

# **Reporting an offence to the police:** A guide to criminal/police investigations

This guide is designed to give you information about criminal investigations and the police.

This guide is designed to give you information about criminal investigations and the police. Rights of Women publishes a number of other guides that may be useful. For further information about these contact us or visit our website [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

## Contacting the police

In an emergency, you can contact the police by dialling 999 or Textphoning 0800 112 999 – these calls are free so it doesn't matter if you have no phone credit. If you are in immediate danger the police should attend to protect you. An emergency situation would be when a crime is actually happening, where there is danger to a life or where violence is being used or threatened.

If it is not an emergency you can report a crime by:

- calling 101 (please be aware that there is a charge for these calls)
- visiting the front desk of your local police station in person

You can also report a crime anonymously yourself or by asking a friend, relative or support worker to report an offence for you through Crimestoppers. Although reports which are anonymous will contribute to police intelligence they will not usually lead to an investigation. You may decide you do not want to report a crime to the police or that you would like to contact a support organisation first. (See **Useful Contacts** for support organisations)

It can be useful to report any incidents of domestic and/ or sexual violence even when you do not want a prosecution to follow as there will then be a record of the report to police which can be used in future prosecutions and can also be used in family court proceedings.

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## The Initial Report

When you first contact the police to report a crime this is called an initial report. An initial report can be taken over the phone or in person and will cover the basic facts of what has happened. You will be asked for some details of the offence, your contact details and the name of the person who has committed the crime against you if you know it. If you think there may be CCTV evidence, you have physical injuries or there may be DNA evidence it can be helpful to mention this in your initial report so that the Police can collect this evidence as quickly as possible. If you are making the report at the police station in person you can ask to speak in private and you can have a friend, relative or support worker with you. You can ask to speak with a male or female officer, whichever you feel more comfortable with.

Following the initial report, the police will assess whether a criminal offence has been committed.

When you make an initial report, you should be given a crime reference number. This number is how your case is identified through the police computer system. It is important to keep a record of the crime reference number as it is the main way of the police identifying your complaint and can speed things up if you quote it when you contact the police about your case. If you report an offence over the phone you should also be given what is known as a CAD or ICAD number. This reference number relates to the police dispatch and will have a record of activity recorded against it such as the time of the 999 call, and the time police arrived at the scene. It can be very useful to keep a record of this number for future communication with the police. It is also helpful to have this if you need to make a complaint about the police.



## Making a witness statement

An initial report enables the police to start making enquires. The next stage is for the police to take a formal statement from you about what happened. This is called a witness statement. There are two main ways to make a witness statement to the police. Victims of sexual violence will usually make a statement by being video recorded talking to a specially trained police officer about what they have experienced. This is called an ABE (Achieving Best Evidence) video. The other way of making a statement is for you to speak to a police officer who will write down what you say and then write this up into a witness statement. This is more common in cases of domestic violence (domestic abuse). You will then be asked to read it or have it read to you to confirm it is correct before signing it.

Where the police have attended at your home address after an emergency call they will often take a witness statement from you there and then. If you remember some extra details after this time you should contact the office in the case and ask them if you can make a further statement to include what you have remembered.

Whether or not the statement is videoed it should be taken in a way that is appropriate for you (for example you should be given breaks if you need them). If you do not understand English or if English is not your first language and you feel you would be able to communicate more effectively in your first language an interpreter should be provided for you.

You should also be able to have a friend or support worker present when making a statement. Sometimes they cannot be in the same room when you are having your statement taken but they can wait outside.

If you have any other evidence of what has happened, for example abusive text messages, photographs of injuries or damage to property it can be useful to keep these and show them to police when you make a witness statement. If you have had to pay for damage to your property to be repaired keep a copy of the invoice or receipt or any repair quotes you have obtained as these can be used by the courts in deciding on compensation.

Once you have made a witness statement the police should discuss with you the option of making a victim personal statement (sometimes called a victim impact statement). This statement gives you an opportunity to say what impact the crime has had on you. Generally this can be made at any time before the case comes to court.

