



What happens after you report a rape or sexual assault?



Introduction

The circumstances behind any report of rape or sexual assault are unique, so the way we investigate each one can vary.

However, every investigation will start with the same steps to make sure we gather as much evidence as we can, as quickly as we can while giving you all the support and advice you need.

Our priorities are to make sure that you are safe, that you feel safe and to begin an investigation into the report you have made.

All rape and sexual assaults reported to us are taken seriously. We will investigate in a sensitive and supportive way.

The decision to report an assault is a hugely personal one. Some go to the Police straight away, others later, others not at all. There is no defined time frame to report a rape or sexual assault. You are in control of your decision making. Please rest assured that when you are ready to make a report, we will do everything we can to help and support you through the investigation.

This guide is designed to keep you informed about what happens after you report a rape or sexual assault and the support available to you during the process.

Content

- Reporting historical incidents
- The investigation process
- Key questions
- Help and support services in Lancashire

Important details

My crime reference number is: _____

My Investigating Officer is: _____

I can contact them on: _____



Reporting historical incidents

If your rape or sexual assault took place many years ago, deciding whether to report the incident/s that happened to you can be a difficult and challenging decision.

We understand that you may want to forget about what took place but for some people, reporting the crime can help them take back control of what happened.

We know that a rape or sexual assault can have a huge impact on your life and it's entirely your decision if you want to report what happened to you, but we are here to listen if you do.

If you are reporting an historic allegation (an incident that happened a long time ago) we will tailor some of the phases in the process to meet the needs of your case.



The investigation process

Regardless of when your rape or sexual assault took place (recently or in the past), this section breaks down the phases of the investigation and lets you know what will happen.

Phase one: After a report is made

Once you have made a report to us, arrangements will be made to meet with you (at a place where you feel safe) to talk to you and take an initial account of what happened to you. This meeting can take place in a way which enables you to give the best possible account and which makes you feel the most comfortable.

At this first meeting, Officers will make an immediate assessment of your need for first aid or other medical assistance, such as an ambulance.

Additionally, if needed and with your consent, the Officer may complete an early evidence kit that captures basic forensic evidence. If you are reporting an historic allegation (an incident that happened a long time ago), we will tailor the need for obtaining forensic evidence and conducting a medical examination based on your circumstances.

Every effort will be made to ensure that the Officer who attends to take this initial report is a First Responder who has received specialist rape and sexual assault training to deliver the type of support you may need.

At this stage, you will be asked if you wish to receive external support from Lancashire Victim Services.

All victims of crime, who wish to be, are referred to Lancashire Victim Services who are an independent organisation offering free, confidential emotional and practice guidance.

If you want to receive this support, a member of the specialist Sexual Violence Team will contact you within 48 hours to discuss the help and support that they can provide.

They are specially trained to respond appropriately and sensitively to your needs and will support you from report to Court and beyond if necessary.

During phase one, you may be asked about having a medical examination at a specialist sexual assault and forensic examination clinic called The SAFE Centre.

This is to gather forensic samples which can help us identify the offender and gather evidence of what has happened to you. You will also receive specialist support to help and guide you through this stage.

This examination will only happen with your consent and when you are ready to do so. However, please be mindful that there are time limits on our opportunity to gain forensic evidence, so ideally the examination needs to take place as soon as possible to ensure we have the best chance to gather forensic samples.

Even if you think that you do not have any physical injuries, you should still consider having a forensic medical examination (if you wish to) and discuss with the examiner the risk of exposure to sexually transmitted infections and the possibility of pregnancy resulting from the sexual assault.

If you suspect that you may have been given a rape drug, inform the Police/Examiner who will ask you to provide a sample of urine. Rape drugs such as Rohypnol and GHB are more likely to be detected in urine than in blood.

You may find it useful to access help from one of the support services in Lancashire. You can find these details on page 11 of this booklet.

Phase two: Investigation begins

At this stage, a further description of what happened to you will be taken. You will be given the choice of providing a witness statement or video recorded interview. This will be arranged by the Investigating Officer.

Video interviews are carried out at a safe location, away from your home address. Potentially, video interviews could mean that you may not have to go into the Courtroom in a possible future trial. Your Investigating Officer will explain more about this.

Understandably, this may be upsetting re-living the event again, but your recollections could provide vital lines of enquiry.

We will support you (and your family) and will ensure that you have the right help from the appropriate services, with your wishes remaining at the forefront of the investigation.

