

Southwark Sapphire Unit's local practices for the reporting and investigation of sexual offences, July 2008 – September 2009

Independent Investigation
Learning Report

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Commissioner's Foreword

This report into the working practices of the Sapphire Unit is the fifth IPCC investigation involving Southwark borough and the ninth investigation into the Metropolitan Police Service's response to the victims of sexual violence.

The report also concerns a rape that was reported at Walworth police station in November 2008 but only referred to us in 2011, after a separate, serious, incident. The response to this reported rape was deeply disturbing.

Our investigation found that the initial account given by the woman to a Sexual Offences Investigation Technique (SOIT) officer clearly contained an allegation of rape involving threats of violence, which was neither recorded nor investigated. The SOIT officer told the IPCC that a supervisory officer, a Detective Sergeant, told them that the circumstances did not constitute a rape because the woman had "consented" and that the matter would not be investigated. As a result, the scene was not forensically examined, no forensic samples were taken and the suspect was not interviewed about the allegation.

The IPCC investigation also found that another officer on the unit filed a report on the crime recording system which said that the SOIT officer had established that there was no evidence of sexual violence, intercourse had been consensual and that the information disclosed by the woman did not constitute rape.

There is no doubt from the evidence that the woman made an allegation of rape at Walworth police station which should have been believed and thoroughly investigated.

The IPCC has found a case to answer for gross misconduct by the Detective Sergeant, for which the final outcome is awaited. We also identified performance issues for two officers and a learning issue for a third.

Wider review

In investigating this case, and bearing in mind the previous cases the IPCC had dealt with in Southwark borough, we carried out a wider review of the borough's practices from July 2008 until September 2009 when Sapphire came under centralised command.

The review found that Southwark Sapphire unit was under-performing and over-stretched and officers of all ranks, often unfamiliar with sexual offence work, felt under pressure to improve performance and meet targets. Its sanction-detection rate (the proportion of recorded crimes that proceed to prosecution) was poor, and management focused on hitting this target as a measure of success, rather than on the MPS standard operating procedure, which identified a much broader range of performance measures.

We found that Southwark Sapphire had implemented its own standard operating procedure over this period to meet these targets. Essentially, this took the form of encouraging officers and victims to retract allegations (so that no crime was recorded) in cases where it was thought that they might later withdraw or not reach the standard for prosecution (which would have been recorded as an unsolved crime). This resulted in the close questioning of victims before they even met an officer trained in dealing with sex crimes and the widespread use of retraction statements – including in cases where this was clearly inappropriate. This local standard operating procedure, authorised by senior officers, increased the number of incidents that were classified as 'no crime' and therefore increased the sanction-detection rates for the unit.

It was clearly important to improve performance on the unit. However, the approach of failing to believe victims in the first instance was wholly inappropriate and went against the first principle of the MPS standard operating procedure: to believe the victim until evidence demonstrated otherwise. This pressure to meet targets as a measure of success, rather than focussing on the outcome for the victim, resulted in the police losing sight of what policing is about – protecting the public, and deterring and detecting crime. As many similar cases have shown, the solution to victims withdrawing from the process is to ensure that they are supported through it, not that they are prevented from engaging with it.

Outcomes

Two other major investigations involving failings in the police response were concluded by the IPCC prior to the current case – the cases of serial rapist John Worboys, and serial sex offender Kirk Reid, both referred in 2009. I said at the time that the number of victims in these cases, the outcome of the trials and the public reaction to the police response

undoubtedly acted as a wake-up call to the MPS in its response to the victims of sexual violence.

In order to properly consider the impact of this case and the wider review of working practices I must look at three areas:

1. Criminal and misconduct outcomes

Four previous cases involving the Southwark Sapphire unit concluded with misconduct outcomes for eight individual officers, including four officers facing gross misconduct proceedings and one dismissal.

In addition, in relation to Sapphire cases elsewhere in the MPS, two officers have been investigated for criminal offences, one of whom was convicted and imprisoned for 13 counts of misconduct in a public office in October 2012. He has also been dismissed. The second case remains under criminal investigation.

2. Learning and MPS response

In response to the latest IPCC report, the MPS has outlined the work done in recent years to improve performance and increase confidence in the Sapphire unit as well as the steps taken to address specific recommendations. These include:

- A change to performance indicators: the MPS now measures the total number of detections, to avoid any pressure to classify an offence as a “no crime”. Victim satisfaction is now specifically considered under the performance criteria and monthly data taken from victims is the subject of a performance review by senior officers.
- All Sapphire units have a SOIT coordinator and deputy coordinator: regular meetings are held by and for coordinators, and new SOITs are shadowed by experienced officers for their first victim encounters.
- Clear guidance for officers on the circumstances and content for both retraction and withdrawal statements: where a victim wishes to retract or withdraw an allegation, a SOIT officer will investigate, document the rationale and communicate

it to a supervisor. All withdrawal and retraction statements are assessed by a Detective Inspector before the case is closed.

- All cases are subject to a closing report: all cases are reviewed by a senior detective before they are closed.

3. Views of the voluntary sector

In considering the MPS response, I am very mindful of the public interest in this area and the importance of victims of sexual violence having confidence that the police will respond to their allegations with professionalism and sensitivity. I am all too aware of the impact each of these cases has on the confidence of other victims, and therefore once again sought the assistance of the voluntary sector in considering the current service provided by the MPS to the victims of these crimes.

Representatives from Eaves Housing, Rape Crisis, Victim Support, the Survivors Trust, NIA Ending Violence and the Havens attended a meeting at the IPCC in December 2012, together with the senior officers from the MPS responsible for the Sapphire unit. The feedback from those groups was, in summary:

- While the MPS response has improved considerably since 2009, there are still concerns about the first-line police response to victims - before specialist officers become involved.
- In particular, there is concern that there is still a need for further training on the concept of "informed consent" - particularly as this first response has a huge impact on victims' confidence in the police.
- Communication with victims is patchy across the boroughs and more is needed to ensure that the police provide regular updates to victims. The police could also make better use of the voluntary sector in this area.
- The service the police provide can only be properly monitored and evaluated if victim satisfaction is continuously measured.