Sometimes the police will tell you that you must make the victim personal statement (VPS) at the same time as making your witness statement but if you are a victim of a serious crime you are entitled to make a VPS to the police at any time before sentencing, whether or not you make a witness statement about what happened.

For the purpose of the VPS domestic and sexual violence are considered to be serious crimes. You should be aware that occasionally when a suspect is charged they will appear in court the next day, plead guilty and be sentenced that same day. Where this happens and you have not made a VPS you may lose your opportunity to make one.

The police should also talk to you about 'special measures.' These are practical things that can be done to help you if you need to attend court to give evidence and include measures like letting you give evidence behind a screen so you and your abuser cannot see each other, or letting you give evidence from another room by live video link. It is good to discuss these at an early stage so that you know what your options are.

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## **What if I have trouble communicating?**

Talking to the police and making a witness statement can be hard especially if you find it difficult to communicate. The police have guidance which tells them how to take evidence from a vulnerable adult. In this guidance, a vulnerable adult is defined as someone who has mental health problems or a physical or learning disability. This guidance is called 'Achieving Best Evidence in Criminal Proceedings (2011)' and can be found on-line. According to this guidance, the police should plan for your needs in advance, which includes considering what support you may need. This should involve meeting you before taking a statement from you to introduce themselves and to assess how they may help you give your statement. You may also be entitled to an intermediary who can help you communicate with the police. An intermediary is a professional (often a speech and language therapist) who has experience of working with people who have difficulty in communicating. There is a register of intermediaries who are independent of the police but who the police can contact to help you. You should also be given the option of having a friend, relative or support worker with you to support you although they may not always be allowed in the same room when you are making a statement.

## What if I do not speak English?

If you do not speak English or you do not have English as your first language and are better able to communicate in your first language the police should arrange for you to have an interpreter when they take your statement. The statement should also either be written in your first language or be read to you in your own language before you sign or date it.

## The police investigation

After you make a witness statement the police will usually investigate the allegation. There is no set time-frame for this and this can take anywhere from a few hours through to several months and in some complex cases over a year. Police investigations are overseen by one investigating officer usually called the 'officer in the case' and you should be told who that officer is and how to contact them. They have a duty to keep you informed of what is happening.

An investigation can cover a range of activities including talking to witnesses, analysing mobile phones and computers, watching CCTV, photographing any physical injuries, making enquiries of GPs or hospitals, asking for your medical records (with your permission) and where you have reported a recent sexual assault arranging for a forensic medical examination to take place. This can be done either through your local SARC (Sexual Assault Referral Centre) or by the police asking a specially trained doctor (a forensic medical examiner) to do this. You can usually choose whether to have a male or female doctor examine you, whichever you are more comfortable with.





## The arrest and bail

Usually if your abuser is identified (i.e. someone you know or someone the police think may have committed the crime) the police will arrest and interview him. He will be called the suspect at this stage of the investigation. When he is interviewed by the police he will have the right to legal advice and can choose to answer some, all, or none of the questions he is asked about the offence. Where he answers none of the questions this is referred to as giving a 'no comment' interview. He can also submit a written statement of his version of events at the beginning of the interview. In most cases, a suspect can only be held in the police station for up to 24 hours. In serious cases, this can be extended by the police to 36 hours. The maximum time he can be held before he is charged or released is 96 hours but only with the permission of a court.

Sometimes the police will decide to release a suspect after interview to undertake further investigation. Prior to April 2017 this would nearly always be 'on bail' and the suspect would be given a date and time to attend back at the police station to 'answer bail'. When releasing a suspect on bail the police can impose bail conditions which can include not contacting you directly or indirectly, not coming to your address, and requiring him to live at a certain address. Since April 2017, the police in England and Wales can (usually) only bail a suspect for up to 28 days. It is possible for a senior police officer to extend this time limit to up to 3 months where it is deemed appropriate and necessary. In exceptional circumstances, where the police need to keep an individual on bail for longer than 3 months, they will have to apply to a court.

