

Police and Crime Commissioner for Durham

Police Headquarters

Aykley Heads

Durham

DH1 5TT

Telephone Number: 0191 3752001

Email: [general.enquiries@durham.pcc.pnn.gov.uk](mailto:general.enquiries@durham.pcc.pnn.gov.uk)

Website: <http://www.durham-pcc.gov.uk>

**Priti Patel MP**

**Home Secretary**

**Home Office**

**2 Marsham Street**

**London**

**SW1P 4DF**

**Police and Crime Commissioner: Joy Allen**

**Deputy Monitoring Officer: Sweety Sahani**

**22 August 2022**

Dear Home Secretary,

**HMICFRS Inspection Report: A joint thematic inspection of the police and Crown Prosecution Service’s response to rape - Phase two: Post-charge**

This letter constitutes the response to the above inspection from myself, Joy Allen, Durham Police and Crime Commissioner, in order to fulfil my responsibilities with regard to Section 55 of the Police Act 1996. The reply to HMICFRS will also be published on my website.

In turn, here are position statements showing what the Constabulary is doing to meet the recommendations and areas for improvement which relates to Chief Constables, of which I am in support:

**Recommendation 1 - Immediately, police and prosecutors should review and significantly improve communications with victims from the point of charge onwards.**

There has been a cross-partner review of what information is provided post-charge to a victim of rape and serious sexual offences, this has formed discussions between the force, Crown Prosecution Service (CPS), and Witness Care Unit staff. The force currently provides an introductory letter (which can also be shared electronically) which is tailored to the victim’s needs. In addition, officers provide victims with a ‘Victims of Crime’ booklet which is currently being reviewed with the aim of provided more bespoke literature for victims of sexual offences. In instances where a police decision of no further action is taken an independent sexual violence advisor (ISVA) will provide a letter and the offer of a face-to-face meeting.

**Recommendation8 *-* Immediately, the police and the CPS should work collaboratively to ensure that bad character is considered in all rape cases, and progressed wherever it is applicable.**

Officers are currently trained within the Initial Crime Investigator’s Development Programme course around bad character and how this may be introduced as part of the prosecution. In rape and serious sexual offence cases early investigative advice should be sought. This process is becoming better understood by officers and it allows for those early discussions around bad character to take place.

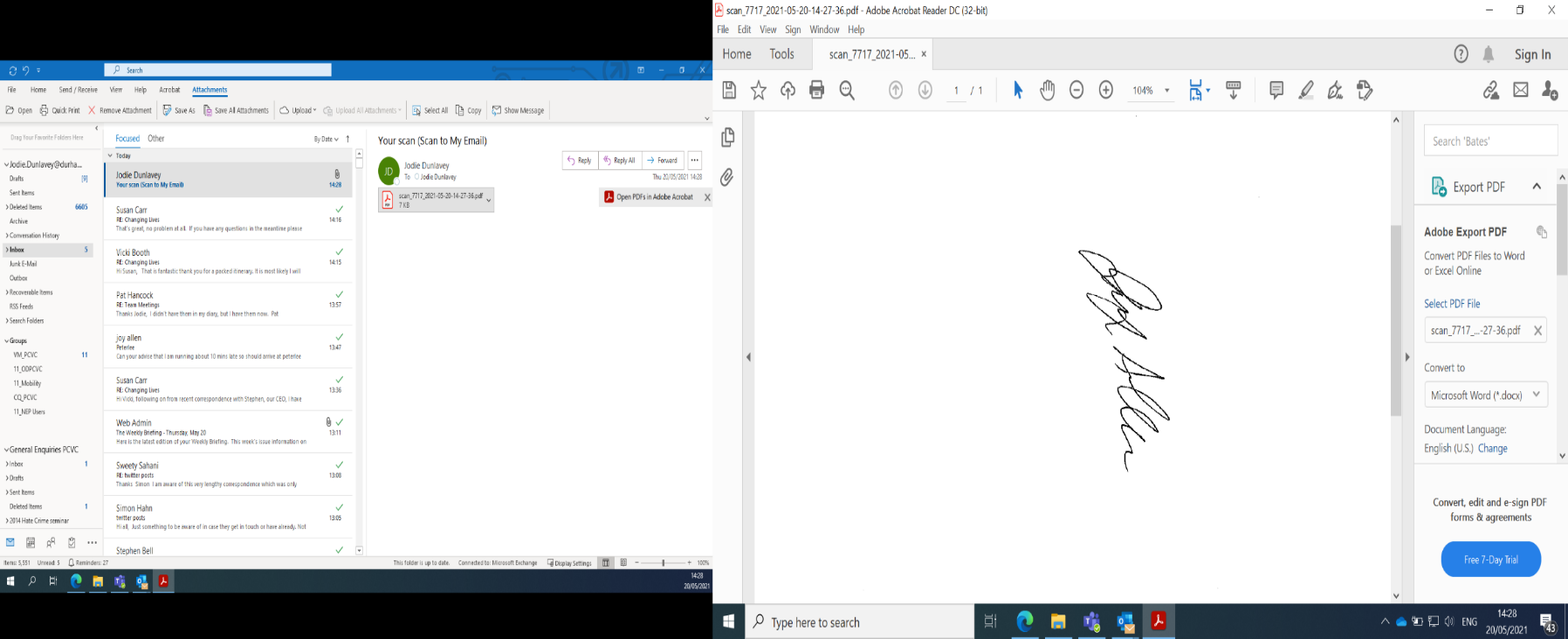
National File Standards (NFS) requires the MG16 (Bad Character application) to be submitted when file building for an anticipated not guilty plea or for Crown Court cases irrespective of plea. All files within Durham Constabulary that require the above are robustly quality assured before being forwarded to the CPS. Durham Constabulary, along with CPS, have introduced early case conference meetings for remand cases where bad character can be discussed.

**Recommendation 9 - Immediately, forces should make sure that victims of rape are given the opportunity to make a victim personal statement (VPS) at the earliest possible time, with the option of updating this statement closer to the court trial date.**

All rape and serious sexual offence file submissions are robustly quality assured by Durham Constabulary’s Criminal Justice Unit. Durham Constabulary have a monthly rape and serious sexual offence meeting chaired by the CPS during which learning is discussed. Any issues around the quality of VPSs are raised in this meeting accordingly. Additional input is ongoing for the ISVA service regarding VPSs and how the force can support victims providing a statement.

I am also copying this letter to Andy Cooke, Her Majesty’s Chief Inspector of Constabulary and Fire and Rescue Services.

Yours sincerely,



**Joy Allen**

**Police and Crime Commissioner for Darlington and Durham**

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*The Police and Crime Commissioner for Durham is an accredited Living Wage Employer with the Living Wage Foundation*