The groups also felt that the improvements in the MPS should be viewed in the context of

the overall criminal justice system, and that more should be done by other parts of the system to provide support and improve the experience of victims. They also expressed concern not only about the negative impact on public confidence as a result of the failings widely reported in the media, but also on the morale of officers within the Sapphire unit and the difficulties this caused both to recruitment and retention of good officers.

Conclusions

So is there more, now, that the MPS needs to do to regain the confidence of victims in this vitally important area? Performance indicators will always be a factor in policing, given the need to report on, and measure, what gets done – but this case highlights the risks of policing being driven by the wrong performance measures and targets: a classic case of hitting the target but missing the point. The change to performance measures and the inclusion of victim satisfaction is an important step in the right direction.

I have previously emphasised the importance of cooperation with voluntary sector support services, to support vulnerable victims through their emotional trauma and the criminal justice system. There is, clearly, a wealth of knowledge and support which the police could utilise at different levels.

I am pleased that the MPS have recently reconstituted their external reference group and I encourage them to use this group to the fullest extent, not merely to seek advice but to improve their own working practices. It is also the MPS's responsibility to maintain this vital link – which if properly used will provide them with an early warning system against potential future problems before they become headlines.

In addition, the IPCC recommends that:

- Training for frontline officers and staff should include guidance and information around consent, the cultural issues that may arise in these situations and what to do when they are faced with an allegation that is based around consent.
- The MPS should do more to monitor victim satisfaction – confidential surveys will provide essential feedback on whether the changes they have made are working and identify further areas of improvement.

Given the number of cases where the MPS's response to victims has failed, either through individual officers' criminality or neglect or more systemic problems of training, priorities and resources, the response that "lessons have been learned" begins to ring hollow. That is why I asked representatives of those who actually deal with victims to advise me of their experience of whether lessons have indeed been learned. It is encouraging that this experience has, for the most part, improved considerably, though, as we recommend above, there is still more to be done. The MPS must now ensure that this improvement is built on and continues – and remain vigilant to ensure that they do not lose focus on this area as other policing priorities emerge, or as they face further pressure on resources.

Deborah Glass

Deputy Chair

February 2013

Summary

1. An independent investigation into the local practices for the reporting and investigation of sexual offences between July 2008 and September 2009 at the Metropolitan Police Service's Sapphire Unit in Southwark arose following a report that they had failed to investigate an allegation of rape made by Ms A at Walworth police station in November 2008. The IPCC had conducted previous investigations into the unit around this time for similar matters. A separate investigation regarding police contact with Ms A was conducted and gross misconduct was identified. The unit was responsible for the investigation of allegations of all sexual offences on the borough.
2. The IPCC considered a number of factors, including the unit's performance and targets; resourcing issues; the use of retraction and withdrawal statements; local and MPS-wide standard operating procedures; and previous MPS reviews and IPCC investigations.
3. The investigation found that at the beginning of 2008, the unit's performance was poor and there was pressure from central command and senior officers on the unit to improve performance. Pressure to increase sanction/detections was felt by all officers in the unit.
4. Whilst the force standard operating procedure identified that performance should be measured in a number of ways, the rate of 'sanction/detections', i.e. perpetrators charged with an offence, was the focus of performance measurement.
5. Four separate reviews made varied recommendations on how performance could be improved. However, the unit issued instructions that focussed on the classification of new allegations, which included victims being spoken to by a Detective Constable prior to being spoken to by a specialist Sexual Offences Interview Technique (SOIT) Officer, to ensure offences were classified 'correctly', ostensibly to prevent officers undertaking unnecessary work. However, this meant that victims were questioned repeatedly, which can contribute to rates of attrition, and went against the first principal of the standard operating procedure to believe the victim until evidence demonstrated otherwise after a full and thorough

investigation. This meant that fewer crimes were recorded and therefore targets were easier to reach.

6. Further, pressure was put on officers to obtain 'retraction' over 'withdrawal' statements. A 'retraction' statement is obtained when a victim states that the reported incident did not happen. A 'withdrawal' statement is made when a victim states that the incident happened but they do not wish to support the investigation.
7. Analysis of performance demonstrated that the increased use of retraction statements, which enabled an allegation to be classified as 'no crime', benefited the unit's performance statistics. Whilst there may have been a small number of allegations that warranted a retraction statement, their widespread use raised concern. Several officers said they felt there was a lack of guidance as to what should be contained within a retraction and a withdrawal statement.
8. The IPCC is aware of two instances in 2009 where women were pressured into providing retraction statements. In the case of Ms A the allegation of rape was not recorded or investigated. The crime reports of other investigations were examined which raised concern. However, further work could not be undertaken on these due to missing files, apparently because of disruptive building works going on in the unit and the archiving system.
9. The effect of the new procedure regarding classification of crimes and the increase in the number of retraction statements over withdrawal statements led to a drop in the number of reported offences and the sanction/detection rate leaping from 10% to 31%. The number of serious sexual offences classified as a 'no crime' or as a 'crime related incident' was consistently higher than the MPS average.
10. Resources in the unit were stretched and had been so for at least two years. The issue was raised repeatedly but no concerted effort was made to remedy the situation. Not only was there a shortage of SOIT officers and DCs, but often those on the unit were not substantive detectives, and/or were young in service. Further, SOIT officers were given low-level sexual offences to investigate, taking them away from their primary function of supporting victims. Whilst a recommendation had been made to improve performance by focussing resources at an early stage of an investigation, this was not possible because the resources were not present.