You will be asked if you want to make a Victim's Personal Statement (VPS) which is your opportunity to describe how your life has been affected by the crime/s. If you don't wish to at this time, you will be given further opportunities later in the process. You can make more than one VPS.

At this stage, we will start to gather information to aid the investigative process. This may include:

- Looking at CCTV recordings
- Obtaining and analysing forensic evidence
- Speaking to witnesses
- Tracing and interviewing the suspect
- Reviewing mobile devices and social media accounts (of both suspect and victim)
- Accessing personal records, such as GP notes

It is important to know we may need to obtain material from your mobile device as part of the investigation.

At this time, we will work with you to address any concerns you may have. We understand that this may feel that your privacy is being invaded and must seem a personal intrusion, but rest assured that we will only look to access material that is relevant to the case, with your agreement.

We may need access to your device as we have a legal duty to find all relevant material that could have a bearing on the case. This is because the Court needs to be assured that all evidence has been submitted to ensure that there is a fair trial for you and the defendant.

If possible, we will obtain this material without taking your device from you. If that is not possible, we may need to take it away to download the material.

Although we would encourage you to provide your device to aid us in the investigation, you can choose not to. The Investigating Officer will discuss with you the impact of not submitting your device could have on the investigation so you can make an informed choice.

During this time, we may, based on the evidence, make arrests of suspect/s who meet the criteria test as a suspect in the case. The Custody Sergeant will determine whether there is enough evidence for the suspect to be kept in custody to allow questioning and evidence gathering from them to take place.

At this stage, there are several possible outcomes:

▪ **Charges are made:**

This means that the suspect will be formally charged with the offence/s they have been accused of or;

▪ **Released on Police Bail:**

This means the suspect is released, sometimes with certain conditions, while enquiries continue. They will be given a date to return to the Police Station or;

▪ **Released under further investigation:**

This means that the person is not subject to bail and at the present time they are not required to return to the Police Station. However, enquiries and the Police investigation is still ongoing and they may be contacted again and in some circumstances be arrested again

▪ **No further action taken:**

After additional questioning the person who has been arrested could be released with no further action taken

▪ **Victim's Right to Review**

Whatever the outcome, you will be kept informed. If you're not satisfied with the decision, you can seek a review under the Victim's Right to Review scheme

The Victims' Right to Review (VRR) Scheme gives victims the right to ask for a review of a Police decision not to prosecute a suspect. VRR applies to cases in which a suspect has been identified and interviewed under caution, either after an arrest or voluntarily.

What cases you can ask to be reviewed

You have the right to request a review if the Police decide either:

- Not to bring proceedings in cases where Police have authority to charge
- That the case doesn't meet the test for referring the matter to the Crown Prosecution Service (CPS) for a charging decision

VRR specifically relates to decisions not to prosecute. It doesn't cover crime-recording decisions or decisions not to continue with enquiries.

How to apply for a review

If your case is one that the Police could charge but decided not to or where the Police decided not to refer a case to the CPS for a charging decision, please write to:

The Head of Criminal Justice,
PO Box 77, Preston,
Lancashire PR4 5SB or via email:
VRR@lancashire.pnn.police.uk

The request for a review must be made within three months of the victim being informed of the decision not to prosecute.

Investigations are broken down into phases. At each stage certain things happen, in some cases there may be a long period of time between each stage.

This is because we must gather evidence (including but not limited to, CCTV footage, forensic evidence and witness statements) to build the case and present it to the CPS who then decide if there's enough evidence to take the case to Court.

We will keep you informed as and when there are updates to share with you.

Phase four: Case decision

When the investigation is complete, we will carry out a review of the evidence. If we think the required evidential standard is met, the case will be submitted to the CPS.

The Investigating Officer will explain the outcome at this stage and what will happen if the required level of evidence standard isn't met.

The CPS will then decide if there is enough evidence to authorise charges against the suspect.

