be established then the CR will be marked accordingly.
- 5.1.9 Where there is insufficient information to comply with SCRS then all information and actions should be recorded on STORM.
- 5.1.10 Officers should refer to [Section 2 – Role Specific Responsibilities](#) on how to deal with a victim reporting a serious sexual offence.

5.2 DRUG FACILITATED SEXUAL ASSAULT

- 5.2.1 Drugging is not a new phenomenon, and is committed when drugs are administered or caused to be taken for the purpose of stupefying or overpowering to enable sexual activity without the person knowing. There need be no further intent, and it is not necessary that any injury to the person be caused. The person inducing these effects does not need to be the person who intends to undertake the sexual activity and it does not matter whether the activity actually takes place or not. (See [‘the Act’ Section 11](#))
- 5.2.2 It is important to recognise that, while drugs such as gamma-Hydroxybutyric acid, (GHB) and ‘Rohypnol’ are commonly cited by the media as the most prevalent ‘date rape’ drugs, **alcohol remains the drug most commonly associated with reports of Sexual Assault**. Officers should recognise that any type of drug may have been administered and should be aware that each have differing effects and remain in the system for varying amounts of time.
- 5.2.3 Officers should note that where there is a report of Drug Facilitated Sexual Assault (DFSA), the victim may be limited in the information they can provide. The victim may appear confused or unsure of a sequence of events and may change the version of events a number of times. Officers must be aware of the possible reasons for this as it could be as a result of continued substance intoxication or after-effects of same. The fullest possible information should be obtained. Officers should also note the victims’ demeanour and speech, being mindful of any pre-existing disabilities which may be relevant.
- 5.2.4 Enquiries should be made to trace the victim's movements during the relevant period.
- 5.2.5 The victim should be re assured that their inability to provide a full sequence of events at that time is reasonable and they should not feel under pressure to ‘fill in’ periods that they are unsure of. This information may return to them at a later time. The important factor is the accuracy of the information, not the volume.
- 5.2.6

- 5.2.7 In order to ensure evidence is not lost, productions should be seized which may prove to be relevant at a later stage. Although it is not possible to produce an exhaustive list please see [Appendix C - Items for Seizure – Crime not readily identifiable/Drug Facilitated Sexual Assault](#).

5.3 HISTORICAL REPORTS

- 5.3.1 All reports of rape/sexual assault are current reports regardless of when the crime was committed. The safety and medical well being of the victim remains the primary consideration as does positive victim engagement.
- 5.3.2 Whilst the date of the offence may influence some of the decisions in respect of gathering evidence, the date of the crime will not impact on the level of service or investigation afforded to the victim making that report.
- 5.3.3 The trauma experienced by the victim at the time of report may not be any different from the level experienced at the time of the crime. In some cases it will be heightened by time spent in reaching the stage of feeling able to report. Victims of serious sexual crime react differently. Reasons for the victims of serious sexual crime not reporting immediately after the incident are numerous and varied and do not require to be repeated here. Officers must not under any circumstances draw any inference from any perceived delay in reporting. Where a victim wishes to explain any reasoning for the passage of time between the incident and reporting, this should be recorded appropriately. The ongoing safety of the victim and the current whereabouts of the potential suspect and any threat they may pose are critical factors which require to be addressed without delay.
- 5.3.4 For guidance in investigating a report of rape/sexual assault (irrespective of passage of time since date of incident) refer to [Section 2 - Roles Specific Responsibilities](#) and [Section 3 - SOLO Guidance](#).
- 5.3.5 Additional considerations include;
- General medical examination of the victim, given the possibility of obtaining evidence of previous injury, such as scars, as well as the sexual health of the victim.
 - The [ACPOS Scottish Investigators Guide to Serious Sexual Offences \(SIG\)](#) advises the forensic timescale in relation to sexual assault is seven days as there is unlikely, though not definitively, to be a forensic capture outwith this period.
 - The possible risk a suspect may currently pose to other individuals including children or vulnerable adults.
 - All reports of serious sexual offences regardless of when they are made will be allocated resources in keeping with this guidance and that of the [SIG](#). As per SCRS, a crime report must be raised on receipt of a report of a crime from the victim and regularly updated with all action taken.