Attracting officers to the unit was difficult because of low morale and because it was due to close in September 2009.

11. The lack of resources coupled with the pressure to improve performance led to the adoption of poor working practices, resulting in the failure to investigate allegations of serious sexual assault and rape.
12. SOIT officers that were not happy about the working practices of the unit did not have a SOIT co-ordinator to speak with, which would have given them the opportunity to voice their concerns and manage stress, which could have led to less people leaving the position.
13. With the inception of SCD2 in September 2009, changes were made in the measurement of performance, with numerical as opposed to percentage targets for 'sanction/detection's; a focus on victim care; and guidance on the levels of experienced SOIT officers and DCs on the unit should have. This led to a reduction in the rate of allegations that had a final recording of 'no crime'; an increase in the number of recorded rapes; and a reduction in the rate of attrition.

Quick time learning

14. Given the historic nature of the investigation and because the policy for the investigation of sexual offences has changed, no quick time learning was identified during the investigation.

Good practice

15. The changes made to performance measurement in September 2009 re-focussed investigations on the care of the victim. The requirement for officers to be experienced is in line with ACPO guidance.

Findings and recommendations

Finding 1 – Performance measurement

16. The key method used to measure performance, i.e. a percentage measurement of crimes reported that have resulted in a sanction/detection, led to a focus on how crimes were classified in order to reduce the number of offences to be detected,

causing the manipulation of crime classification figures in order to give the appearance of improved performance.

Local recommendations

17. The force should ensure that the methods for measuring sanction/detection levels are a numerical target and not a percentage target of allegations made, to reduce the risk of crimes being incorrectly classified.
18. The force should ensure that performance measures have victim-care at their core.
19. The reason this is not a national recommendation is that it relates to systemic failings and does not require change in national policy or practice. However, it will be recommended for the Learning the Lessons bulletin to alert other forces.

Finding 2 – Resources

20. The lack of resources and experience in the unit meant that improving performance using victim-focussed methods was hard to achieve. Further, the lack of experience and pressure on officers caused low morale and high stress, which can compound under-performance.

Local recommendations

21. The force should maintain the policy of ensuring DCs are substantive and that SOIT officers work only in this role.
22. The force should ensure that a SOIT co-ordinator is in place for all SOIT officers, and that the officers know who their co-ordinator is.

Finding 3 – Use of retraction and withdrawal statements

23. Inappropriate use of retraction and withdrawal statements can provide the opportunity to mis-classify allegations of crime, which in turn can lead to the manipulation of performance figures.

Local recommendations

24. The force should ensure clear guidance is available for officers regarding the circumstances and the content for both retraction and withdrawal statements.

- 25. It is recommended that the force regularly dip-sample retraction and withdrawal statements to ensure they are taken in the correct circumstances and meet the required standard.

Finding 4 – Storage of files

- 26. The storage of files during investigation and in archive is such that they cannot be found when needed. This would inhibit any cold-case review and could have a detrimental effect on any future criminal proceedings.

Local recommendations

- 27. The force should review its system for storing files for investigations that are both active and closed. It should ensure that all files are readily accessible.

