

| | | |
|---|--|---------------------------------|
| Case 08 Issue 39 – Child sexual abuse | | LEARNING THE LESSONS |
| Published September 2021 | | |
| For archived issues, learning reports and related background documents visit www.policeconduct.gov.uk/learning-the-lessons | | |
| ✉ learning@policeconduct.gov.uk | 🌐 www.policeconduct.gov.uk/learning-the-lessons | |

Long delays in progressing sex offences investigation

Investigation into alleged sex offences delayed due to failure to complete key actions, raising issues about:

- *Supervision of investigations*
- *Oversight of poor performance*

This case is relevant to the following areas:

Public protection



Investigation



Overview of incident

Mrs A called the police to report that Mr B, who was over the age of 18, had engaged in sexual activity with her daughter, Miss C, who was under the age of 16.

PC D attended the home address of Miss C. He spoke with her and also seized her mobile phone. The following day DC E also attended the home address of Miss C established it was her view that the sexual activity was consensual and that she was in a relationship with Mr B. Miss C was under the age of legal consent and so could not provide consent for sexual activity.

Miss C initially told officers she did not want to engage with them and provided a statement to that effect but changed her mind later that day after the officer left. An update statement reflecting this was placed on the crime report by DC E. PC D recorded on the crime report that he would speak to Miss C to establish if any offences had taken place. PC D visited Miss C and arranged for her to attend the police station and give a statement at a later date.

Mrs A and Miss C attended the police station and spoke with PC F, who suggested Miss C take part in a video interview with a specially trained officer. PC F arranged for this to take place and advised PC D as the officer in charge of the investigation.

A few days later Temporary Sergeant (T/S) G conducted a review of the investigation. In his review, he highlighted the need for a further statement to be taken from Miss C and identified a further victim, Ms H. T/S G said PC D was fully aware of this.

OFFICIAL

Approximately four days later T/S G provided an update to Mrs A advising her that officers would take a statement from her daughter the following week.

Five days later T/S G noted on the crime report that he was aware an Achieving Best Evidence (ABE) interview in order to progress the investigation. He twice recorded that an ABE interview had been booked for approximately one month in the future.

The ABE interview with Ms H took place on the date T/S G recorded.

A few days after the ABE interview took place with Ms H, T/S G recorded a review of the investigation which said "this now needs progression through the suspect being arrested".

Mr B was arrested around 10 days later and was interviewed in relation to the allegations. Mr B was then released on police bail for a period of approximately one month. The reason recorded for his bail was for Crown Prosecution Service (CPS) charging advice and for his mobile phone to be examined for evidence. Mr B had bail conditions that he was not to contact or interfere with, either directly or indirectly, any prosecution witness(es) namely Miss C and Ms H.

PC D sent the case file to the CPS around three weeks after the date Mr B was arrested. However, the CPS lawyer was not allocated to the case until almost one month after this. By the time the CPS lawyer had been allocated Mr B's bail return date had already passed.

The day before the lawyer was allocated the CPS set a number of actions they required answers to or completing prior to them being able to offer charging advice. PC D was advised to obtain this information before resubmitting the file for a decision.

A review by PS I almost three weeks later requested PC D to 'URGENTLY' complete the CPS action plan. This was followed by another review by PS I a further month later which again requested the action plan be urgently completed. In the following month a further two reviews were carried out which indicated that PC D was waiting for a reply from the CPS. An update made by PC D suggested Mr B had been further bailed.

Ten days after Mr B's bail return date was once again reached, a further action plan was set by the CPS. A week after that PC D sent an email to the CPS lawyer advising them that he had completed the tasks set out. Evidence showed that PC D sent a further email almost a week later asking for an update. He received a reply the day after this email, in which the CPS lawyer indicated that although some evidential material was supplied, parts of the material requested in the action plan had not been received.

It appeared from the evidence that PC D delivered part of the missing material approximately five days later but it was unclear if or how this issues was resolved.

Evidence suggested that a couple of days after this further material was delivered to the CPS. An email from the CPS to PC D suggested there was a witness statement missing which PC D indicated was attached, and no transcript of interview.

Mr B was due to return on bail a month after his previous return date. Mr B said each time he was re-bailed his mother was contacted by phone advising them of the bail extension and no requirement to attend the police station. On this occasion, Mr B was bailed for a further month.

OFFICIAL

Since this investigation took place changes have been made to pre-charge bail powers.