5.4 CROSS BORDER ENQUIRIES/FORCE JURISDICTION

- 5.4.1 [The Criminal Justice and Public Order Act 1994](#), as outlined in the [Association of Chief Police Officers \(ACPO/ACPOS Operating Guidelines on Cross-Border Powers\)](#), authorises an officer from a country within the United Kingdom (UK) to arrest (or detain) a person, suspected of an offence within their own country, elsewhere in the UK utilising their own domestic powers. Further details regarding full cross border powers can be found on the [ACPOS Guidance on Cross Border Powers](#) section of the [Crime Investigation Intranet Mini-Site](#).
- 5.4.2 Strathclyde Police will also have contact with external forces including British Transport Police (BTP) and Ministry of Defence Police (MDP). On occasion incidents may occur within the jurisdiction of these forces albeit geographically in the Strathclyde Force area. Such incidents are generally managed and dealt with by the relevant force.
- 5.4.3 In relation to incidents including rape and serious sexual offences these forces may seek assistance from Strathclyde Police or suggest relinquishing responsibility for the enquiry to Strathclyde Police. Where such a request is received the senior detective officer on duty or on call for the respective Division should be informed. The senior detective officer will make the decision as to the next course of action.

6. FORENSIC MEDICAL EVIDENCE

6.1 EARLY EVIDENCE KITS

- 6.1.1 To aid the taking of Early Evidence samples, a stock of EEK which are stored in accordance with local guidelines, should be retained with each police office to allow access by officers. These kits have been specifically designed to take non-invasive samples from the victims of Serious Sexual Assault. Police Officers and Members of Police Staff must never take intimate samples.
- 6.1.2
- 6.1.3

6.2 MEDICAL – ARCHWAY GLASGOW - SEXUAL ASSAULT REFERRAL CENTRE

- 6.2.1 **Archway Glasgow - Sexual Assault Referral Centre (SARC) provides a service for women and men aged 13 years or over who have been raped or sexually assaulted in the last seven days.**
- 6.2.2 On receipt of a complaint of serious sexual assault considered viable for a forensic medical examination, the SOLO will be responsible for contacting Archway to arrange the examination. **The Archway telephone number is 0141 211 8175.**

Note: A SOLO must be present for the medical examination of a victim.

- 6.2.3 The SOLO must ensure they are in possession of sufficient information to brief Archway staff at this stage. For details required by Archway see [Appendix D – Information Required for the Briefing of Medical Staff](#).
- 6.2.4 This and any other information which is considered relevant should be passed and arrangements made for examination in consideration of the best circumstances for the victim.
- 6.2.5 If the victim is outwith a police office, is unable to attend Archway and is not likely to be able to do so in a period of time which will maximise the effectiveness of the medical examination, discussion should be had with Archway Staff as to the viability of them attending outwith Archway to conduct the medical. In doing so consideration should be given to the needs of the victim and the inevitable reduction in service which will result.
- 6.2.6 **As per the flow chart detailed in the [Archway Glasgow Police Engagement Referrals](#) document, if Archway is unavailable and it is inappropriate to delay the medical examination, a Forensic Medical Examiner (FME) should be contacted. Force Overview holds contact details and a copy of the FME on-call rota.**

6.3 MEDICAL – ARCHWAY GLASGOW – ROLE OF ATTENDING OFFICER

- 6.3.1 The SOLO will generally transport the victim to Archway unless alternative arrangements are requested by the victim. On attendance the officer and victim will be met by Archway staff. In circumstances where the medical is being performed outwith office hours and it is anticipated that the police will reach Archway prior to medical staff then a key, internal key fob and alarm instructions can be obtained from the Divisional Duty Officer. The SOLO will fully brief the medical staff. Medical staff will speak privately with the victim, unless the victim or staff request police attendance, and will obtain a brief version of events from the victim pertinent to the forensic medical examination and their consent to participate in same. The purpose in obtaining a version of events is to establish if there is any further information which the victim would like to pass to the examiner; the victim should not be asked to reiterate the information already passed by the SOLO.
- 6.3.2 Having provided informed consent, the victim will undergo the forensic medical examination; which will be conducted by an Archway Doctor and nurse. The attending officer will be on the other side of a screen whilst this examination is carried out. The victim cannot see the attending officer, though they will be aware of their presence. Archway **will not** conduct a forensic medical examination without the **informed** consent of the victim.
- 6.3.3 As the swabs are taken from the victim, each one will be detailed with the time and date it was obtained and signed by both the Doctor and nurse. These will then be handed to the attending officer who will also sign the sample. This is to corroborate seizure of the sample from Archway medical staff, not corroboration of the obtaining of the sample. As per the [Forensic Support Handbook guidelines](#) and COPFS consultation, officers present during/at the medical examination of the victim **must sign each sample and the production bag**. This is to ensure samples are correctly retained together following any laboratory examination.