Because of these new time limits on bail, it is becoming more common place for the police not to arrest a suspect, but instead ask him to attend the police station for a voluntary interview. When a suspect attends a voluntary interview, he has the same rights as a suspect who has been arrested, for example to speak to a solicitor, but because he is attending voluntarily, he is allowed to leave the police station at any time. As he has not been arrested he will not be bailed unless he is charged with an offence (see below). If a suspect refuses to attend for a voluntary interview, the police will usually arrest him and then detain him at the police station for interview.

It is also now more likely for the police to simply release the suspect following arrest, but to keep the case 'under investigation.' He will be told that investigations are continuing but because he is not on bail, there are no restrictions on him. Unless the police get in contact to say they would like to speak with him again or write to him to tell him he must attend court on a certain day (summons him), he has no obligation to attend court or return to the police station.

If you are worried about the suspect being given bail with or without conditions you should talk to the officer in the case about this. If you are concerned he will be released without bail (released under investigation) you should also raise your concerns with the officer in the case. The police should consider a DVPN/ DVPO – see below. You can also consider applying to the civil courts for a protective injunction (a court order which prevents him contacting you): see our legal guide **Domestic violence injunctions**.



## The Victim's Code

The 'Code of Practice for Victims of Crime' also known as the Victim's Code is guidance issued by the Ministry of Justice which outlines your entitlements as the victim of a crime. It also outlines the duties that statutory organisations such as the police have towards you. It is a lengthy document but outlined below are some of the things you are entitled to receive from the police:

- a written acknowledgement that you have reported a crime including the basic details of the offence unless you have agreed you do not wish to receive it. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand.
- a clear explanation of what to expect from the criminal justice system when you report a crime or are contacted as a victim in the course of investigations;
- an assessment of whether you want or need support, and (if so) what help or support you may need.
- to be informed about how often you will receive updates on the status of the case following discussion with the police;
- within 5 working days of a decision not to investigate a crime, an explanation of why this decision was taken
- to be advised when an investigation into the case has been concluded without your abuser being charged and to have the reasons explained to you;

You are entitled to be informed by the police of the following information and to have the reasons explained to you within 5 working days of a suspect being:

- arrested;
- interviewed under caution;
- released without charge;
- released on police bail, or if police bail conditions are changed or cancelled.

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If you are a victim of the most serious crimes, persistently targeted or vulnerable or intimidated, you are entitled to receive this information within 1 working day. Most victims of domestic and/or sexual violence will fall into one of these categories.

If you are being interviewed as a witness by the police, you are entitled to:

- be accompanied by a person of your choice, unless a reasoned decision has been made to the contrary;
- have any interviews with you conducted without unjustified delay;
- have the number of interviews limited to those that are strictly necessary for the purposes of their investigation;
- have medical examinations kept to a minimum and carried out only where strictly necessary for the purposes of the criminal proceedings;
- if necessary, have the interview conducted in premises designed or adapted for that purpose;
- have the same person, where possible, conduct all the interviews (unless to do so would prejudice the proper handling of the investigation);
- be offered the opportunity to have a person of the same sex conduct the interview where you are a victim of sexual violence, gender-based violence, or domestic violence (any request will be met where possible unless to do so would prejudice the proper handling of the investigation).

If you do not receive these entitlements you can make complaint about the police. The victim's code outlines how you can do this. See **Useful contacts**.

*'...If you are a victim of the most serious crimes, persistently targeted or vulnerable or intimidated, you are entitled to receive this information within 1 working day...'*

## MARACs (Multi-agency risk assessment conferences)

MARACs (Multi-agency risk assessment conferences) are meetings which bring together different professionals who work in domestic violence. These professionals can include police officers, social workers and independent domestic violence advisers (IDVAs). The MARAC will discuss a domestic violence situation when there is a high risk of serious harm. They will then create an action plan in order to keep you and any children safe. It is possible when you report domestic violence to the police that they may refer your case to be discussed at a MARAC. You should be informed in writing that this is happening and given an information leaflet about MARACs.

