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# POLICE INVESTIGATIONS

We support survivors of sexual violence and abuse in Sussex. We understand that a healing journey starts with a small step and are here to help you.

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## OVERVIEW OF AN INVESTIGATION



### How long will an investigation take?

This can be very hard to answer. No two cases are the same, and it can depend on many things, including how long it has been and what evidence needs to be collected. An extremely rough estimate can be two years however, if there are delays it may mean that your case could take longer than this.

It is important to remember that you can report at any time, there is no time limit when you need to report your case. If you need to take a bit of time to think what you want to do that is your choice.

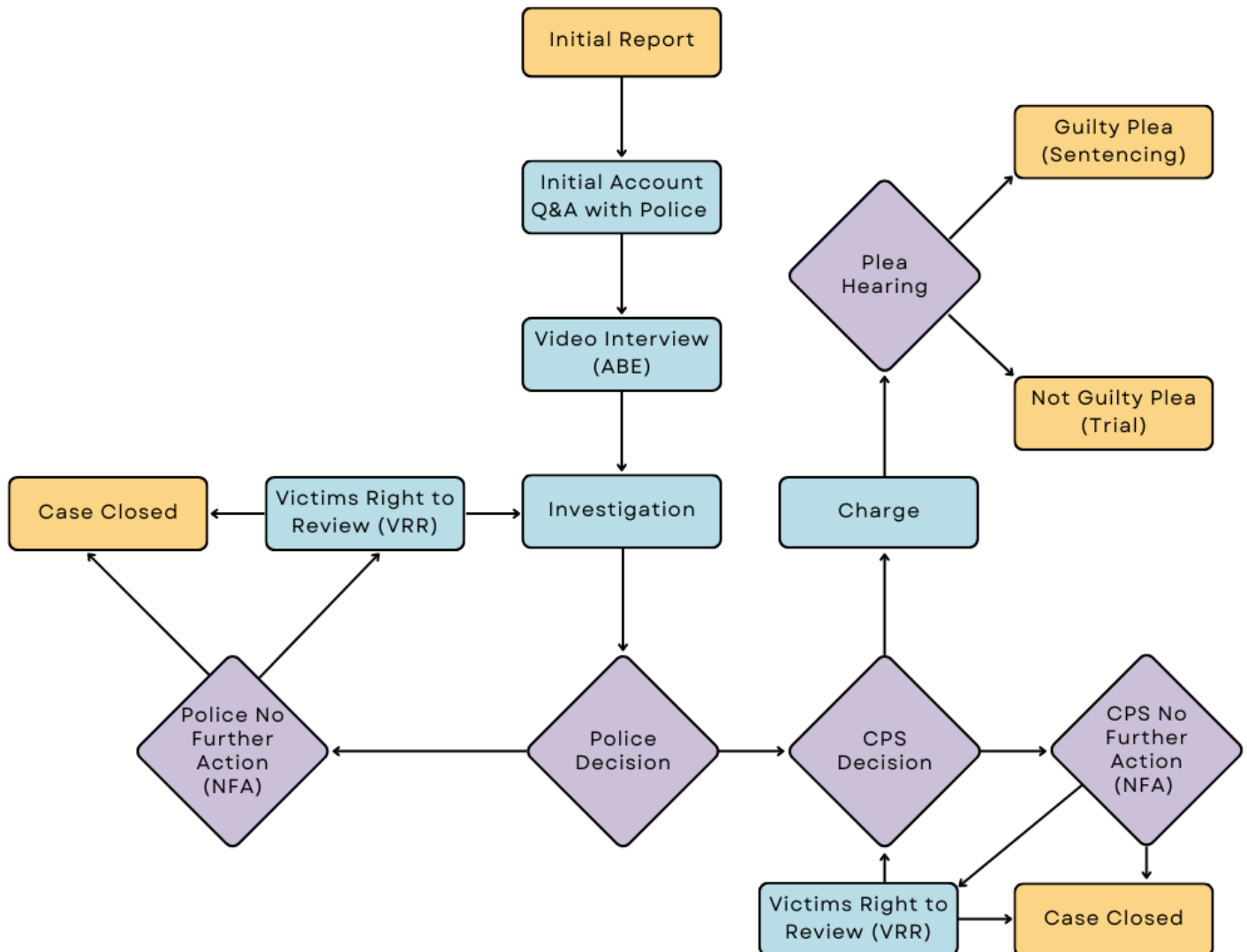
We also want to remind you that if at any point in the police process you feel it is not the best course of action for you, you have every right to withdraw your support. This will mean that you will no longer be involved in the case, and you will not be expected to go to court. This may not stop the case, as in some instances the police choose to go forward with a 'victimless prosecution'. This is where the case is seen as being in the public interest and the police feel they have enough evidence without your statement to progress, however this is very rare.