Emma Maloney

Lead Investigator, IPCC

Appendix 1 – Graphs from statistical analysis

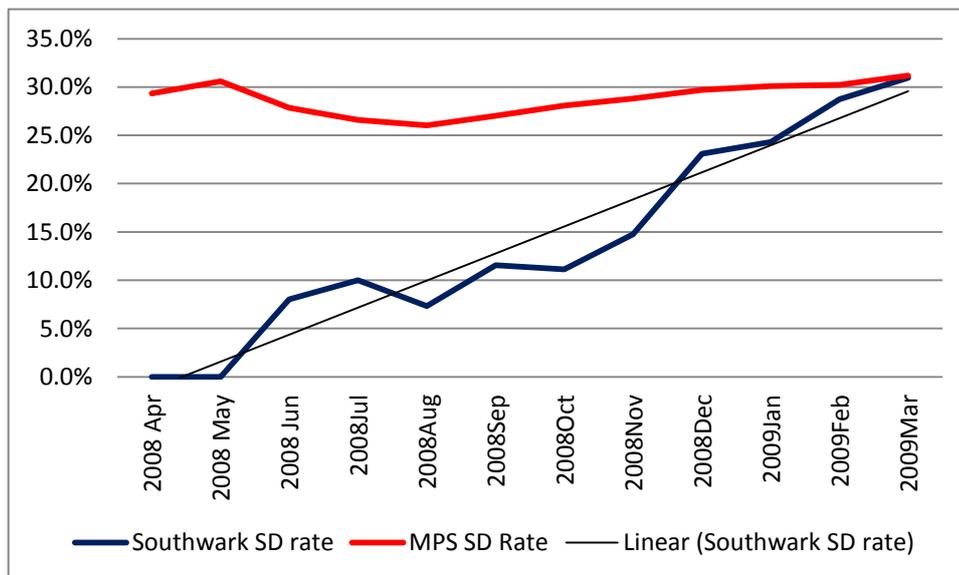


Figure 1. Rape SD rate for Southwark and MPS average for Boroughs

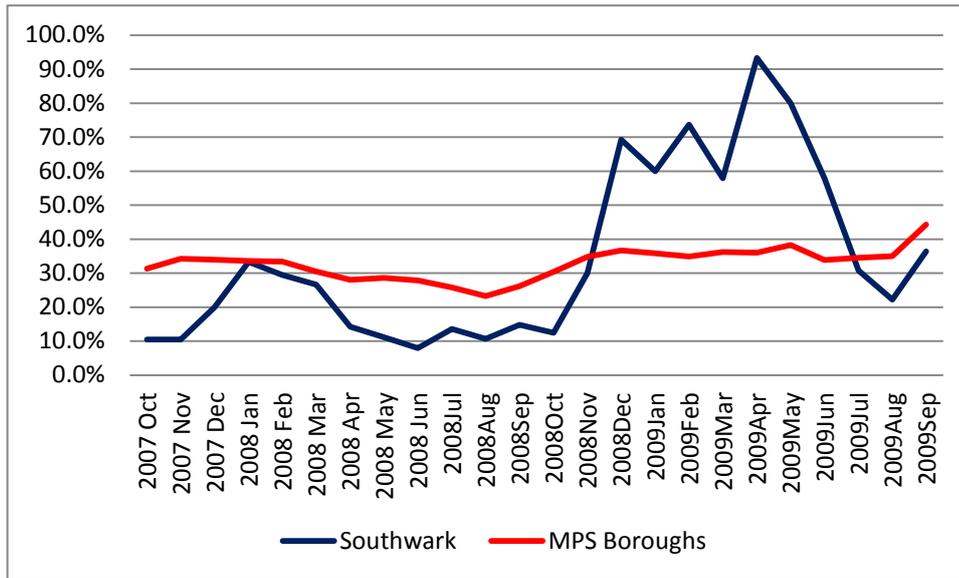


Figure 2. Rape Rolling 3 month Average SD for Southwark and MPS Boroughs

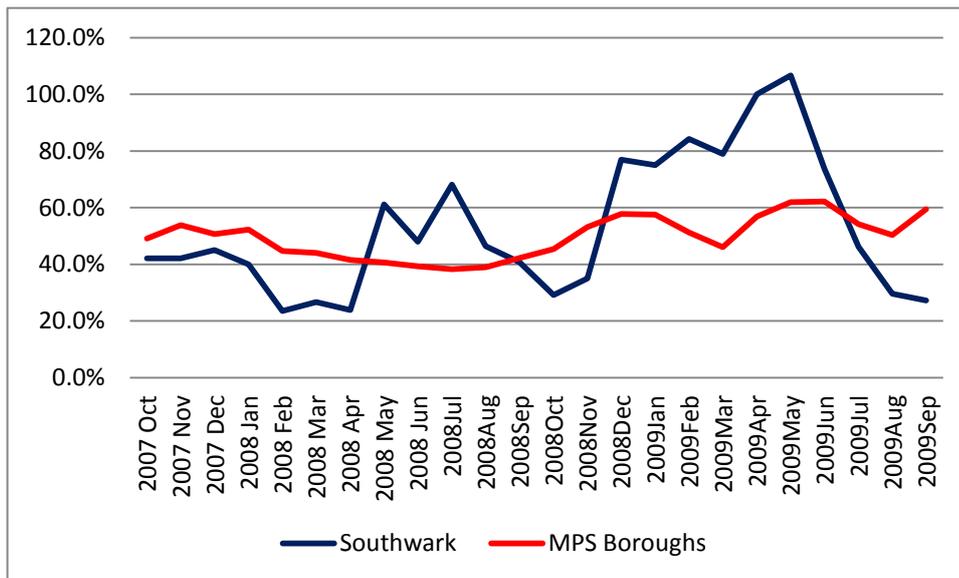


Figure 3. Rape Rolling 3 month Average percentage comparison of number of allegations resulting in a Crime Related Incident or No Crime classification and those recorded for Southwark and the MPS Boroughs

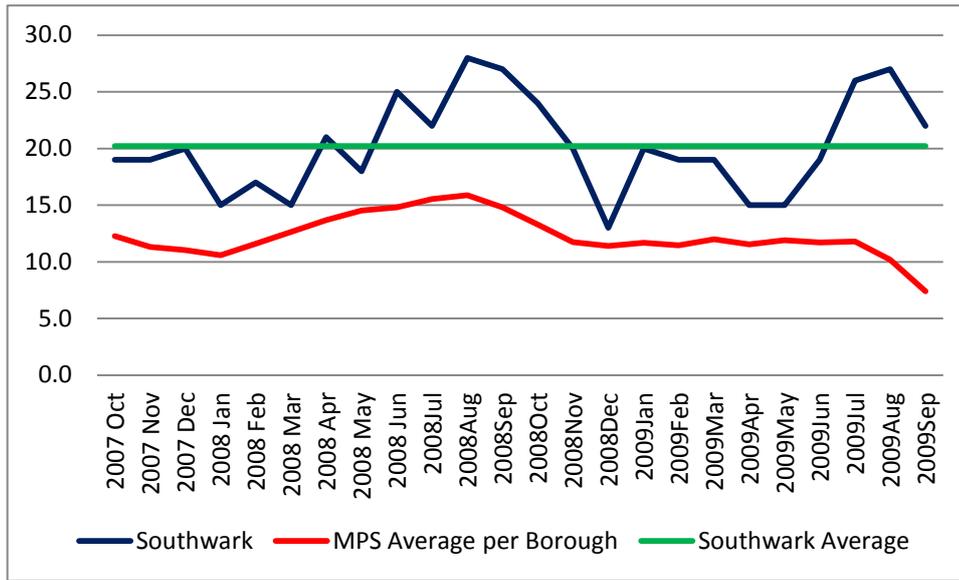


Figure 4. Three month Rolling average number of rapes reported on Southwark Borough compared to the average for this borough and the MPS average per borough