- 6.3.4 The attending officer(s) will then place the swabs in the appropriate production bags which will be corroborated by the doctor and nurse who will also sign the production bags.
- 6.3.5 On completion of the forensic medical examination, Archway medical staff will spend further time with the victim to provide a complete service in relation to physical and mental health.
- 6.3.6 For management, packaging and storing of productions see [Productions SOP](#). Further information is also provided at Productions section within Forensic Medical Evidence - [Paragraph 6.8](#).
- 6.3.7 **There must be no undue delay of a medical examination unless this is in the best interest of the victim.** As per the [flow chart](#) contained within the [Archway Glasgow – Police Engagement Referrals document](#), unavailability of Archway should result in request for a FME.

6.4 **MEDICAL – FORENSIC MEDICAL EXAMINER/POLICE CASUALTY SURGEON**

- 6.4.1 The Forensic Medical Examiner (FME) should be contacted in circumstances whereby Archway is not available or cannot be utilised at the time required.
- 6.4.2 **A SOLO must be present for the medical examination of a victim.**
- 6.4.3 This contact should be made by the SOLO who will ensure they are in possession of sufficient information to brief the FME. Contact is made by obtaining the on call FME details from the duty officer. For details required by the FME see [Appendix D - Information Required for the Briefing of Medical Staff](#).
- 6.4.4 This and any other information which is considered relevant should be passed and arrangements made for examination in consideration of the best circumstances for the victim.
- 6.4.5 Under normal circumstances a police surgeon from the Division in which the incident occurred will attend at the medical examination/interview suite and carry out the examination. Where this is impracticable, the services of another police surgeon will be sought to attend the location of the victim.
- 6.4.6 Where a forensic medical examination is carried out by a FME, the police officer in attendance will corroborate the seizure of forensic samples and productions. The FME will complete a report of their findings in accordance with [Faculty of Forensic & Legal Medicine](#) Guidance.

6.5 **MEDICAL – FORCE MEDICAL EXAMINER – ROLE OF ATTENDING OFFICER**

- 6.5.1 On arrival of the FME, the SOLO, will if they have not done so already, brief the FME. The FME will speak with the victim and obtain details relevant for the forensic medical examination and informed consent of the victim to carry out same. The FME **will not** conduct a forensic medical examination without the informed consent of the victim.
- 6.5.2 The forensic medical examination will be carried out in a dedicated medical suite and carried out by the FME in the presence of a SOLO. The SOLO does not require to observe the physical taking of the samples. Where the victim is a different gender from their appointed SOLO, arrangements will be made for

another SOLO to be present for the medical examination. The attending SOLO present **MUST** be the same gender as the victim.

6.5.3 The officer in attendance will be present whilst the FME obtains all relevant swabs from the victim. The officer will sign and date each sample as will the FME. As per force guidelines and PF consultation, officers present during the medical examination of the victim **will sign each sample and** the production bag. This is to ensure samples are correctly retained together during and following any laboratory examination.

6.5.4 For management, packaging and storing of productions see [Productions SOP](#). Further details are also noted at Productions section within Forensic Medical Evidence – See [Paragraph 6.8](#)

6.5.5 Consideration should be given following a FME conducted medical examination to referring the victim to Archway for follow-up sexual health medical care and/or support and counselling services.

6.6

6.7 PRODUCTIONS

6.7.1 The correct handling and seizure of productions can be essential in any case however this is particularly significant in the recovery of evidence in sexual offence cases. Officers must ensure all relevant items are seized from the locus, victim and suspect. All steps should be taken to avoid cross contamination. Any issues of cross contamination must be reported to the SIO.

6.7.2

6.7.3 For further information see [ACPOS and COPFS Guidance on the Investigation and Prosecution of Serious Crime](#)

6.7.4 For seizure of samples at Forensic Medical Examination see Actions of Attending Officer for relevant medical (Archway or FME). See [Paragraphs 6.3](#) and [6.5](#)

6.8 STORAGE OF PRODUCTIONS

6.8.1 Below are guidance notes for officers attending the scene/medical examination of a rape or serious sexual offence. This guidance is **NOT** exhaustive and serves as a guide only.

6.8.2

6.8.3

6.8.4

6.8.5

6.8.6

6.8.9 Officers should refer to the [Strathclyde Police Forensic Support Handbook](#) for further information and details.

6.8.10 For further guidance on the handling and correct storage of productions see [Production SOP](#). Lodging of productions will be as per Force/Divisional procedures.

6.9

7. VULNERABLE WITNESSES

7.1 The inception of the [Vulnerable Witness \(Scotland\) Act 2004](#) highlighted the need to identify and assist those witnesses who require additional support when involved in the criminal justice process. Early identification of a vulnerable witness is imperative and consultation should then be made with the COPFS. For further information see the [Witness Engagement SOP](#)

7.2 WITNESSES – ADDITIONAL NEEDS

7.2.1 INTERPRETING SERVICES

7.2.2 Strathclyde Police serve a diverse and varied population. On every occasion we will seek to provide the best level of service to all individuals in contact with the police.