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# OVERVIEW OF AN INVESTIGATION





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# PROFESSIONALS INVOLVED IN AN INVESTIGATION

## **Officer in Charge (OIC)**

The OIC of the case is a police officer who the case is allocated to who will do most of the investigating including interviewing the suspect, interviewing any witnesses and following up on other leads. Your contact with them may be quite a lot or not much at all. It will be your SOIT officer who will be your main point of contact throughout the investigation, rather than the OIC.

## **Sexual Offences Investigation Trained (SOIT) Officer**

Your SOIT officer is someone who works for the police who will usually be your main point of contact throughout the investigation. The SOIT officer may be a qualified police officer or they may be police staff. Either way, they will have lots of training to make sure they can support you in the best way possible. Their role is to make sure you are kept updated with the progress of the investigation and answer any of your questions. They can also put in referrals for other support you might need for example for an ISVA or for counselling. You should have the same SOIT officer from when you report, right up until the end of the case.

## **Independent Sexual Violence Advisor (ISVA)**

Your ISVA does not work for the police. They are independent and usually work for a charity so this means that anything you say to them they will not pass on to the police or anyone else unless there is a safeguarding issue (your ISVA will discuss this with you at the start of your time working together). Your ISVA is not allowed to know details about the case and the evidence, but they are there to support you through the process and give you information about your rights and what you can expect. They can also offer emotional support as it can be a really difficult process to go through.

Your ISVA can attend meetings with the police, be the person to pass on information to you from the police if you'd prefer this, and they can also make referrals to other agencies for additional support outside of their remit if you'd like them to. For more information about the ISVA service, you can look on the Survivors' Network website.



# REPORTING

## Reporting options

There are different options of how to report, if you decide you'd like to. You can report online on the police website, call them on the non-emergency number 101, or go to a police station and ask to speak with an officer. There are also the options of making a third-party report, or reporting to an institution such as the church, if the abuse happened within an institution. In Sussex, you can also request an informal chat with a specialist SOIT officer about your options and what an investigation might entail. You can find out more information about reporting options in our reporting options frequently asked questions document.

## Third Party Report

A third-party report is an anonymous report to the police. You complete a form with an ISVA about details of what happened and the person who did it (if you know) and your ISVA will send it to the police. The report will have no information about you on there and nothing that can identify you. This means there will not be an investigation into the offence and you will not have any contact with the police, but they will be aware of what happened and it will be logged on their system. You can decide to make a full report later if you change your mind which would result in an investigation. If this is the case, a new ISVA will need to be allocated to you who is not aware of the details of the case. There may be a wait of a couple of months before you can start working with the new ISVA. It is also important to be aware that if there is a full investigation, your third-party report may be used as evidence.

## Reporting a crime that happened abroad

If an offence happened abroad, it will be investigated by the police local to where it happened. You can report directly to them, or to your local police in the UK who will take the initial information before transferring it to the police force abroad. You can find more information about reporting a crime that happened abroad in our reporting frequently asked questions document.

## Q&A

After you have made the initial report to the police, an officer will take some basic information about what happened. This is called the Q&A (question and answer). It will be very basic information such as who, where and when. They will ask for more detail later on during your video interview.

# REPORTING

## ABE

ABE stands for achieving best evidence and it is used to refer to the video interview you will do with the police. It is also sometimes referred to as a VRI which stands for video recorded interview. This can take place at a room in a police station or at a specially renovated police house. Usually it will depend on availability where you can go but you can request if you have a preference, for example you don't want to attend a police station. You can bring someone with you for support if you'd like to, such as a friend or family member or an ISVA if you have one. They won't be able to come into the interview with you but they will be able to wait in another room to be there if you need a break and when you finish.

The officer doing the interview will be a SOIT officer. This stands for sexual offences investigation trained and means they are specially trained to work with survivors of sexual assaults including conducting interviews with them. The interview room will be a comfortable room with sofas and some cameras in the corner which the SOIT officer will point out to you. Once the interview starts they will ask you to go into lots of detail about what happened and it is important to keep in mind this might feel really difficult so you can have as many breaks as you'd like and take all the time you need to.