You should also be offered an IDVA to attend the meeting on your behalf to represent your views. The IDVA or another professional should also feed back to you what was said at the meeting, although you are not allowed to attend yourself.



## DVPNs and DVPOs

The Police have a duty to take steps to prevent further crime by making you as safe as possible. One of the ways they can do this is to issue the suspect of domestic violence with a domestic violence protection notice (DVPN). These notices last for 48 hours and may be used following a domestic incident to provide you with short-term protection when an arrest has not been made but positive action is required, or where an arrest has taken place but the investigation is in progress. This could also be where a decision is made to caution the suspect or take no further action (NFA) (see below), or when the suspect is bailed without conditions. Once the police have served a DVPN on the suspect, an application must be made to the magistrates' court for a domestic violence protection order (DVPO) within 48 hours of the DVPN being served. There are strict conditions which apply at each stage. In order for a DVPN/DVPO to be made:

- the suspect must be over 18
- there must be reasonable grounds for believing that the he has been violent or has threatened violence towards an associated person, and
- that the DVPN/DVPO is necessary to protect the associated person from violence or threat of violence by the suspect.

An associated person is someone who is related to the suspect (including by marriage or civil partnership) or in an intimate relationship with him.

The DVPN will be issued by the police and will include restrictions on the suspect's activity which can include:

- Not to contact you directly or indirectly
- Not to attend your address

When the court considers the application for a DVPO, they will decide whether to grant the order, not to grant the order, or to adjourn the case if the suspect does not agree to the order being made. If this happens, the DVPN continues to apply until the next hearing.

If the DVPO is made, it must last for a minimum of 14 days and a maximum of 28 days. It should state the date it ends. The police should tell you if they are giving your abuser a DVPN and the outcome of any DVPO hearing. If your abuser breaches the DVPN or DVPO he can be arrested and if a court finds he has breached the order he can be sent to prison for up to 2 months or he can be fined.

Some police forces have a policy of only using these in certain circumstances for example where there has been a decision to take no further action (i.e. when they have decided not to charge or caution the suspect)

## Charge

When the police have finished their investigation, they should pass all their evidence to the Crown Prosecution Service (CPS) who will decide whether the suspect should be charged with a criminal offence. When the CPS decide to proceed with a court case against the suspect, charging is the formal process of informing him that he must go to court. When deciding this CPS lawyers must consider a two-stage charging test. They must first consider whether there is sufficient evidence available for there to be a realistic chance that the defendant will be convicted (found guilty) at court. If there is sufficient evidence the CPS lawyer must consider whether or not a prosecution is in the public interest. It is almost always in the public interest to proceed with a prosecution for domestic or sexual violence.

If the suspect is charged he can be released on bail (with or without conditions) to attend the magistrates court on a specific date within a few weeks, or be remanded in custody (kept at the police station) to be taken to the next available court session, if he appears at court in custody the court will then decide whether to release him on bail (with or without conditions) or remand him to prison. Once a suspect is charged he becomes known as the defendant. See *From charge to trial: a guide to criminal proceedings*

Occasionally instead of being charged a suspect will be told in writing that they have to attend court. This is called being 'summonsed' to attend court. If a suspect is summonsed he will not be on bail. He will usually be placed on unconditional bail once he has attended court unless he has made unwanted contact with you, then

the CPS may apply for bail conditions. If the suspect is not charged you can ask for this decision to be reviewed. See our legal guide **Your right to review: a guide to the victim's right to review schemes**

If a suspect contacts you, frightens you or threatens you either directly or by using a friend or family member to contact you on his behalf, you can report this to the police whether the suspect is on bail or not. Depending on the nature of the contact the police may be able to take further action against him including charging him with witness intimidation.

## Cautions

Sometimes the police or CPS will decide to deal with a suspect without going to court by giving them a caution. This is sometimes called an out of court disposal.

