Non-Contact Sexual offences Policy

This document is part of North Yorkshire Police policy to which all Chief Constable personnel are required to adhere.

Policy Statement

This policy statement is open to public viewing from the NYP Website This policy sets outs how we will record, investigate, and support victims in cases of non-contact sexual offences taking a victim centred approach.

The policy will increase the understanding and recognition of non-contact sexual offences by North Yorkshire Police ensuring that all officers and staff are equipped to respond effectively and empathetically.

By taking this approach, we recognise the importance of the victim's voice. We are also transparent and accountable for our actions to the wider community in which we serve, seeking to build and improve confidence in North Yorkshire Police.

This should lead to and encourage reporting by members of the public. Whilst also contributing to the prevention of offending, and the effective management of non-contact sexual offences.

The Angiolini Inquiry

This inquiry highlighted that non-contact sexual offences can have a profound and lasting effect on a victim and can/may be an indicator and risk factor to other linked sexual offending.

The requirement by police forces is to ensure that the response to any report of non-contact offences is treated with the same seriousness as a contact offence.

Non-contact offences are wide ranging and can cover voyeurism, indecent exposure, outraging public decency, unsolicited sending of explicit images or messages, upskirting, image-based abuse, all of which can, and do impact on a person's right to privacy and dignity.

These types of offences can be an indicator of a pattern of behaviour or an escalation in behaviour by an individual.

The risk associated with this type of offending should not be under-estimated and should be considered in all offences reported to the police either as a crime or intelligence and acted upon.

Given the type of offence highlighted in the Angiolini inquiry this is linked to Operation Soteria.

Operation Soteria is how forces are transforming the way that they investigate Rape and Serious Sexual offences (RASSO).

The principles of Operation Soteria direct the police response to be:

"Victim Centred", "Suspect focused" and "Context led "

A suspect focused investigation:

Seeks to understand and evidence a suspect's behaviour before, during and after the offence.

The investigator should consider the risk that the suspect poses either to those known to them, those not known and if they hold a position of trust and/or vulnerable groups and the context of the victim.

Sexual offending begins with offender's whole story

'Whole Story' asserts that all specialist sexual crime investigators should have a comprehensive understanding of offender behaviour. This includes what they do, why they do it, how they do it, and the impact of their behaviour on victims.

A Victim centred approach:

The victim needs to know that when reporting matters to the police, that they will be taken seriously, and they will be treated with respect and empathy.

The police should be trauma informed in their approach; non-contact offences are just as serious as contact offences.

The victim should not be judged on misconceptions and / or assumptions.

Decision making should be balanced and fair, bias should play no part in this process- we shall be accountable and transparent in our decision making.

Victim blaming language should never be used, either in person or recorded on the police systems.

We will promote, encourage and embed procedural justice for victims. This ensures that victims' rights and interests are upheld. The five principles of procedural justice are:

Fairness

Dignity and Respect

Voice and Recognition

Safety

Trustworthiness.

Adopting a trauma-informed approach is an important way of promoting procedural justice for victims.

The victim may feel a personal loss of safety and trust in others, this must be borne in mind when engaging with them.

The victims wishes and welfare must be recognised, prioritising their needs, rights, and interests along with ensuring their safety.

The voice of the victim should be heard throughout the investigation.

Minoritised and marginalised groups may experience a lack of cultural and professional recognition of trauma. It is important to consider the particular and additional systems of oppression these groups may encounter.

All victims of sexual offences including non-contact offences are entitled to enhanced rights under the victim code.

Context led:

We will seek to understand and investigate the broader circumstances of the offence reported, looking at the wider context, considering the impact on the victim and taking into consideration social, cultural, and situational factors.

We will seek to understand and evidence the victim-suspect relationship – regardless of whether they were known to each other prior to the offence taking place.

Non-Contact offences

The offences highlighted below detail that the same investigative lines of enquiries and victim support are given to these types of offences, as those that attract a higher custodial sentence.

Regardless of whether the sexual offence was non-contact or contact, the long-term effects on the victim, the risk that the suspect poses to the community should be considered as part of the policing response to the report.

By taking this approach, we shall continue to disrupt and investigate all offences of a sexual nature by ensuring that officers and police staff are equipped to deal with this report type.

In adopting this methodology, we shall continue to recognise the level of investigation necessary, ensuring the victim remains at the centre of our approach, focusing on the actions of the suspect and being context led in respect of the investigation.

Whilst there is no nationally agreed definition of a non-contact sexual offence, the college of policing has recommended that the following are included:

- Sexual exposure, often known as ‘indecent exposure’ and sometimes investigated as outraging public decency.