The length of time your ABE will take really depends on what happened, how long it went on for and how much information you have to share. They can vary between anything from about half an hour, to a few hours. You can bring notes in with you if you feel this will be helpful but the police will need to make a copy of your notes afterwards for their records. It is also okay if you can't remember everything, the police will help to prompt you but also if you can't remember or aren't sure of the answer to the question they are asking, just tell them. It can also be useful to think about some grounding techniques going into the ABE so you have them ready if you need them. You can also bring any grounding tools with you for example fidget toys, stress balls or small toys.

The purpose of an ABE is so they can capture all of your evidence early on to help them start the investigation. It also means if your case gets to court then you won't have to explain all of your evidence to the court, but your video will be played instead. This means you will only be cross-examined in court so your time giving evidence will be a lot shorter. The ABE is used instead of you having a written statement for the above reasons, but it is important to note that you can do a written statement if you would prefer. If the case does go to court, everyone in the courtroom, including the suspect, will see your video so if for any reason you don't want this, speak with the police or your ISVA about requesting a written statement instead.



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# REPORTING

## SARC

SARC stands for sexual assault referral centre. SARCs can offer confidential medical and practical support to people who have recently been raped or sexually assaulted. They are usually provided by the NHS but can link you in with other services such as rape crisis centres and even help you report to the police if you'd like to although there is no pressure to do this if you don't want to. The local SARC in Sussex is called the Saturn Centre and is based at Crawley Hospital. You have to make an appointment before attending but they often have same day appointments and will do their best to see you as soon as possible. You can attend a SARC whether you have reported to the police or not.

When you attend the SARC they will offer medical and forensic examinations if the assault happened within the last 7 days and give you the option to preserve the evidence if you haven't already reported to the police but may want to in the future. The examinations are carried out by trained nurse examiners and you'll be accompanied by one of their support workers throughout.





# SUSPECT INTERVIEW

## **What if the police can't identify the suspect?**

If the police can't identify the suspect, then unfortunately the case will end up being closed. They will explore all reasonable lines of enquiry but they are unable to bring a case against someone who hasn't been found or identified. The same goes for if the suspect dies either before reporting or during the investigation.

## **Arrest vs voluntary interview**

Once the police have been able to identify the suspect, they will usually contact them and ask them to come in for a voluntary interview rather than arrest them. This doesn't mean they are treating them more favourably than they would if they arrested them, but it can sometimes take longer to get a warrant (permission) to arrest someone and arrange for this to happen, than it does to contact them and ask them to come in voluntarily. They will still be interviewed under caution and the same questions will be asked.

## **Bail conditions**

If a suspect is arrested and released after interview, the police can put bail conditions in place which puts restrictions on them. Bail conditions can include not contacting you directly or indirectly and restricting where they can go for example not to go down the road you live or near your workplace. Bail conditions can also be put in place after the suspect has been charged in the lead up to a trial. Not all suspects will have bail conditions put in place, and even when they are they can be limited to a few months, but they are still not allowed to contact you as it could be seen as witness intimidation and could get them in trouble. If the suspect does contact you, remember to inform the police as soon as possible and hand over any evidence if you can (e.g., screenshot messages).

Regardless of whether or not bail conditions are in place, there are other civil orders that you can apply for. Some examples include a non-molestation order or prohibited steps order. There are some restrictions in place around who can apply for these and often require for there to have been a relationship with the suspect for a period of time. You can apply for these yourself but there are organisations who will help you with it for free. If you need any further information, you can ask your ISVA to discuss it with you further.

## **What will happen in the suspect interview?**

After the suspect has been interviewed, you will be updated. During the interview the suspect has the right to have a solicitor with them and will be given an overview of what you have said as, if someone is accused of a crime, they are entitled to be given the information about what evidence there is against them so they can defend themselves. The police won't be able to tell you exactly what they said but they can tell you generally what happened in the interview for example if the suspect said no comment, whether they denied it or if they said it was consensual. The police can't share information with you as if the case gets to court, they want the evidence you give to be reflective of what you have experienced rather than what the police have told you.

# OTHER EVIDENCE

## What is evidence?

Evidence is a term used to describe anything that might help support your account, and also anything that can support or disprove the suspect's account. It covers lots of different things including your video interview, any forensic evidence, accounts from other witnesses, CCTV footage, phone data and also something called third-party material.

