



Rape and Sexual Abuse Support Centre (RASASC) / Rape Crisis South London

Submission to the All-Party Parliamentary Group (APPG) Adult Survivors of Childhood Sexual Abuse (CSA) inquiry into survivor's experiences of the Criminal Justice System

February 2019

1. About Rape and Sexual Abuse Support Centre (RASASC) / Rape Crisis South London

1.1 Rape Crisis South London, or the Rape and Sexual Abuse Support Centre (RASASC), was set up in 1985. We are an independent organisation based in Croydon, providing a range of specialist and confidential support services for female survivors of sexual violence who live, work or study in South London. We are an accredited member centre of Rape Crisis England and Wales (RCEW) providing a range of specialist sexual violence services for including; the national Rape Crisis helpline for survivors aged 13 and over, long-term counselling for female survivors from 4 years old, and an accredited member of the British Association of Counselling and Psychotherapy, seeing 150 women and girls every week, ISVA support for women either considering or who have already reported to the police, outreach support for women experiencing further societal marginalisation and training with multi-agency, education and youth professionals, along with prevention workshops delivered with young people directly and we provide consultancy services to the media.

1.2 The ISVA service offers free specialist support and information for women and girls aged 12 and over, based in South London, who have reported or are thinking about reporting rape and / or childhood sexual abuse to the police. We provide the highest standard of specialist practical and emotional support and factual information. We have over 30 years' experience, a track record for excellence and expert knowledge in this field. Due to our location and remit, this submission is based on our experience with the Metropolitan Police Service, CPS London, and London Crown Courts.

1.3 Since December 2017 our advocacy work has been extremely impacted by disclosure, following R v Allan¹. We have done a huge amount to raise awareness of the impacts of disclosure on the survivors we support, including writing a detailed response to the decision to review all post-charge cases², and a detailed guide to disclosure and what it actually means for survivors³, as well as multiple meetings with police, the Crown Prosecution Service and other services to ensure survivors' voices are heard as much as possible. This submission draws on our experience within the advocacy department, with particular focus on the last 14 months following R v Allan.

2. Adult CSA survivors' experiences of the Criminal Justice System

2.1 It is widely documented that the criminal justice system (CJS) is struggling to provide survivors of sexual abuse with the high standard of justice that they deserve;⁴ and nowhere is this truer than for survivors of adult, non-recent, childhood sexual abuse. Of course each survivor's encounter with the CJS is unique and different, but at RASASC we have documented some highly concerning trends of poor practice within the system. We are increasingly observing that non-recent CSA is seen as "less than" other offences – it is less important, worth fewer resources, less of an immediate threat, and in need of less care. At RASASC we know that this is fundamentally not true – and the below outlined points speak to the distinct issues that adult survivors of non-recent CSA face in terms of: resourcing investigations, police practice, disclosure, and trial experience.

2.2 Current police resourcing has been decimated by austerity-driven cuts⁵, and the areas which feel this most intensely are investigations which are deemed to not be an immediate priority. Sadly, despite the well-known fact that perpetrators of sexual abuse are likely to re-offend⁶, reports of non-

¹ [Joint review of the disclosure process in the case of R v Allan](#)

² [Response to Met Decision to Review Sexual Offences Cases](#)

³ [A closer look at what 'disclosure' in the criminal justice system actually means](#)

⁴ [Rape prosecutions plummet despite rise in police reports](#)

⁵ [Policing at 'tipping point' over budget cuts, warns police chief](#)

⁶ This is academically documented and something we have seen multiple times in our work supporting survivors of sexual violence.

recent adult CSA are often classed by many police officers as not being a priority. This results in a number of resourcing decisions being made which largely result in police investigations taking far longer than they should.

2.3 A particularly prevalent issue in the resourcing of non-recent CSA cases is the number of police officers working within the Child Abuse Investigation Teams (CAIT) in London. There is consistently movement across these teams, with officers changing and leaving CAIT to either move elsewhere within the police force, or leave the police force altogether. We have also seen officers being brought in from other teams, including the murder squad, to assist with cases when they have little to no experience of childhood sexual abuse. We have supported multiple survivors who have had this experience. Not only can this be extremely destabilising, but it can also have the effect of rocking survivors' faith and trust in the criminal justice process. This is due to the fact that survivors can feel that the police do not have a deep knowledge and understanding of the case, as the officer has picked it up at the last moment or there have been multiple officers involved. Survivors do not know whether the Officer in the Case has seen or is aware of their formal statement, or Video-Recorded Interview (VRI), as well as all of the other evidence in the case. This is further compounded by mistakes made in the process of multiple officers' involvement. In some cases survivors are asked for things again and again by different officers, despite having already provided the information. We were also aware of a specialist non-recent CSA unit that was created to focus solely on these offences. It was consequently disbanded months later, with little to no explanation as to why. This has the cumulative effect of survivors feeling that their case isn't of importance, or isn't being taken seriously.