- Voyeurism and similar offences, including ‘upskirting’ and producing or recording intimate images without consent.
- Online sexual exposure, known as ‘cyberflashing.’

These offences can occur in both a public and private setting as well as in a domestic relationship.

Annexe A - PIP 2 Crimes
Annexe B - PIP 1 PIP 2 Crimes

Crime allocation

The policy for PIP 1 or PIP 2 offences should be followed and those which relate to non-contact sexual offences will be reviewed by the crime manager for allocation.

The crime allocation policy details the appropriate resource (PIP 1 or PIP 2) to investigate crime. This policy does allow for PIP 1 to investigate crimes, with support, oversight, and scrutiny by a PIP 2 investigator.

When contemplating allocation, the context of the offence, suspect, risk, and impact on the victim should be considered. The actions of the suspect may indicate patterns of offending, risk of future harm or more serious offending. This should inform the decision maker when allocating the investigative resource.

Crime Allocation and Investigation

Risk

To ensure that the risk is managed effectively the investigation should consider the following:

Victim
- Who is the victim?
- Focusing on vulnerabilities, disabilities, ethnicity, and other protected characteristics.
- Location
- Relationship to the suspect

Suspect
- Who is the suspect?
- Identifying any previous offending behaviour
- Vulnerabilities
- Likelihood of re-offending
- Do they hold a position of trust?
- Do they/may they have access to persons who are vulnerable
- As a minimum all suspects must be searched across Police Systems, including PND, PNC and local crime management databases e.g. Niche

Context
- Context of the offence taking place
- How was it reported?
- Location of the offence

- Time of offence
- Impact that this may have on a community
- Is the offending of a similar modus operandi (MO) to previous unsolved reports i.e. is there a series of offences.

NB. This is not prescriptive list.

Investigators and supervisors should also consider that this type of offence/crime type is under reported. A lack of recorded information about a suspect should not be seen as an indicator of offending behaviour or that the suspect has never offended before.

The effective use of intelligence and partnership intelligence should also form the basis of risk management.

If the suspect is not identified, then all reasonable lines of enquiries should be undertaken to establish their identity.

Investigations should be conducted thoroughly and fairly to gather the evidence and investigate the actions of the suspect prior, during and after the offence taking place.

Investigations

A crime allocation template will be completed by the crime manager within 24 hours.

Supervisor review template should be completed within 24hrs where cases are high risk (RASSO are classed as high risk) and thereafter every 10 days.

All victims of sexual violence are entitled to enhanced rights under the victims' code. Investigators should consider this when engaging with the victim and provide options to be considered e.g. special measures, how they provide their evidence - consider the use of a specialist witness trained officer/police staff, early ISVA engagement.

A victim needs assessment need to be present in all investigations.

An offer or a referral to IDAS or ISVA should be given the victim or other support service where appropriate.

Where this relates to a child victim, witness or suspect a PPN must be submitted.

Investigators can also submit an adult PPN (if consented to).

Victim blaming language can impact the victim's confidence in the police and we will actively challenge the use of this type of language. The language and words that are used can be impactive, this can be a positive impact, but the negative impact can instil distrust, lack of support and reluctance to seek a procedural outcome.

Civil Protection Orders

The effective use of civil protection orders can support and manage the risk posed by a suspect. At any point upon notification of the suspects identity a civil order can be considered to mitigate and manage the risk that a person poses.

At the conclusion of an investigation whether this be charge, caution, other disposal, victim does not seek a procedural outcome or no further action (NFA) a documented consideration for this option should be endorsed as part of the closing considerations.

All opportunities to disrupt and challenge a suspects behaviour need to be considered.

Definition of Special Terms

RASSO- Rape and Serious Sexual offences

NOM- National operating model

ISVA- Independent sexual violence advisors

IDAS- Independent domestic abuse service

Linkages

Strategy:

Subsidiary Linked Procedures:
Rape and Serious Sexual Offences
Major and Serious Crime Attendance
Crime Allocation and Investigation

Other Documents:
Rape and Serious Sexual Offences (RASSO) SharePoint
Investigation of rape and serious sexual offences
Annexe A - PIP 2 Crimes.docx
Annexe B - PIP 1 PIP 2 Crimes.docx
Annexe C - PIP 1 Crimes.docx
Angiolini Inquiry Part 1 Report - GOV.UK (www.gov.uk)
Operation Soteria National Operating Model (NOM) Products College of Policing - National Operating Model | Login