## Third-party material

Third-party material is information other organisations hold about you so can include your medical records, counselling notes, social services records or even the notes your ISVA has made during your time working together. The police need your consent to access these records and it is completely your choice on whether to share them or not. You also have the right to read through the records before sharing them with the police if you feel more comfortable doing this. The police should explain exactly what they are looking for in the third party material and why they think it is a reasonable line of enquiry. They should also only request the information that is relevant to the case so for example if they are investigating something that happened to you last year and you told your doctor, they could ask to see your medical notes around the time of the offence to see what you disclosed and the treatment offered to you, but they shouldn't be requesting to look at all your medical records from your whole life as this is not reasonable. You can talk to your ISVA if you have any worries about this.

## Phone download

The police may also request to look at any information on your phone. Again, like third-party material it is completely your choice on whether you feel comfortable sharing this or not and is absolutely fine to say no. There are different ways of sharing phone data ranging from sending screenshots of messages or pictures to the police, through to a full download of your device. Again, when the police request to look at your phone, they should only request to look at information that is a reasonable line of enquiry, they can't ask to look just in case there is anything on there. An example of a reasonable line of enquiry could be messages between you and the suspect after the incident, or messages between you and a friend if you disclosed to them what happened. The police should be clear about exactly what they will be looking at so you can give informed consent. For example, 'We will look at your WhatsApp messages with X [person] between X [date] and X [date]. This is a reasonable line of enquiry as you told us you disclosed to them what happened the day after the assault'. If the police do take your phone, you have the right to have it returned to you within 24 hours and the police should arrange a time with you that is convenient to take it. Specially trained people will complete the download and will only look at what you have consented for them to look at. You can talk to your ISVA if you have any worries about this. It is important to remember you are in control of this and can say no at any point. Your ISVA is there to support you in whatever choice you make.

## OTHER EVIDENCE

### **Will I be investigated for anything they find out about me?**

If, during the investigation, the police find out anything that you have done that might be against the law, there is a very small chance they will investigate you for this. If the police find anything they will weigh this up against the seriousness of the offence against you that they are investigating. For example, if you tell them you used drugs on the night of the offence, they will not pursue anything with this, but if they find out you are dealing drugs on a large scale, they may have a duty to look into this. If you have any concerns about this, you can speak with your ISVA in line with their confidentiality policy or request to have a hypothetical chat with the police. You can ask your ISVA to do this anonymously on your behalf if you'd prefer. Your ISVA will keep anything you share with them confidential as long as it is in line with their confidentiality policy. You can ask them to go over this as a reminder whenever you need to.

If the case is closed either by the police or the Crown Prosecution Service (CPS), this does not mean they don't believe you or think you have made it up. Therefore, if the case doesn't progress, you will not be investigated for wasting police time or anything else relating to your report.

### **Who will be a witness/who will be told?**

Other people such as friends and family may need to be interviewed by the police if they have any information about what happened. This means they would be made aware of the case and what happened to you, although they will not be given details.

It may be that you know who the witnesses are if they are friends and family, and it may be that you suggest the police speak with them but depending on the type of offence and how it happened, there is a chance you won't know who all the witnesses are and this information won't necessarily be shared with you. There could also be witnesses on the suspects side supporting their account and again you won't necessarily be told about this.

If you have any worries or concerns about the police contacting any witnesses, you can ask them to let you know before they contact people. This means you can either make arrangements to ensure you feel safe around this time or it will give you an opportunity to disclose to them if you haven't already and would prefer it to come from you. The police aren't able to give you lots of information about the investigation and what they're doing, but they should work with you to ensure you feel safe and comfortable with each step.

### **What if there is no forensic evidence?**

In lots of cases, there is often very little or no forensic evidence, or the evidence that was collected is not helpful. This is because in some cases, the offences happened a long time ago and there is nothing the police can collect. Or it can be because the suspect admitted to sexual contact or sex but said it was consensual. In this case, the investigation needs to prove that the suspect reasonably believed you were not consenting or unable to consent, rather than proving something physical happened as both sides agree on that part. The forensic evidence helps to prove something physical happened but doesn't help with proving lack of consent so therefore the forensic evidence is not helpful in supporting the case.

## OTHER EVIDENCE

Despite there being no forensic evidence, cases still can and do get convictions so don't let this make you feel cases can't progress. There are lots of other types of evidence the police can gather to help support your case, such as your statement, other witnesses' statements, or third-party material as explained above which includes things like medical records or phone records. An investigation is a bit like a jigsaw puzzle where the police need to find lots of pieces to fit together, and all these different types of evidence can help them build the bigger picture.