There are three possible outcomes:

- **CPS authorise charge/s:** The case is reviewed by a Specialist CPS Prosecutor and charge/s authorised. You will continue to be contacted by the Investigating Officer managing your case and by a designated Witness Care Officer who will assist with the Court process and keep you updated with key dates and information or;
- **CPS request further work:** The case is reviewed by a Specialist CPS Prosecutor who asks the Investigating Officer to conduct further enquiries before a charging decision can be made or;
- **CPS do not authorise charge/s:** The case is reviewed by a Specialist CPS Prosecutor who decides no further action should be taken against the suspect. You will be informed of this decision within five working days
- You have the right to seek a review of the CPS' decision under the Victim's Right to Review scheme
- If your case is one that the CPS decided not to take forward, for a more detailed explanation of the decision and/or further information about your right to seek a review, please contact CPS: (Normally within seven days of the notification, but in any event within three months) Via email: NorthWestVLU@cps.gov.uk by telephone 0161 827 4971 (between 0900 and 1700 hours Monday – Friday) or in writing to:

North West VLU Crown Prosecution Service
4th Floor,
Sunlight House,
Quay Street,
Manchester M3 3LU

When contacting the CPS to exercise your right to review, please include your name, the offence, the defendants name/s and the case reference number in all correspondence.

Phase Five: The court process

If the CPS authorise charge/s against the suspect, they will liaise closely with the Police to ensure the case is prepared for the first Court hearing. The first hearing will take place at a Magistrates Court.

The suspect, who will be referred to in Court as the defendant, will have to attend. You won't need to attend at this stage. You will be referred to as a witness for the prosecution.

The defendant may enter a plea at this hearing. If the defendant pleads guilty, the case may be sentenced immediately or be adjourned for sentence. The Witness Care Officer or the Investigating Officer will keep you updated and notify you of the date as well as providing an opportunity for you to make or update your Victim's Personal Statement.

Once the defendant has been sentenced, the Witness Care Officer or Investigating Officer will notify you of the result.

If the defendant pleads not guilty, the case will be adjourned for trial. The trial is likely to be heard in the Crown Court. There is often a delay between the first hearing and the trial. This is normal for cases heard in the Crown Court. COVID-19 has affected the timings of court proceedings, so there may be an additional delay. However, your Witness Care Officer, the Investigating Officer or Independent Sexual Violence Advisor will keep you updated as agreed with you under the Victims Code of Practice.

There may be times when the Investigating Officer needs to speak to you again. They may also need to re-examine your mobile device/s or social media account/s if relevant enquiries are raised by the defence lawyer representing the defendant. The Investigating Officer will fully explain to you why this is required.

Together with the CPS, we can apply to the Court for special measures that can assist you when you give your evidence in Court.

Special measures can include:

- Giving evidence behind a screen or via a video link from another room
- Having your Independent Sexual Violence

- Advisor with you during the Court process
- Where the Judge allows, Section 28 of the Youth Justice and Criminal Evidence Act 1999 enables vulnerable victims and witnesses to have their cross-examination video-recorded before the full trial, away from the Courtroom. This evidence is then played during the live trial, which, in most cases, means the person does not need to attend in person

You will again be offered the opportunity to make a Victim's Personal Statement (VPS). You will be asked if you want to read this out in Court or if you want it read aloud on your behalf. The Judge will decide who will read the statement. A VPS can be made at any stage before sentencing.

Preparing for the day

It's natural to feel a little nervous about going to Court, but the Investigating Officer and/or your representative from the relevant support agency will be on hand to support you all the way through the trial.

Your Witness Care Officer, Investigating Officer or Independent Sexual Violence Advisor is responsible for updating you and offering support and guidance throughout the length of the case.

They will update you at every stage of the hearing process if this is what you would like. They are also responsible for arranging special measures such as screens in Court, accommodation if travelling over one and a half hours, transport to Court, if necessary, and a visit around the Court before the day so that you can familiarise yourself with the layout of the Courtroom.

Protecting your anonymity

If you make a report of rape or sexual assault, you are entitled to lifetime anonymity. This means that if you attend Court as a witness, it is against the law for the media to use your name or give details that would make it clear who you are.

At the end of this phase, the outcome of the trial will usually be a guilty or not guilty verdict. If the jury fail to return a verdict there may be a retrial.

It is important to point out that a not guilty verdict does not necessarily mean you have not been believed. Your Witness Care Officer, Investigating Officer or Independent Sexual Violence Advisor will be able to answer any questions you may have following on from the verdict.

Once the verdict has been reached, your case will have completed the criminal justice system.

You can continue to have help from the support services for as long as you need it.

More information

The CPS has designed a guide for victims to explain the process of a criminal trial and what you can expect at each stage.

You can read the guide, called What Happens When a Case Comes to the CPS, by visiting: www.cps.gov.uk/rasso-guide/rasso-victims-guide



Key questions

Who are the Crown Prosecution Service (CPS)?