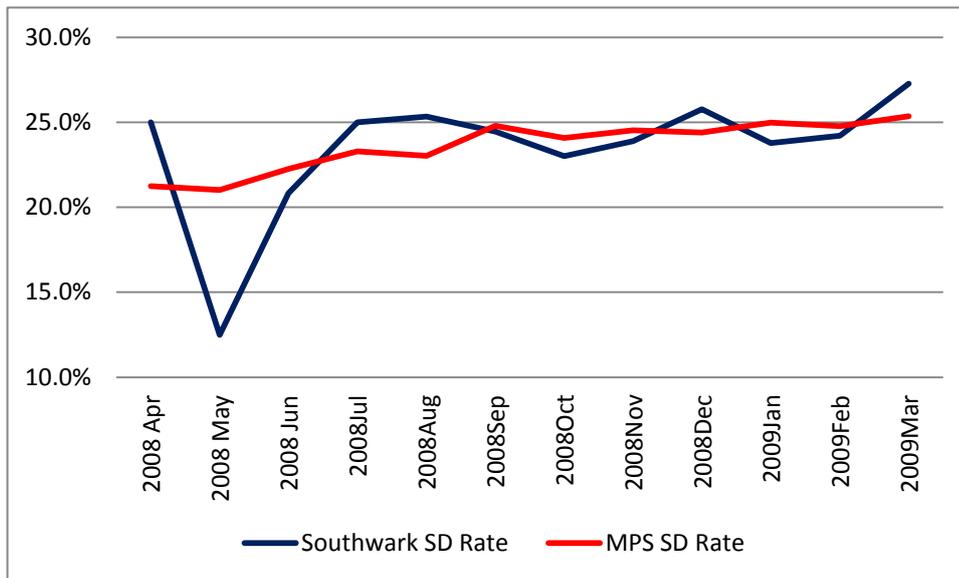


Figure 5. Other Serious Sexual Offences SD rate for Southwark and MPS average for Boroughs

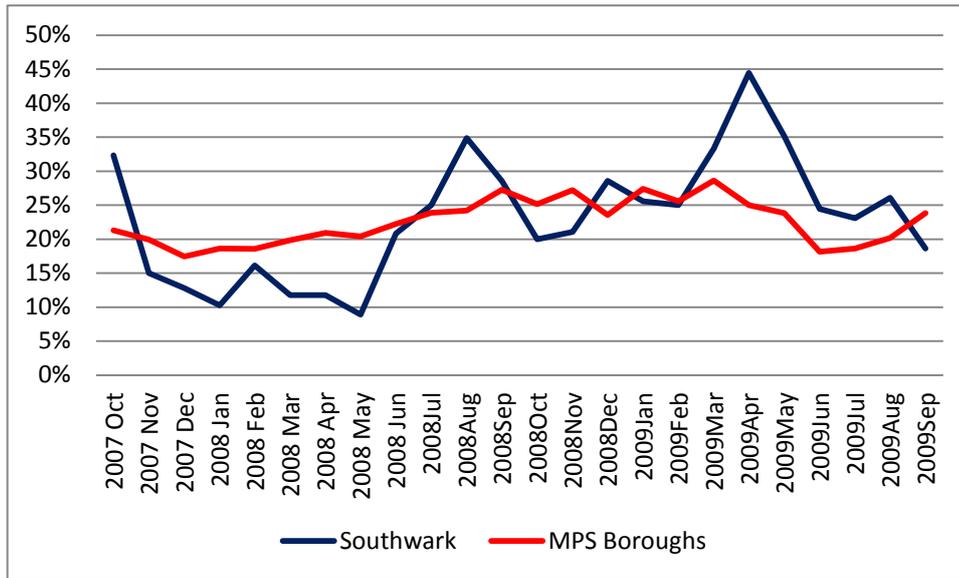


Figure 6. Other Serious Sexual Offences Rolling 3 month Average SD for Southwark and MPS Boroughs

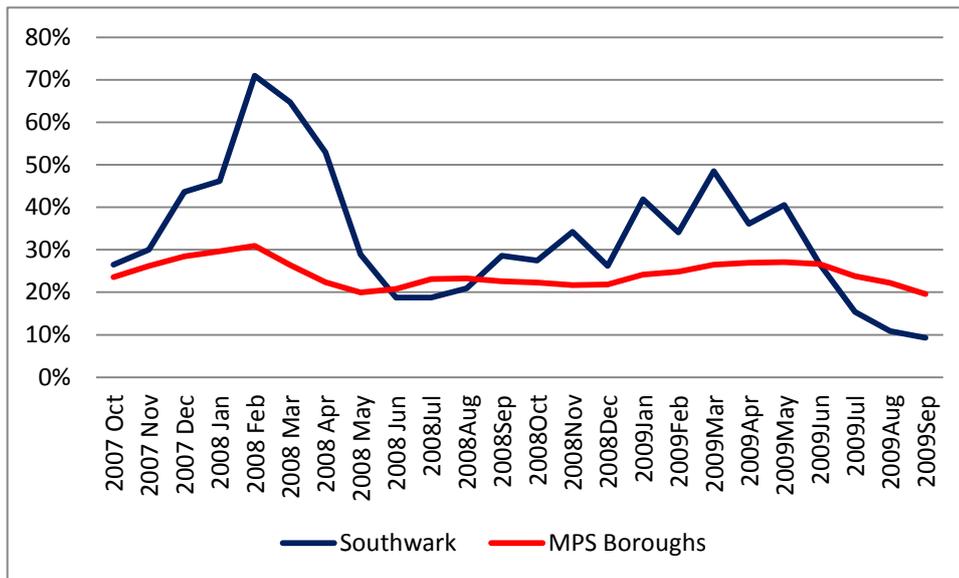


Figure 7. Other Serious Sexual Offences Rolling 3 month Average percentage comparison of number of allegations resulting in a Crime Related Incident or No Crime classification and those recorded for Southwark and the MPS Boroughs