7.2.3 Further information can be found in the [Interpreting and Translating Services SOP](#).

7.2.4 Force Overview retains contact details for Interpreting Services.

7.2.5

7.2.6 Where the victim/witness is deaf and/or blind a suitable interpreter should be sought via Force Overview. In such circumstances it may also be necessary to obtain the services of an Appropriate Adult.

7.3 APPROPRIATE ADULT SERVICE

7.3.1 The role of an Appropriate Adult is to facilitate communication between a mentally disordered person and the police and as far as possible ensure understanding by both parties. The use of an Appropriate Adult is extended to all categories of interview; victim, witness, suspect and accused. Mental disorder is defined in the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) as any mental illness, personality disorder or learning disability however caused or manifested. This shall include acquired brain injury, autistic spectrum disorder and people suffering from dementia.

7.3.2 In some cases the definition will lead to a need for police to utilise the services of an Appropriate Adult even although the person is able to communicate at a high level. They may feel an Appropriate Adult is not necessary and be concerned that one is being contacted by the police. The need to address any potential legal challenges should be explained to the person to allay any anxiety they may have. Further guidance can be sought from the [Witness Engagement SOP](#) and [Mental Health SOP](#).

7.4 ADULTS AT RISK

- 7.4.1 Not all vulnerable adults will be an Adult at Risk. Where a victim is identified as an adult at risk, officers should refer to [Adults At Risk SOP](#) and [Witness Engagement SOP](#).
- 7.4.2 Should it be considered that an Adult at Risk requires the services of an Appropriate Adult, call out procedures are contained within the Mental Health SOP.
- 7.4.3 All victims involved in an enquiry to which a SOLO has been deployed should be offered a referral to Rape Crisis Scotland under the [ACPOS/Rape Crisis Scotland Referral Protocol](#).

7.5 THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

- 7.5.1 The [Protection of Vulnerable Groups \(Scotland\) Act 2007](#) has created a membership scheme, the purpose of which is:
 - To ensure that those who have regular contact with children and protected adults through paid and unpaid work, do not have a known history of harmful behaviour.
 - To strike a balance between proportionate and robust regulation and make it easier for employers to determine who they should check to protect their client group.
- 7.5.2 Full details and action required in respect of the PVG Scheme can be found at the [Training Presentation for the Protection of Vulnerable Groups \(Scotland\) Act 2007 \(PVG\)](#).
- 7.5.3 Where Officers are submitting [Force Form Intranet Nominal Descriptive E3:20:1](#) in relation to an offence committed against a Child or Protected Adult, they must ensure the 'PVG Relevance' section is marked.

8. SUSPECTS

8.1 MANAGEMENT OF SUSPECTS

- 8.1.1 Interviews of suspects of sexual crime, particularly historical and complex enquiries, demand thorough and comprehensive planning.
- 8.1.2 Best practice is for all officers involved in the interview of suspects in relation to serious sexual crimes, to be appropriately trained in investigative interview techniques. These officers should be fully aware of the [ACPOS Scottish Investigators' Guide to Serious Sexual Offences](#) and the [Lord Advocates Guidelines to Chief Constables on the Investigation and Reporting of Sexual Offences](#) in relation to the interviewing of suspects.
- 8.1.3 The SIO will appoint and direct an interview team and where considered necessary will appoint an Interview Advisor.
- 8.1.4 Suspect persons should not be transported in the vehicle used for the transport of the victim nor should they receive a medical examination in the same room as that used to examine the victim. Where there has been any possibility of cross contamination the SIO should be informed.

8.2 MEDICAL EXAMINATION OF SUSPECTS

8.2.1

8.2.2 A FME should be requested to attend and carry out any medical examination of a suspect. The SIO should ensure an appropriate briefing is provided to the FME. Details of the on call FME are held with the Duty Officer.

8.2.3 Officers should be aware of and compliant with current guidance on the obtaining of samples.

8.3 CHILDREN AS SUSPECTS

8.3.1 There will be serious sexual crime enquiries in which the suspect involved is a child.

- [Section 41 - Criminal Procedure \(Scotland\) Act 1995](#) - It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.
- [Section 41A](#) - (As inserted by the Criminal Justice and Licensing (Scotland) Act 2010)
 - A child under the age of 12 years may not be prosecuted for an offence.
 - A person aged 12 years or more may not be prosecuted for an offence which was committed at a time when the person was under the age of 12 years.
- [Section 42](#) - (1) A child aged 12 years or more but under 16 years may not be prosecuted for any offence except on the instructions of the Lord Advocate, or at the instance of the Lord Advocate; and no court other than the High Court and the sheriff court shall have jurisdiction over such a child for an offence.