2.4 In our experience of supporting adult survivors of CSA, the police constantly refer to 'historic' cases versus 'active' cases. They explicitly mention this to survivors of non-recent CSA. Police repeatedly say to these survivors that "active" cases take precedence. This framing disregards the fact that the case is extremely active for the survivor in the sense that it is constantly present in their lives. Survivors are living with the trauma they survived every day, alongside a potentially re-traumatising criminal justice system. Significantly the use of the term "active" is frequently combined

with police officers talking about limited resources. This directly results in many survivors feeling as though their experience of sexual violence is less important. This feeds into the self-blame many survivors carry around not reporting when the abuse was ongoing. Notably in some cases, some survivors did disclose as children but nothing was done – or they were moved into situations where they were consequently further abused. Additionally police use of terms such as “active”, or more critical, cases openly with survivors of non-recent CSA also introduces the notion of children currently being abused in a way that is highly inappropriate and plays on survivor’s feelings. The implication of current children at risk reminds some survivors of the abuse they survived, and for others it further enforces the feeling of self-blame around not speaking out sooner and the myth of not protecting other children. Police framing current investigations as an immediate and urgent priority can therefore make it extremely difficult for survivors of non-recent CSA to challenge police inaction, or the length of time things take to progress through the criminal justice system.

2.5 The issues raised in points 2.2 and 2.3 considerably impact on the length of time non-recent cases of CSA take to progress through the criminal justice system. As current “active” cases often take precedence over non-recent cases, and police resources are being consistently pulled towards those cases due to the aforementioned resourcing issues, adult survivors of CSA sometimes refer to themselves as being at **“the back of the queue”** or the **“bottom of the pile”**. Survivors can find themselves engaged in both lengthy police investigations and lengthy CPS reviews of the evidence, if the case progresses to that stage. Currently, we are seeing a huge increase in cases being sent back and forth between the police and the CPS. This means that CPS prosecutors are setting multiple action plans for the police to complete before they will make a decision on whether or not to charge. This adds additional time onto survivors’ engagement with the criminal justice system. Many describe a state of **“limbo”** as they await updates and decisions about what will happen. As survivors cannot know the evidence in the case, it can be incredibly difficult to know the reasons why the case is sent back and forth, and what evidence the CPS feel is missing.

2.6 Over the course of the last 14 months, disclosure has substantially changed all survivors’ experiences of the criminal justice system. As previously

mentioned, the length of time that cases are taking is getting longer. In our service, we are seeing an increasing number of decisions from police to No Further Action (NFA) cases. Survivors are also making the decision to withdraw from the criminal justice system at a much higher rate than we have previously seen in the last five years. A stark illustration of the impact of disclosure on survivors can be seen in the number of decisions to charge made by the CPS in relation to cases involving survivors we support⁷. In 2017, we supported survivors through 33 decisions to charge made by the CPS. In 2018, we supported just one survivor through a decision to charge. Expanding this to include survivors on our advocacy waiting list, where survivors may have been referred in by the police post-charge for support at trial, the total number of charging decisions made by the CPS was 44. In 2018, this number was only nine.

2.7 As a result of R v Allan and disclosure, there has been a substantial increase in police requests for telephones and electronic devices from survivors as a matter of course. This has also been the case for adult survivors of CSA. In some instances, the offences date back to a time when mobile phones may not have been widely available or used as a matter of course. In many cases, phone communication between the survivor and the perpetrator/s has not occurred. However, the police are still routinely asking for adult survivors of CSA's phones to download. Importantly, in spite of reassurances made last year that devices would only be taken when they were relevant to the investigation, the police and CPS are routinely asking for adult survivors of CSA's phones to download – even after reassurances from survivors that they have never spoken about the abuse via electronic means. Our understanding is that the reason for this is to see if survivors have discussed what happened, or the case, with anyone; however it increasingly feels as though the culture of police investigations is shifting to investigate survivors and the truth they have spoken; as opposed to investigating those who have enacted harm. Importantly this is an issue only further compounded by the changes to bail in April 2017, which prevent police from seizing and downloading electronic devices from the vast percentage of perpetrators

