

**SECTION III**

**EVIDENCE AND INVESTIGATION TECHNIQUES**

### Section III: Evidence and Investigation Techniques

The quality of evidence gleaned in the course of any police investigation must, particularly investigations in the context of sexual assault, predict the outcome of any prosecution. Quality evidence can only be achieved through quality investigation. The London Metropolitan Police in the UK has concluded that quality investigation will only occur where officers are appropriately trained. Training in the specifics of sexual assault is available in this form for all offices of inspector level and all female offices. The primary aim of this warning is to address the myths of rape and introduce officers to rape trauma syndrome. It is believed that much of the attitudinal problems police face with respect to sexual assault stems from the limited legal definition of rape, which may suggest to police that only a very serious physical attack followed by sexual assault will meet the definition. Offices are further attitudinally set by the continued legal requirement of corroboration. Offices are warned that it is their responsibility to make sure the forensic specialists take the right samples.

Offices are also warned to realise that the crucial point of success or failure of a trial for sexual assault will be the demeanour of the complainant in court. As this is so, it is critical to prepare her for what will happen in court and thus the Metropolitan Police works closely with a scheme set up in UK called the "victim support scheme: a scheme which aims to provide by the use of trained volunteer counsellors, support for victims of crime generally.

The Metropolitan Police has no specialised unit to deal with rape and sexual assault, but the investigation is conducted by a detective inspector from the relevant local station. The investigation follows this pattern:-

- 1) Preliminary interview with the complainant. At this point, no statement is taken. This interview is generally short and general, aiming to give the investigation offices an idea of the magnitude of the offence.
- 2) Lengthy interview with the complainant with a woman officer. This can take as long as necessary, the aim being a comprehensive, lengthy statement. If the report is early, a medical examination occurs. This is very comprehensive and will be framed by the statement. Currently, the Metropolitan is developing a protocol to guide the medical examination.
- 3) The scene of the crime, and the woman's clothing is examined. Disposable clothing is provided and in most cases the statement and examination occurs at one of the 'victim examination suites' in London. These seek to provide the woman with a comfortable, non-threatening place in which to make her statement. They are furnished as an apartment would be and include a place for the medical examination, showering facilities and cooking facilities. Care is taken so that the complainant feels individual, thus account is taken of ethnicity and appropriate facilities are provided. Any examination will be conducted, if possible, by a trained woman doctor, if the complainant so prefers.

- 4) The suspect, protected in the UK by the 1984 Police and Criminal Evidence Act, is interviewed. This is recorded contemporaneously in longhand. This is now moving to tape recording as the longhand interview provides the suspect with an advantageous time to think.
- 5) The suspect will be kept out of the same vehicle as the woman and the same station. He will be examined by a different doctor.

Special techniques for investigation may need to be drawn upon where child sexual abuse is concerned. Police need to be aware why children may refuse to report such abuse to anyone and how a 'child centred' approach, incorporating puppets and comics, for example may be effective. However, such effectiveness will depend on the awareness and training of the particular officer. As in sexual assault generally, the statement of the complainant is of crucial importance in securing a conviction. Police must receive specific training so that they can provide the best statement possible which avoids inappropriate language, excludes irrelevant material, is complete and well recorded and does not merely paraphrase the child.

#### Guidelines:

- \* Quality evidence is essential for a successful prosecution. This evidence can only be acquired through accurate investigation. The quality of the evidence and investigation depends on the training of the investigator.
- \* Investigation and evidence collection in sexual assault cases are hampered by the 'myths' surrounding such crimes and legal provisions which unnecessarily limit the definition of such crimes as they impose unnecessary corroboration requirements.
- \* The success of a prosecution for sexual assault may ultimately depend on the quality of the complainant's statement. Specific training must be introduced so that officers are able to provide the best statement possible. Specific problems of investigation and evidence collection and statement taking in cases of child sexual abuse must be addressed and imaginative techniques used to combat such difficulties.
- \* Accurate packaging and labelling of samples are critical. Officers must be trained to appreciate the integrity of samples.