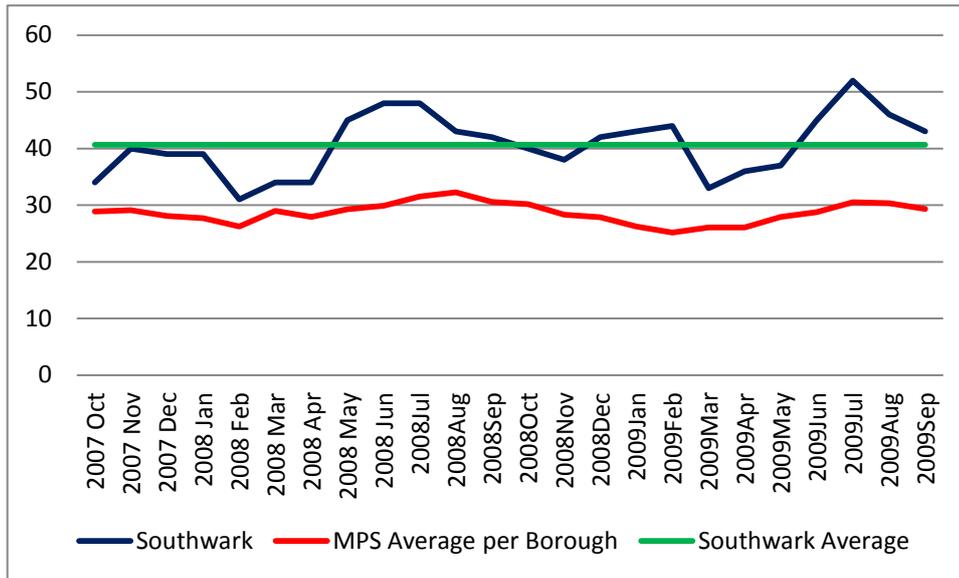


Figure 8. Three month Rolling average number of Other Serious Sexual Offences reported on Southwark Borough compared to the average for this borough and the MPS average per borough

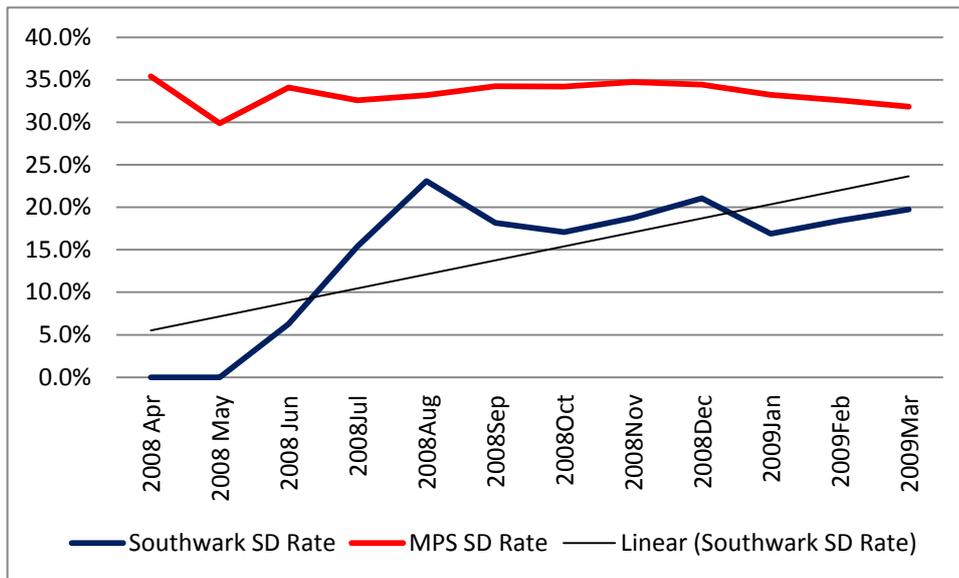


Figure 9. Other Sexual Offences SD rate for Southwark and MPS average for Boroughs

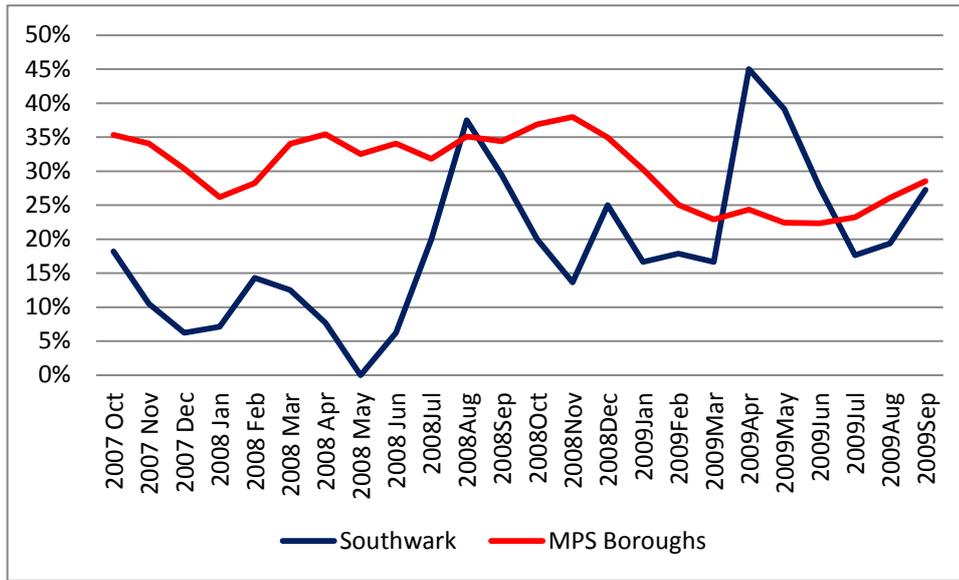


Figure 10. Other Sexual Offences Rolling 3 month Average SD for Southwark and MPS Boroughs