Find out more:

<https://www.legislation.gov.uk/ukpga/2017/3/section/62/enacted>

After the further month had passed Inspector J refused to authorise a further period on bail for Mr B as he had already been bailed three times and it was not felt appropriate or proportionate to do so again. Mr B was shown as 'no further action' on police systems and if the CPS decided there was enough evidence to support a charge Mr B would be reported for the offence and summonsed to court. Inspector J's rationale for refusing to re-bail Mr B was also his belief that safeguarding was not an issue as there had been no contact between the parties.

Approximately six weeks after PC delivered the material to the CPS PS I conducted a further review. PS I requested PC D to ensure the required material for the CPS was sent as soon as possible and that they were chased for a decision. This was followed by another review a couple of weeks later where PS I requested that the CPS were contacted for a decision.

The following month, PS I completed a report voicing concerns over PC D's performance, not just in this case but in his general policing duties. A few weeks later PC D recorded he had retrieved documents from social services and hand delivered them to CPS. A further review by PS I indicated that the case file was with the CPS and a charging decision was due in around a week.

A further month later PC D noted he had received an email from the CPS requesting further information from social services. PC D replied saying that there was no further information social services had to provide.

Supervision of the case was assumed by PS K and recorded a review stating the investigation had been protracted and referred to delays due to a change in the CPS lawyer. PS K noted a CPS review of the investigation was not due until several weeks later. PS K requested that PC D sends an email to the CPS in an attempt to progress the investigation. PC D sent an email to the CPS around a week after PS K's review questioning the relevance of further evidence requested by the CPS. In the email PC D indicated that Mr B will plead "guilty at the earliest opportunity" and that the information they were requesting was already on file.

Around three weeks after the review by the CPS was due PS K requested the CPS use her as a point of contact. The CPS responded the following day providing PS K with a 14 point action plan they would like addressing before they could reach a charging decision.

The IOPC determined it was clear from the CPS request that some evidence that had been asked for approximately six months previously had still not been received. ABE interviews that had been requested at an early stage had not been received, for example.

A further review by PS K identified gaps in the investigation, including that no ABE interview had been completed with Miss C and no witness statement obtained from her sister. PS K told the IOPC that PC D had told her certain actions had been completed which she later discovered had not.

PS K said she was told by PC D he had asked Miss C if she wished to provide a statement however when PS K spoke to Miss C and her mother she was told PC D had never asked them

OFFICIAL

for a statement. PC D also told PS K certain documents had been uploaded to force systems but PS K found they were not there. PS K said PC D told her they must have been deleted. PS K said she knew documents could not be deleted from the system.

At some point in the following three months PC L took over the investigation from PC D because PC D was off work for a protracted period of time. PS K and PC L both said the investigation made good progress after this point.

Around 15 months after Mr B was first arrested, PC L updated the crime report indicating that all the outstanding requests from the CPS had been completed. The case was officially handed back to PC D after this.

Over two months later a review by PS M indicated the case was back with the CPS for a charging decision. PS M requested PC D to chase this up. Around 10 days later PC D recorded he had emailed the CPS asking for an update.

A few days later PC D recorded he had contacted the school of both Miss C and Ms H and arrangements were made to view their records. This was the last documented update on the crime report by PC D.

The investigation was still ongoing over 18 months after the initial arrest.

Type of investigation

IOPC independent investigation.

Other action taken by this police force

1. Under the leadership of an ACC, a review of the force's response to investigation and supervision has taken place. All first line supervisors have received further training ensuring that case action plans are embedded on all investigations (other than desk based). The compliance of these is scrutinised monthly at Chief officer level. All Inspectors dip sample 10 investigations and their case action plans each month from a qualitative point of view.

Outcomes for officers and staff

PC D

1. PC D was found to have a case to answer for misconduct for failing to progress the investigation. He was dismissed from the force in relation to an unrelated matter.

Questions to consider

Questions for policy makers and managers

OFFICIAL

1. How does your force make sure investigations are appropriately supervised and key investigative actions are completed in a timely manner?
2. How does your force manage poor performance of officers investigating serious crimes?
3. Where concerns are expressed about an officer's performance does your force prompt managers to routinely consider whether concerns around wellbeing may be a contributory factor?
4. How does your force make sure that young people are kept up to date with the progress of their case in line with the Victim's Code?

Questions for officers and staff

5. How would changes to pre-charge bail powers implemented since this investigation change the way you would have handled this incident as the investigating officer?
6. What would you do if a child under the age of 16 described sexual activity they had engaged in as 'consensual'?