The CPS prosecutes criminal cases that have been investigated by the Police and other investigative organisations in England and Wales. The CPS is an impartial organisation and makes their decisions independently of the Police or Government.

What happens if there isn't enough evidence and the Crown Prosecution Service drop the charges?

If there isn't enough evidence, you will be advised of this decision by the Investigating Officer and will receive written notification from the Crown Prosecution Service. You will be advised as to what steps you may be able to take in applying to have this decision reviewed, under the Victim's Right to Review if you wish.

Depending on the circumstances, the investigation may or may not continue, this will depend on whether there are any further opportunities to gather additional evidence. At each stage everything will be explained to you in detail.

Will I have a person I can contact for updates?

Yes, you will. The Investigating Officer, Witness Care Officer or ISVA will provide you with their contact details and will keep you updated on the progress of your case.

How do I get legal representation if my case goes to Court?

You won't need legal representation in a criminal case. The Crown Prosecution Service prosecute cases in England and Wales on behalf of the Crown and will prosecute your case in Court.

What is an Independent Sexual Violence Advisor (ISVA)?

ISVAs are specially trained professionals experienced in supporting victims/survivors of rape or serious sexual assault.

They are independent from the Police and are there to support you emotionally and practically with information and advice to help you to cope and recover from what has happened to you.

They will help you to understand what is happening with the criminal proceedings and your rights under the Victims Code of Practice from the moment you report, right through to Court and beyond if necessary.

ISVAs will support you whether or not you have reported to the Police and it doesn't matter if the offence was recent or happened in the past.

ISVA support can be accessed Lancashire Victim Services.

Who else can offer me support?

Citizens Advice Witness Service can also provide support to prepare you to give your evidence in court should you need it. The Witness Service is part of Citizens Advice which is an independent national charity that provides free and confidential service independent of the criminal justice agencies to witnesses called to give evidence. Their role is to offer practical and emotional support for witnesses to ensure they have the opportunity to give their best evidence on the day and enable them to access any further support they may need after they have given their evidence. You can find their details on page 11.

Help and support services in Lancashire

Countywide - Lancashire Victim Services

Independent Sexual Violence Advisors from Lancashire Victim Services will support you whether a prosecution proceeds or not and will ensure that you get the right information, help and support for your individual needs.

Call 0300 323 0085

Website and online chat

www.lancashirevictimservices.org

Sexual Assault and Forensic Examination Centre (The SAFE Centre)

The SAFE Centre provides forensic examinations, advice and comprehensive support services for people who make a report of rape or sexual assault.

Website: www.lancashireteachinghospitals.nhs.uk/safe-centre

Morecambe and Lancaster - Birchall Trust

Provides counselling sessions for people who have experienced rape and or sexual abuse in South Cumbria, Morecambe and Lancaster.

Call: 01229 820828

Website: www.birchalltrust.org.uk

NHS Lancashire and South Cumbria wellbeing helpline

The wellbeing helpline is a freephone out of hours, person centred listening environment for people requiring emotional support in relation to their own mental health or that of someone they know.

Call: 0800 915 4640

Website: [www.lscft.nhs.uk/Mental-Health Helpline](http://www.lscft.nhs.uk/Mental-Health-Helpline)

Opening hours:

Monday to Friday, 7pm until 11pm

Saturday and Sunday 12pm until Midnight

NHS Lancashire and South Cumbria wellbeing texting service

The texting service aims to support people's wellbeing and mental health by providing emotional support to those who may prefer to communicate via text.

Text HELLO to 07860 022 846

Opening hours:

Monday to Friday, 7pm until 11pm

Saturday and Sunday 12pm until Midnight

Trust House

Offers counselling to parents/carers, partners and supporters of people who have been subject to sexual violence or abuse.

Call: 01772 825288

Website: www.trustouselancs.org

The Samaritans

A 24-hour confidential service offering emotional support

Call: 116 123

Website: www.samaritans.org

National Ugly Mugs

A national organisation supporting sex workers

Website: www.uglymugs.org

Call: 0161 629 9861 (Monday to Friday between 9am and 5pm)

Citizens Advice Witness Service

Citizens Advice Witness Service offer practical and emotional support for witnesses to ensure they have the opportunity to give their best evidence on the day and enable them to access any further support they may need after they have given their evidence.

Website: www.citizensadvice.org.uk/about-us/about-us1/citizens-advice-witness-service/



For more information about the rape
and sexual assault investigative process,
please visit: www.lancashire.police.uk/your-journey