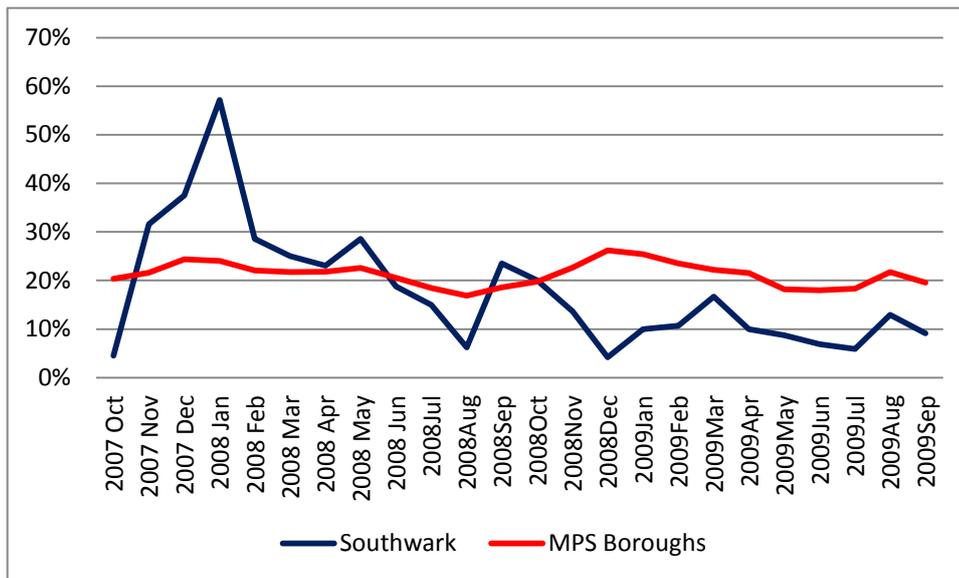


Figure 11. Other Sexual Offences Rolling 3 month Average percentage comparison of number of allegations resulting in a Crime Related Incident or No Crime classification and those recorded for Southwark and the MPS Boroughs

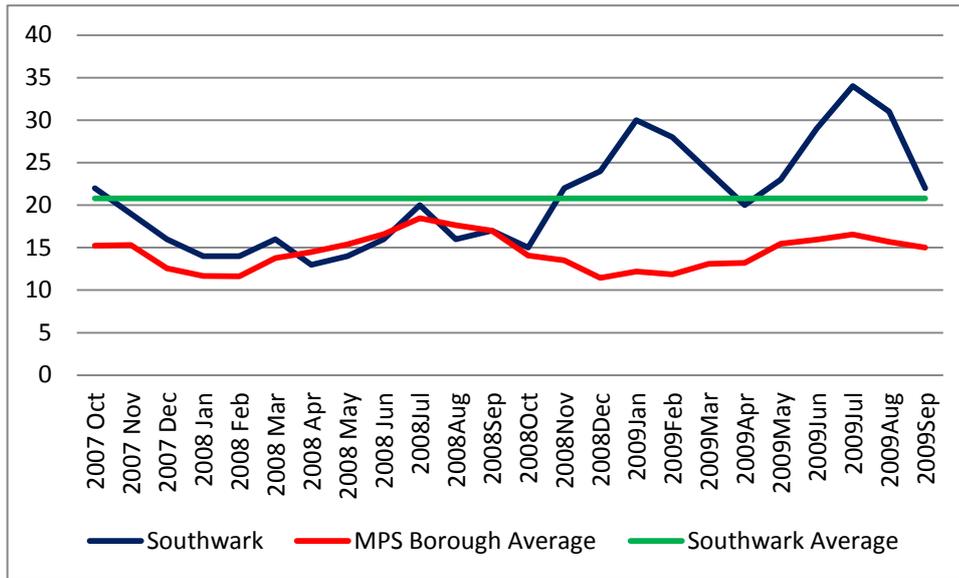


Figure 12. Three month Rolling average number of Other Sexual Offences reported on Southwark Borough compared to the average for this borough and the MPS average per borough

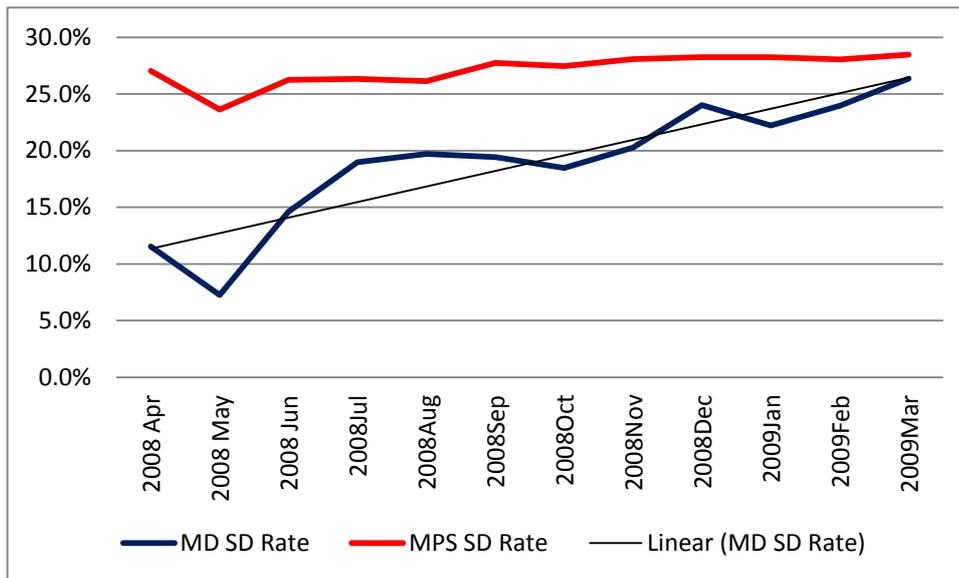


Figure 13. All sexual offences SD rate for Southwark and MPS average for Boroughs