A caution is a formal warning that can be given to a suspect who has admitted a criminal offence. Cautions are usually only given for less serious offences and when the suspect does not already have a criminal record. A caution should not normally be given for domestic violence or sexual crimes. After a caution is given to a suspect, the investigation is at an end, which means that the suspect will have no restrictions on his activities. The caution can be conditional or unconditional. If the caution is conditional, the suspect will have to comply with certain conditions before the case is closed, and if he does not he may then be charged and taken to court.

After giving a caution, the police should consider a DVPN/DVPO to ensure you are safe. You may also be able to apply to the civil courts for a non-molestation order. See **Domestic violence injunctions**.



## Withdrawing a complaint

You may decide you do not wish to continue with a complaint and would like the police to cease their investigation. If you decide this before giving a witness statement you can refuse to give one. If you do not give a witness statement, it is unlikely that the police will continue investigating. Although some police forces will decide to charge a suspect based on initial comments you made to police even where you did not give a statement. If you have already given a witness statement you can contact the officer in the case and ask to make a withdrawal statement. Even if you make a withdrawal statement, the police and CPS can still decide to proceed with the case, against your wishes. You can be made to attend court via a witness summons, see **From charge to trial: a guide to criminal proceedings**.

## Criminal Injuries Compensation

If you received an injury (including a mental injury) as a result of a crime you may be entitled to compensation through the Criminal Injuries Compensation Scheme (CICS). For more information see **A guide to criminal injuries compensation**.

## Making a complaint about the police

If you are unhappy with the way the police have treated you, you can make a complaint. See the Independent Police Complaints Commission website in **Useful contacts**.



*The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.*

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

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For free, confidential, legal advice on criminal law including domestic violence, sexual violence and criminal law procedure:

For all women: call **020 7251 8887** the advice line is open **Tuesday 11am-1pm**.

For free, confidential, legal advice on immigration and asylum law or family law visit **[www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)** for our advice line details.

## Useful contacts

### Emergency contacts

#### **Police (emergency)**

999

#### **24 hour free domestic violence helpline**

0808 200 0247

**[www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)**

#### **Crimestoppers**

0800 555 111

**<https://crimestoppers-uk.org/>**

#### **Rape Crisis**

0808 802 9999

(Free helpline 12 noon - 2.30pm and 7 - 9.30pm every day of the year)

**<https://rapecrisis.org.uk/>**



## Information and Support

### **Disability Law Service**

020 7791 9800

[www.dls.org.uk](http://www.dls.org.uk)

### **Respond**

(support for people with learning difficulties affected by abuse and trauma)

<http://www.respond.org.uk/>

### **Victims right to review scheme.**

Details of the Victims right to review CPS decisions can be found here:

[http://www.cps.gov.uk/victims\\_witnesses/victims\\_right\\_to\\_review/](http://www.cps.gov.uk/victims_witnesses/victims_right_to_review/)

For the Victims Right to Review Scheme (Police) each police force publishes its own information on their scheme. You can ask the officer in the case for information or search for Victims Right to Review and the relevant police force on the internet e.g. Victims Right to Review Metropolitan Police

### **Criminal Injuries Compensation Authority (CICA)**

<https://www.gov.uk/claim-compensation-criminal-injury>

### **Independent Police Complaints Commission (IPCC)**

<https://www.ipcc.gov.uk/>

### **The Crown Prosecution Service**

<http://www.cps.gov.uk/>

### **Victim support**

<https://www.victimsupport.org.uk/>

### **Victim's code**

[https://www.cps.gov.uk/legal/assets/uploads/files/OD\\_000049.pdf](https://www.cps.gov.uk/legal/assets/uploads/files/OD_000049.pdf)

### **Sexual Assault Referral Centres**

To find your local Sexual Assault Referral Centre (SARC) visit NHS Choices service Directory [www.nhs.uk/ServiceDirectories](http://www.nhs.uk/ServiceDirectories). Search for 'Rape and Sexual Assault support' and enter your postcode to find the service closest to you.

**Rights of Women,**

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