### **Will I get to see the evidence?**

You will not be able to see the evidence that has been collected as part of your case. Although this is your report, the police are taking this to CPS/court on your behalf with you as a witness. If you were to see the evidence, it could be said that this would affect the evidence you give at court. If you had seen all the evidence, the defence barrister could use this to say the evidence and your statement isn't trustworthy.

We completely understand it's really difficult not being able to view information that is about you and what you experienced. The only reason this is done is to make sure the evidence you give at court is strong and can be backed up by the other evidence the police have collected.

### **Can I talk about my evidence to other people?**

While the case is ongoing, the police will request you don't discuss the details of your evidence and what happened with other people. This is important to preserve your evidence and not let discussing it with others influence or change it. You won't be able to discuss the details of your evidence with your ISVA either, as if the case is to go to court, your ISVA could be accused by the defence barrister of coaching you or telling you what to say if you had been talking about it.

Under a recent change in the CPS guidance for pre-trial therapy, there are exceptions to this when it comes to therapeutic work. Survivors can discuss details of what happened to them with their therapist, if this is desirable or necessary to the therapeutic intervention, in the context of trauma work. There are therapeutic interventions, such as trauma-focused CBT or EMDR, which involve going over the memory of an event, using specific protocols, to process that same memory. This isn't always necessary or possible, but the new guidance is very clear in saying that, apart from hypnotherapy and group therapy – which are advised against – processing work should not be declined or withdrawn to survivors. If you have any concerns or questions about this, you can speak with your ISVA, your counsellor or the police.



# POLICE DECISION

## Police review

Once the police feel they have investigated as much as they can, they will send the case to a senior officer to review. The senior officer will look over all the evidence in the case to decide if there is enough evidence to send it to the Crown Prosecution Service (CPS). They will base their decision on whether they think there is a reasonable chance that a Jury would convict the suspect, based on the evidence available. If they think there is not enough evidence to progress it to CPS, then they will make the decision to take no further action. We can't give an exact timeframe for how long it will take to review the case, but a very rough guide is about 3 months.

## NFA

If the police decide there is not enough evidence to send the case to the CPS, they will make the decision to take no further action (NFA). This means they are not going to take the case any further as they don't feel there is enough evidence to meet the standard needed. This is not a reflection on you or them saying they don't believe you; it just means that they weren't able to find enough evidence to meet the high standard needed. They should usually tell you in person, unless you ask otherwise, and you can also ask for your ISVA to be there for support. You are entitled to be given this information within 1 working day under the enhanced rights of the Victims Code. The police will explain the reasons for the decision in the meeting and also provide you with a letter explaining it. If you don't agree with their decision, you can request for the decision to be reviewed, which is called a Victim's Right to Review.

## VRR

You can submit a Victim's Right to Review (VRR) on your own or your ISVA can help you with it. A VRR is where you request for the police to review their decision to close your case. You have three months from the date the police tell you of their decision to close the case, to submit your VRR. It will be reviewed by someone separate from the original investigation so they can look at it objectively. There are some occasions where you won't be able to submit a VRR, for example if they weren't able to identify a suspect, if the suspect dies or if the suspect was never interviewed. The three main potential outcomes from a police VRR are:

- They decide there is enough evidence to send it to the CPS for a charging decision.
- They will reopen the investigation if they think there are any outstanding lines of enquiry the original investigation didn't cover.
- They uphold the original decision which means the case will stay closed.

If the investigation remains closed, there is the option of appealing again which is called a Judicial Review, but this is quite rare. A Judicial Review is a court case, where a Judge or Judges decide whether the police/CPS have behaved lawfully (e.g., completed a full investigation). You would need to seek legal advice about this which you may have to pay for but if you want more information you can speak with your ISVA.



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# POLICE DECISION

## **Sent to the Crown Prosecution Service**

If the police review finds there is a reasonable prospect of conviction and they think there is enough evidence to move forward, they will send the case on to the CPS to review and make a decision whether or not to charge the suspect.

# CPS DECISION

## CPS review

If the outcome of the police review is that they think there is enough evidence to progress, the case will be sent to the Crown Prosecution Service (CPS) for review. On average, the CPS aim to take 12 weeks to complete the review, however sometimes it can take longer than this. It's also important to be aware that if the CPS think there are any gaps in the investigation or anything missing that the police should have got, they will send the case back to the police to complete these actions. Usually, once these actions are completed, the case will then go to the back of the queue when sent back to CPS and it can take another 12 weeks to review.