8.3.2 The essence of this is that in respect of children over 12yrs but under 16yrs, only offences which are normally prosecuted on indictment are to be reported jointly (to the P.F. and SCRA) and that any cases of doubt should be discussed with the local P.F in advance of any report being submitted.

8.3.3 Whilst maintaining the perspective that such a child is a suspect, consideration must also be given to the potential reasons for the offending behaviour.

8.3.4 Consideration must also be given to the child's welfare, level and ability of understanding and therefore the method of and conduct during any interview. Officers should be prepared that whilst being treated as a suspect, the child may disclose incidents in which they are a victim. Suspect or victim, **the welfare of the child is paramount** and consultation made with the relevant partner agencies. Further information may also be found within [Child Offending SOP](#) and reference should be made to the [Lord Advocate's Guidelines to Chief Constables Reporting to Procurators Fiscal of Offences Alleged to Have Been Committed by Children](#) for full details.

Note: Refer also to [Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland](#).

8.4 REGISTERED SEX OFFENDERS AS SUSPECTS

8.4.1 Where the suspect of a rape or serious sexual offence is found to be a Registered Sex Offender, the manner in which the investigation is conducted is no different, however there is additional guidance for the enquiry team.

8.4.2 Points to Note:

- Contact should be made with the offenders Manager. The manager will be from the offenders division of residence and contact should be made with the Offender Management Unit.
- The manager will be able to confirm the details of the offenders' restrictions/licence conditions, if any, and whether or not the conduct for which they are a suspect would be in breach of any such restrictions/licences.
- Where these details are required outwith normal working hours, there is an on call officer of the Force Public Protection Unit, contact details are held with Force Overview.

9. CRIME REPORTS

9.1 SCOTTISH CRIME RECORDING STANDARDS

9.1.1 In all reports of rape and serious sexual crime, SCRS will be adhered to. Reference should be made to the Flowchart entitled '[Raising a Crime Report under SCRS](#)'. Further information can be obtained from the [Information Management Mini-Site SCRS page](#)

9.2 ALLOCATION AND COMPLETION

9.2.1 A CR raised for a contravention of [Section 1](#) or [Section 18](#) of the 'Act' , Common Law [Rape](#), [Section 5\(1\)](#) or [Section 5\(3\)](#) of the [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) will be allocated by the Crime Manager to the Divisional Detective Chief Inspector for appropriate allocation to the nominated SIO. When the CR is raised notifications should be placed for the CID and FPU departments. The CR will be updated by the SIO to acknowledge and record initial lines of enquiry and details of allocated specialist officers.

9.2.2 In addition, whenever such a CR is raised notification of the CR number and Date of Report will be sent by the Crime Manager to the 'Public Protection Rape Review Team' mailbox on the internal system of e-mails.

9.2.3 On the Crime Management System the CR will remain within the allocation queue of the nominated SIO until completion of the enquiry. Upon completion and the CR being fully updated by investigating officers, the CR will be updated by the SIO and where appropriate the 'enquiry concluded marker' recommended before return to the Crime Manager for finalisation.

- 9.2.4 It is the overall responsibility of the SIO to ensure that all information which forms part of a procedural Rape Review is contained within the CR. [See Section 14 - Review Procedures](#)

9.3 SERIOUS CRIME ANALYSIS SECTION

- 9.3.1 Strathclyde Police is committed to supporting the Serious Crime Analysis Section (SCAS) by the reporting of crimes that meet their case criteria. To ensure full conformity to SCAS submission and criteria and any further details please refer to [SCAS SOP](#).

- 9.3.2 Sexual Offences - Case papers must be submitted to SCAS within 21 days of the crime being notified to the Force.

- 9.3.3 All relevant paperwork should be submitted within these timescales. However in order to satisfy compliance, officers should ensure in the first instance that the following documents are submitted within the 21 day timescale.

- [SCAS Form](#).
- Crime Report.
- Victim's statement.

These can all be submitted electronically. Local guidance can be obtained from the Divisional SCAS Contact Officer who is usually a Divisional DI.

- 9.3.4 Additional relevant paperwork should also be sent without delay although it is not assessed for compliance. This may include scenes of crime photographs, additional statements of witnesses who speak to the methodology of the crime, medical reports, etc. Where there is any concern regarding the sensitivity of passing these there should be consultation with the SIO and/or COPFS.

9.3.5

10. INTELLIGENCE

10.1 SCOTTISH INTELLIGENCE DATABASE

- 10.1.1 The Scottish Intelligence Database (SID) records and retains information relating to all areas of criminality including sexual offences. SID relies on the submission of intelligence logs made by officers and staff.

- 10.1.2 An intelligence log must, at the least, be submitted at the beginning and at the conclusion of every enquiry.