⁷ This number is based on an overall decision to charge made by the Crown Prosecution Service, relating to one perpetrator. It does not include individual charges listed on the indictment. If there were multiple charges made against one perpetrator, we have counted it in these statistics it as ONE overall decision.

who have not been arrested and who do not voluntarily hand over their devices. This whole process can feel incredibly silencing. It is essential to acknowledge the huge strength it takes to report to the police and it is important that survivors have immediate access to support networks. Survivors' mobile phones being accessed for their private conversations can feel hugely intrusive and invasive, and can negatively impact their experience of the criminal justice system.

2.8 Due to the nature of childhood sexual abuse and its relation to the law, particularly around the age of consent, defence cases at trial are usually focused around suggesting that the abuse did not take place at all. Therefore, survivors' cross-examination at trial can be extremely re-traumatising and distressing. Defence barristers routinely suggest that the survivor is lying, or has made it all up. This stands in direct contrast to our experience of what other professionals, including police officers, tell survivors about what will happen at court. Many survivors are told that the defence cannot accuse them of lying. At multiple trials, we have seen defence barristers use Google searches the survivor has made – at times obtained via their mobile phone download mentioned in point 2.6 – to suggest that they have reported for the compensation they are entitled to apply for as a victim of a serious crime through the Criminal Injuries Compensation Scheme (CICS)⁸. Additionally we have observed instances where survivors who have made early disclosures, and who have found the strength to speak out, have this used against them – with barristers posing that they must be lying and making the abuse up for attention, given that they have told so many people.

3. Recommendations

3.1 Given the aforementioned challenges that non-recent adult CSA survivors experience while going through the CJS, support has never been more important. It is therefore even more worrying that ISVA services across the country are continuing to struggle to provide this due to a lack of capacity; something which directly stems from a lack of funding for specialist sexual

⁸ [Criminal Injuries Compensation Scheme \(CICS\) eligibility](#)

violence services. Vital changes are needed to improve non-recent adult CSA survivors' experiences of the CJS, and whilst these changes are implemented ISVA services also need an urgent increase in funds. The value of ISVAs is widely documented⁹¹⁰¹¹. There needs to be a statutory duty for funding for ISVA provision, Rape Crisis Centres and community-based, specialist sexual violence services.

3.2 We support the calls from specialist sexual violence organisations for an end-to-end review of the criminal justice system¹². However, we would also encourage decision and policy makers to listen to survivors and look at the extensive evidence that is already there that highlights the current failings of the criminal justice system, and the areas that need immediate improvement.

3.3 For example, survivors tell us that having a specialist team that works solely on non-recent CSA cases would help them to feel more supported and central in the process. This would alleviate many of the aforementioned issues around feelings of unimportance, and other cases taking priority. We know, as mentioned above, that a team like this did exist and was disbanded. This was not explained and should not have happened.

3.4 We recommend a conscious effort to be made to reduce the length of time survivors spend in the criminal justice system. Alongside this, it is essential that a pre-trial therapy document exists to ensure all survivors have access to specialist support throughout their involvement in what can be a highly re-traumatising process. This recommendation goes hand-in-hand with point 3.1 Nationwide, many counselling and advocacy waiting lists are closed as services struggle to meet demand for support. No survivor should have to wait for specialist support¹³¹⁴¹⁵.

⁹ [Report of the Independent Review into the Investigation and Prosecution of Rape in London](#)

¹⁰ [An Audit of Independent Sexual Violence Advisors \(ISVAs\) in England and Wales](#)

¹¹ [Why untrained ISVAs compromise the rest of the Workforce](#)

¹² [Major new YouGov survey for EAW: Many people still unclear what rape is](#)

¹³ [Sex abuse charity funding crisis sees up to 10,000 in UK wait a year for help](#)

¹⁴ [What the Funding Crisis Faced by Britain's Sexual Abuse Charities Says About Our Attitudes to Rape](#)

¹⁵ [Sexual assault victims waiting a year for counselling, MPs say](#)

3.5 As discussed in points 2.6 and 2.7, adult survivors of non-recent CSA's phones are routinely being taken by police. Concrete policy around relevance and proportionality in relation to disclosure has to be published as a matter of urgency. The police and the CPS must *know* and be able to *clearly and adequately explain* what **'relevant'**, **'necessary'** and **'proportionate'** means in the context of non-recent CSA investigations.