As part of their review, they use a two-stage test to make the decision of whether to charge the suspect or close the case. Firstly, they will review whether they think the case is in the public interest to charge. Most cases of rape or sexual assault will be in the public interest, and it is rare for them not to be. The second stage of the test is whether they think, based on the evidence, that there is a reasonable prospect of conviction. This means they'll review all the evidence and decide based on that whether they think it is more likely than not that a Jury would find the suspect guilty if it went to trial. If the answer is yes, they will go ahead with a charge, but if the answer is no, they will likely close the case.

More recently, the police and CPS have been working together to ensure cases are as strong as possible when they are sent to CPS to stop the need for them being sent back to the police for additional information. This is called early advice and means that the police will regularly check in with the CPS throughout the investigation to make sure they get all the information they need during the investigation stage. You may hear the police talk about discussing the case with the CPS throughout the investigation, this doesn't mean they have sent it off for a full review, just that they are checking in with them regularly to make sure the case is as strong as possible when it is submitted to them.

## NFA

If the CPS decide that they don't think there is enough evidence, the officer in your case will contact you to let you know. They will usually try and meet you in person to update you but it is a good idea to speak with your police officer and your ISVA beforehand to think about how you would feel most comfortable being updated about this. For example, you might feel okay receiving a phone call, or you might prefer to have a meeting in person. The officer should then update you in the way you have said you will feel most comfortable. If the decision is to take no further action, you will be given a letter from the CPS with all the reasons written out about why they have made this decision and the police officer will try to answer any questions for you. You are entitled to be given this information within 1 working day under the enhanced rights of the Victims Code.

You have the option of appealing this decision if you'd like to (there is some more information about this below). But if you don't want to, there is also the option of meeting with CPS and the lawyer who made the decision, to talk about their reasoning in more detail, if you have any questions or feel this will help to bring you some closure.

# CPS DECISION

## VRR

You can submit a Victims Right to Review (VRR) on your own or your ISVA can help you with it. A VRR is where you request for the CPS to review their decision to close your case. You have three months from the date they tell you of their decision to close the case, to submit your VRR. It will be reviewed by someone separate from the original review so they can look at it objectively and aim to let you know of their decision within 6 weeks. You will not be eligible for a VRR in all situations such as if the suspect dies or if CPS approve charges for some offences but not all. The main potential outcomes from a CPS VRR are:

- They decide there is enough evidence to charge the suspect.
- They decide to send it back to the police to gather additional evidence.
- They decide to uphold the original decision and the case will stay closed.

If the CPS decide to uphold the decision and keep the case closed, they will update you in writing and also offer to have a meeting with you to talk about the reasons for the decision with the lawyer who reviewed it.

## Charging decision

If the CPS decide to charge the suspect, the officer in your case should update you in the way you have requested, for example set up a meeting, or give you a call. They will explain to you the charges that the CPS have authorised so this could be all offences if there are more than one, or just one. The police and your ISVA will do their best to answer any questions you may have.

After the suspect is charged, the next stage is for there to be a plea hearing at court. You do not have to attend this hearing. At the plea hearing, the charges against the suspect will be read out and they will say whether they are guilty or not guilty. If they say guilty it will go to sentencing, but if they say not guilty it will go to a trial where you will have to give evidence. For more information about the court process, please see our 'Going to Court' frequently asked questions document.



# ACRONYMS

ABE – Achieving Best Evidence

CPS – Crown Prosecution Service

ISVA – Independent Sexual Violence Advisor

NFA – No Further Action

OIC – Officer in Charge (of the investigation)

SARC – Sexual Assault Referral Centre

SOIT – Sexual Offences Investigation Trained

SOLO – Sexual Offences Liaison Officer, sometimes used by different forces instead of SOIT

TPM – Third Party Materials (Evidence)

VPS – Victim Personal Statement/Victim Impact Statement

VRI – Video Recorded Interview (usually the same as ABE)

VRR – Victims Right to Review



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**Supporting survivors  
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**Call us**

Telephone (for general enquiries): 01273 203380

Helpline (support for survivors & their supporters): 01273  
720 110 (Mondays 7pm-9pm & Wednesdays 12pm-2pm)

**Email us**

Use our simple contact form on our website to send us a  
message, or email us directly:  
[info@survivorsnetwork.org.uk](mailto:info@survivorsnetwork.org.uk)