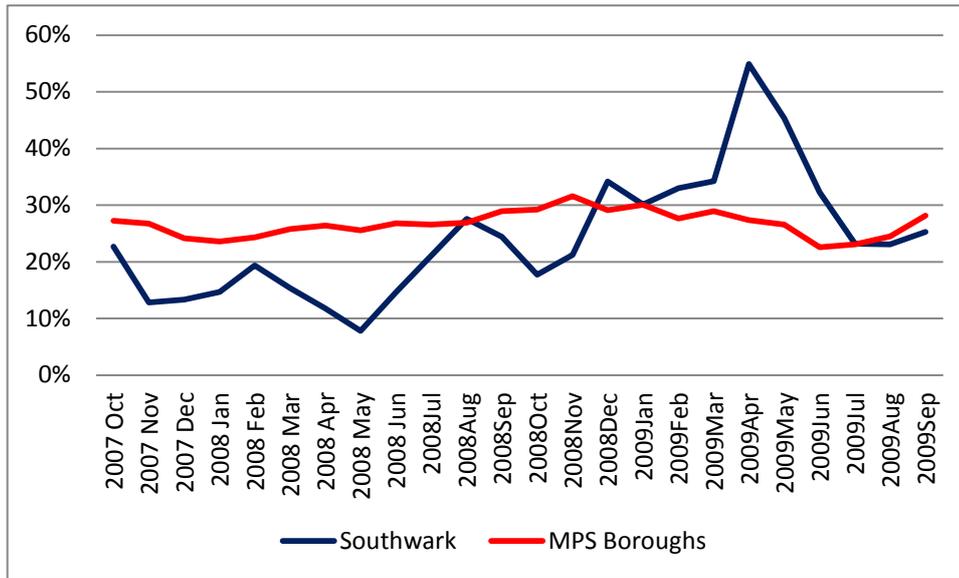


Figure 14. All Sexual Offences Rolling 3 month Average SD for Southwark and MPS Boroughs

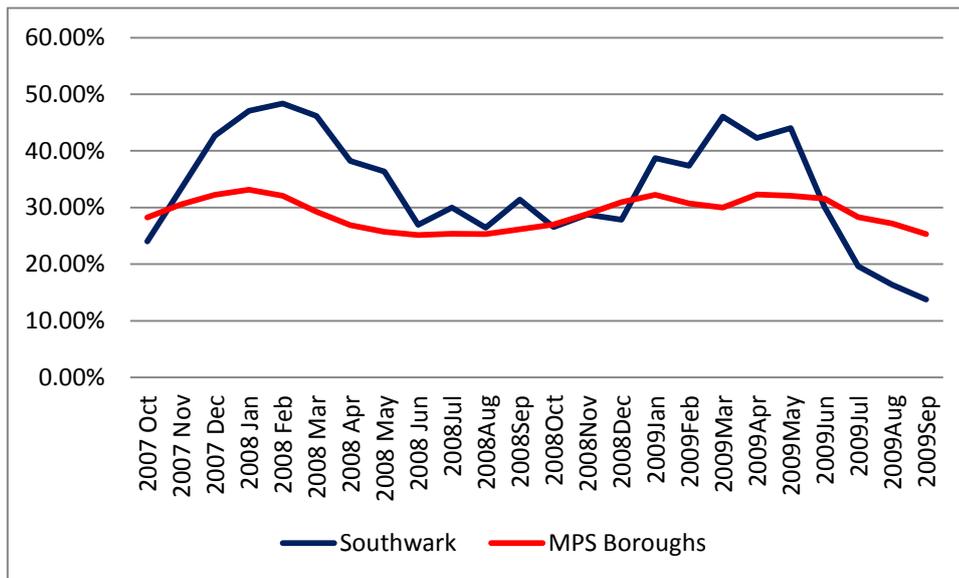


Figure 15. All Sexual Offences Rolling 3 month Average percentage comparison of number of allegations resulting in a Crime Related Incident or No Crime classification and those recorded for Southwark and the MPS Boroughs

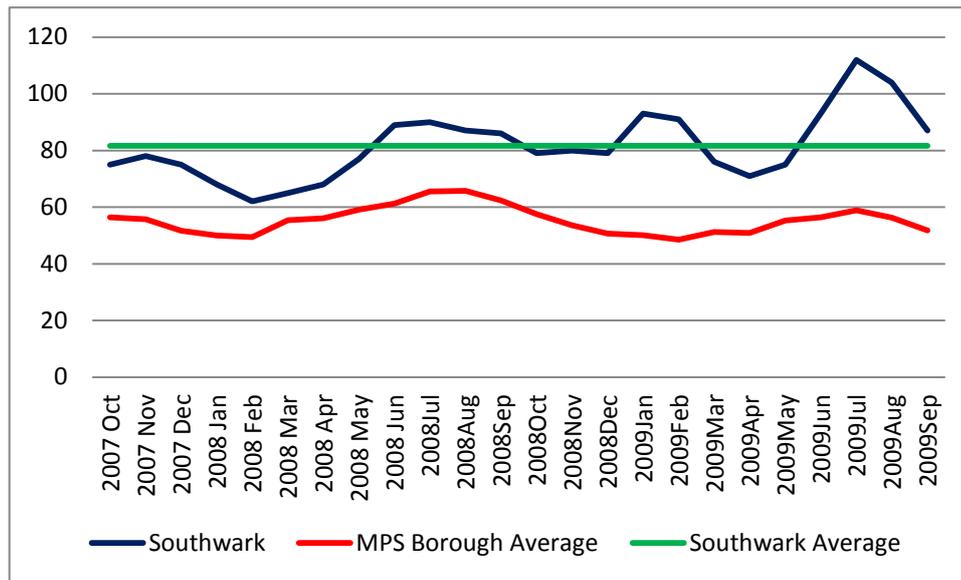


Figure 16. 3 month Rolling average number of All Sexual Offences reported on Southwark Borough compared to the average for this borough and the MPS average per borough