- 10.1.3 The SIO will ensure this is adhered to.

10.2 THE MOOROV DOCTRINE

- 10.2.1 The Moorov Doctrine is a rule of evidence allowing separate offences reported which have been committed against different victims to corroborate each other when there is a series of offences, which are closely connected in time, character and circumstances. The Moorov Doctrine can be applied to any crime but its relevance to sexual offences is apparent and it is in this

sphere that it is most frequently relied upon. In Moorov cases, early contact should be made with the PF.

10.2.2 All officers should utilise police systems, including SID to research all aspects of their enquiry to establish possibilities of Moorov cases.

10.2.3 If it is thought likely that the log being added may be relevant to future Moorov searches then the submitting officer can request that the nominal have a 'Moorov marker' applied in the same way that someone may receive a marker for firearms or some other indicator.

10.2.4 Further information and guidance regarding the Moorov Doctrine can be found within the [ACPOS and COPFS Guidance for the Investigation and Prosecution of Serious Crime Protocol – Section 3.16 and Appendix 1](#).

10.2.5 Consideration may also be given to utilising the SCAS database to provide statistical evidence in Moorov cases. For further guidance contact Force SCAS Officer.

10.3 **THIRD PARTY/REMOTE REPORTING**

10.3.1 On occasion information will be passed to police from a third party regarding sexual offences, for example, from Archway Glasgow or Rape Crisis. The information provided may be for intelligence purposes only or where there is a concern for another individual.

10.3.2 Where information is for intelligence purposes and the reporter does not wish to engage with police then the information will be submitted into the Scottish Intelligence Database. Any officer in receipt of third party intelligence should ensure an intelligence log is submitted and appropriately graded. As much detail as possible should be sought.

10.3.3 The source of the information should be made aware of police services and encouraged to relay this information to the victim and to support the victim to engage with police.

10.3.4 Where the report is made remotely through the assistance of a third party, officers will refer to [Section 2 - Role Specific Responsibilities](#) regarding initial contact with a victim. Cognisance should be taken of the victims wishes to utilise a remote reporting site/third party for support.

10.3.5 The officer or Member of Police Staff dealing with the third party reporter should make contact with the CID/FPU to seek advice. Wherever possible a SOLO should meet with the reporter to ensure that the best possible information is relayed through the reporter to the victim. Advice should be given as to how support can be offered to the victim and every avenue should be explored which may assist in supporting the victim to come forward to make a report to the police. Regardless of whether this happens consideration must be given to whether sufficient information has been obtained to justify the submission of a SID Log and if so the Log should be raised. Thereafter police information systems and databases should be researched to obtain as much background information as possible in respect of the matter being reported. The attending SOLO will ensure that the circumstances of the report are discussed with a supervisory officer in order that a decision can be taken as to how best to proceed. A STORM incident should be raised and updated.

11. RETRACTION STATEMENT

- 11.1.1 There are numerous reasons that could result in a victim wishing to retract a statement. Examples could include fear of the suspect, court proceedings and reprisals towards family members or health issues. A retraction should not be viewed as a false report.
- 11.1.2 A victim may wish to retract a statement as a result of preconceived information/perceptions or miscommunication with the police or criminal justice services in which case this might be rectified through discussion with the SOLO. Clear communication from the outset could prevent such circumstances arising.
- 11.1.3 The victim should be given the opportunity to discuss in a supportive environment any issues and reasoning behind the desire to retract their complaint prior to any action being taken. Should the victim still wish to withdraw their statement then a full statement should be noted by the appointed SOLO. Full reasons for the retraction must be included in the statement.
- 11.1.4 A distinction must be drawn between a victim who wishes to withdraw from the investigation/prosecution process but maintains that the crime still occurred and a victim who is stating that the reported crime did not happen.
- 11.1.5 Officers should be aware that a victim stating the crime did not occur may be trying to halt the criminal justice process due to their inability to cope. It is essential that the full skills of the SOLO are applied when trying to obtain the information relevant to establishing the true position. Further enquiry may be required to establish the true facts and subsequent enquiry may be guided by what is now being stated.
- 11.1.6 In keeping with the [Lord Advocates Guidelines to Chief Constables on the Investigation and Reporting of Sexual Offences](#), an SIO may consider further consultation with COPFS at this stage to advise of the victims' position and stage of enquiry to date.

12. POLICE VICTIMS/SUSPECTS

- 12.1 **POLICE OFFICERS/MEMBERS OF POLICE STAFF AS VICTIMS OF SEXUAL CRIME**
 - 12.1.2 The investigation of a sexually motivated crime, where the victim is a police officer or member of police staff, will be dealt with in the same professional and sensitive manner as any other similar enquiry.
 - 12.1.3 A SOLO will be deployed to the victim and discussion will take place prior to deployment to ensure there are no issues or conflicts with the individual being deployed.
 - 12.1.4 Whilst normal practice would be for the victim to be interviewed at a dedicated interview suite within the division of report; in these circumstances it should be within an office other than the one at which they are stationed, or preferably within a suite in a separate Division or Force area. As with all reports of serious sexual offences

further consideration should be given to whether it would be beneficial to the victim to be taken to a location outwith police premises. This could include a Rape Crisis Centre, their own home or some other suitable venue. This is a matter for discussion between the SOLO and the victim to establish which course of action is likely to lend itself to securing the best information from the victim.

12.1.5 Any associated STORM incident will have restricted 'view' facility.

12.2 POLICE OFFICERS/MEMBERS OF POLICE STAFF ACCUSED OF SEXUAL CRIME

12.2.1 The investigation of sexual crimes where the suspect or accused is a police officer or member of police staff will be dealt with thoroughly and professionally. Whether the suspect or accused is a police officer or member of police staff the manner of investigation is no different.

12.2.2 Where the incident has taken place **OFF DUTY**, the manner in which it is dealt with will be no different were the suspect/accused not a police officer/police staff member. In such instances the only stipulation would be that the investigating division should not be the division where the suspect/accused works. Any associated STORM incident will be restricted. Best practice would be for the suspect not to be taken to a custody area associated with their normal duties.

12.2.3 An SIO will inform the Professional Standards Department of any such enquiry by means of a subject report and Standard Prosecution Report 2 (SPR2) where applicable. Where an SPR2 has been created this will be forwarded to the COPFS via the Professional Standards Department in any case.

12.2.4 Where the incident has taken place **ON DUTY** the report will be treated as a Complaint Against Police and the procedures will be followed as outlined in the [Complaints Against Police \(CAP\) Standard Operating Procedures \(CAP SOP\)](#).

12.2.5 However where there is a clear sufficiency of evidence to establish a criminal act, the CAP procedure will not be referred to and a full criminal investigation will be instigated.

Note: These circumstances apply to police officers and police staff.

13. REPORTING TO CROWN OFFICE AND PROCURATOR FISCAL SERVICE

13.1 COMMUNICATION BETWEEN POLICE AND PROCURATOR FISCALS

13.1.1 In other areas of serious crime it is common for the police and PF to be in contact before the submission of a report. The complex nature of sexual crime investigation is such that early liaison with the PF is essential.

13.1.2 All regional Procurators Fiscal areas now operate a dedicated Sexual Offences Team, which provide contact details to allow early consultation and advice to be given prior to a report being submitted. Each of these teams liaise with the COPFS National Sexual Crime Unit.

13.2 POLICE REPORTS - SUFFICIENCY OF EVIDENCE

13.2.1 In line with the [Lord Advocates Guidelines to Chief Constables on the Investigation and Reporting of Sexual Offences](#) the decision in relation to whether there is a sufficiency of evidence to merit a SPR2 rests with the SIO, who in the case of a rape investigation will be an officer of the rank of DI or above.

13.2.1 There are three distinctive categories regarding levels of evidence;

- ***Clear Sufficiency of Evidence***
 - Where there is a clear sufficiency of evidence to support a charge, an SPR2 must be submitted to the COPFS. The information contained within the SPR2 must be in accordance with the requirements as set out within the [Lord Advocates Guidelines to Chief Constables on the Investigation and Reporting of Sexual Offences](#).
- ***Sufficiency of Evidence is Unclear***
 - The circumstances in which serious sexual offences, and in particular rape, often occur can present difficult legal questions when determining whether there is sufficient evidence to charge the suspect.
 - In cases where evidence is marginal, or where circumstances are such that there is difficulty in determining whether there is a sufficiency of evidence, decision about sufficiency in law lies with the PF. Where detailed consideration by the PF is required, a request should be submitted in the form of an [Advice and Direction Report](#). Details on this form of report are detailed in [Appendix E – Advice and Guidance Report](#). An SPR2 should **not** be submitted in these circumstances. Following submission of an [Advice and Direction Report](#), where a sufficiency of evidence is determined, the COPFS will request submission of an SPR2. Where sufficiency is not established written feedback will be provided.
- ***Clear Insufficiency of Evidence***
 - Where there is a patent insufficiency of evidence following a full police investigation the victim must be informed of this fact at the earliest opportunity. In line with the reporting procedures for all other crime types, an SPR2 should not be submitted to the COPFS in these circumstances. Similarly, no other form of Occurrence Report, Subject Sheet or [Advice and Direction Report](#) should be submitted. A SID log will be submitted.

13.2.2 It is incumbent on the investigating officer in all of the above circumstances to record the details of the incident on SID for the purposes of intelligence and Moorov consideration.

14. REVIEW PROCEDURES

14.1 RAPE REVIEW UNIT AND PROCEDURES

14.1.1 Strathclyde Police has an established Rape Review Team based within the Force Public Protection Unit at police headquarters. The Unit retain responsibility for the following:

- Maintaining a database in respect of reports of all rapes in terms of [Section 1](#) and [Section 18](#) of '[the Act](#)', [Section 5 \(1\)](#) and [5 \(3\) Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) and [Common Law Rape](#).
- Monitoring such Crime Reports raised at the time of the reported incident.
- Where the rape remains undetected the Rape Review Team will undertake the following process:

14.1.2

14.1.3

14.1.2

15. STAFF WELFARE

15.1 Supervisors of staff who are regularly dealing with reports of sexual crime should be vigilant to stress indicators in their staff. Caution should be taken not to overburden staff with such enquiries. Sufficient support and assistance should be given to avoid stress/exhaustion in staff which in addition to the negative impact on the officer will lead to a lesser service being provided to victims.

15.2 Occupational Health advise that critical incident de-briefing may still be obtained for situations involving two or more officers however should similar support be required for an individual officer then a referral should be made through the Employee Well-being Programme.

15.3 The investigation into incidents of rape and serious sexual offences can be complex and challenging. Exposure to critical and stressful incidents have the potential to adversely affect the physical and emotional well being of individuals. Should issues become apparent pre, during or post an enquiry, officers, members of police staff and supervisors should be aware of the support services provided by Strathclyde Police. e.g. Critical Incident Stress De-Briefing and Employee Well Being Programme. Reference should be made to the following guidance for further information – [Human Resources Mini-Site](#) [Human Resources Mini-Site - Workplace Support – Employee Wellbeing page](#).

15.4 Support can be sought confidentially or with the assistance of supervisors.

16.

16.2 External Contacts/Partner Agencies

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- [Scottish Childrens Reporters Administration \(SCRA\)](#)

- [Victim Information & Advice \(VIA\)](#) - General: 0131 243 3027
Helpline: 0844 561 3701
- Forensic Odontologist - Contact should be made via Force Overview
- Interpreter Services - Contact should be made via Force Overview
- Scottish Police Service Authority (SPSA) - Contact should be made via Force Overview
- [National Policing Improvement Agency \(NPIA\)](#)
- Rape Crisis Scotland - RCS Helpline: 08088 010302
Rape Crisis Scotland - RCS General Contact: 0141 331 4180
Rape Crisis Glasgow: 0141 532 3200
Rape Crisis Lanarkshire: 01698 527006
Rape Crisis Ayrshire: 01563 544686
- [Victim Support](#) - Supportline: 0845 603 9213 General: 0131 668 486
- [Hemat Gryffe Women's Aid](#)

16.3 Hemat Gryffe Women's Aid provide safe temporary refuge accommodation to women and their children primarily from the black and minority ethnic community who are escaping domestic abuse either from their partner or extended family member. The refuge is a safe and secure place where the residents are provided with emotional and culturally sensitive support and assistance to enable women to make decisions about their own future. Willowbank Crescent, Glasgow, Lanarkshire G3 6LZ, United Kingdom: 0141 353 0859

16.4 **Related SOPs/ Operational Guidance**

- 1 [Adults at Risk SOP](#)
- 2 [Child Protection SOP](#)
- 3 [Crimes and Offences Reporting and Recording SOP](#)
- 4 [Family Liaison Officers SOP](#)
- 5 [Investigation of Crime SOP](#)
- 6 [Serious Crime Analysis Section SOP](#)
- 7 [Interpreting and Translating Services SOP](#)
- 8 [Vulnerable Persons Database \(VPD\) SOP](#)
- 9 [Domestic Abuse Toolkit](#)
- 10 [Multi-Agency Public Protection Arrangements - Offender Management SOP](#)
- 11 [Media SOP](#)
- 12 [Identification Procedures SOP](#)
- 13 [Victim Support SOP](#)
- 14 [Wearing of Veils SOP](#)
- 15 [Major Crime Investigation SOP](#)

I hope this information is helpful, however, if you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the Force. Should you wish to request such a review, please write to Mrs Sheena Brennan, Information Manager at the above address within 40 working days of receiving this letter.

Once informed of the Review Panel's decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

I would like to take this opportunity to thank you for your interest in Strathclyde Police. Should you require any further assistance concerning this matter please contact me directly on 0141 435 1204 quoting the reference number given.

Yours sincerely

Colette McFarlane
Freedom of Information Officer