



Ministry
of Justice

Investigating a rape or sexual assault

After you report a rape or sexual assault.

Police interview.

Gathering evidence.

Outcomes of the investigation.

This guide will help you understand the police process of investigating a report of rape or sexual assault.

You can access a **glossary** for more information on the terms used in this guide (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault/glossary-of-terms>).

You should be offered support. More information on support can be found in the guide titled '**Support following a rape or sexual assault**' (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault>).

You can also find further information about the Crown Prosecution Service (CPS) in their **guide for rape and serious sexual assault victims** (<https://www.cps.gov.uk/rape-victims-guide>).

After you report a rape or sexual assault

Keeping you safe

After making a report to the police, they will make sure you are safe. This may include organising civil orders. These are legal protection orders that are designed to protect you. The police should talk to you about whether these orders are appropriate for your case. Examples are:

- **a restraining order**, which is a measure granted by the court that stops someone being able to do something specific, like approaching or contacting you – it can be for a certain length of time, or indefinitely, and the court will decide how long the restraining order should be in place
- **a stalking protection order**, which places restrictions on someone who has carried out acts associated with stalking – information on reporting a stalker is available on GOV.UK (<https://www.gov.uk/report-stalker>)
- **a sexual risk order**, which places restrictions on someone who has done an act of a sexual nature and where the court thinks the restrictions are necessary to protect the public from risk of sexual harm

An application for a civil order is not a substitute for a prosecution. They are additional tools designed to improve your and the wider public's safety.

You can find more information about protective measures and civil orders on the College of Policing website (<https://www.college.police.uk/guidance/violence-against-women-and-girls-toolkit/protective-measures-and-civil-orders>).

Police interview

When you report a crime to the police, they will take an initial report to understand what happened to you. The police will then ask you to give a formal witness statement. This could be a written statement, but it is most likely that you will be offered the opportunity to be recorded on video talking about what happened to a police officer. You may be interviewed more than once.

Your rights under the Victims' Code during interview

You have the right to:

- request the specific gender of the officer taking your statement – if this is not offered to you, you can ask for it
- request to bring a person of your choice to the interview – if this is not possible the police will tell you why

The police must consider whether you would benefit from additional support and put that support in place if it is needed. This could include:

- a professional interpreter if English is not your first language
- British Sign Language support
- someone who can help vulnerable victims and witnesses to communicate – this person is known as a registered intermediary (<https://www.gov.uk/guidance/ministry-of-justice-witness-intermediary-scheme>)

Whatever you have said in your interview can be used in court. You can add more information later if you remember something else.

Gathering evidence

As the police investigate your report, they will look for relevant material to build a case. This will take time depending on the circumstances of your case, and it may even take some months. The officer in charge of your case will keep you updated throughout the investigation. You will be given a crime reference number when you report a crime to the police. You can use this number if you contact the police for more information on your case.

The police should only ask for material that is relevant to your case. This is called a 'reasonable line of enquiry' and means that the police think the information they are gathering may have an impact on your case.

The police may ask for physical, digital or forensic material. You can find more information about what evidence might be collected and why in the CPS guide, 'How we work with the police as they build their case' (<https://www.cps.gov.uk/rasso-guide/how-we-work-police-they-build-their-case>).

You can still report a crime even if you think you do not have evidence.



Physical evidence

This might include the clothes or personal items that were present during the offence.

Forensic evidence

If the crime happened recently, the police may ask your permission to collect forensic evidence. There are two ways forensic evidence can be taken.



- Early evidence kit: A trained officer takes swabs from non-intimate parts of your body – for example, your arms or face.
- Forensic medical examination: This is when someone has a full head-to-toe examination. A trained medical examiner will look for any injuries and may take samples using a swab. They will explain everything to you and make you feel as comfortable as possible. You can change your mind at any stage of the examination. This will happen in a specialist centre, often called a Sexual Assault Referral Centre.



Statements from any other witnesses

This involves talking to any other people who can give information about the incident, if relevant.

Digital evidence



The police may need to collect information held on your mobile phone, laptop or other digital devices (<https://www.cps.gov.uk/rasso-guide/how-we-work-police-they-build-their-case>).

You will only be asked for your devices if the police think they hold information relevant to your case and there are no other ways of getting this information.

Information which may be collected from other people



In some cases, the police will need to look at information that other people or organisations hold about you (<https://www.cps.gov.uk/rasso-guide/how-we-work-police-they-build-their-case>). The police will only do this if there is a reasonable line of enquiry and they think the information is relevant to your case. Examples include accessing medical, educational, local authority or other records.

Outcomes of the investigation

This guide provides an overview of how the police and CPS will consider your case and what might happen next. You can find more information about what to expect and how decisions are made in the CPS guide for rape and serious sexual assault victims (<https://www.cps.gov.uk/rasso-guide/how-we-work-police-they-build-their-case>).

You can also find more information about the Victims' Right to Review Scheme.

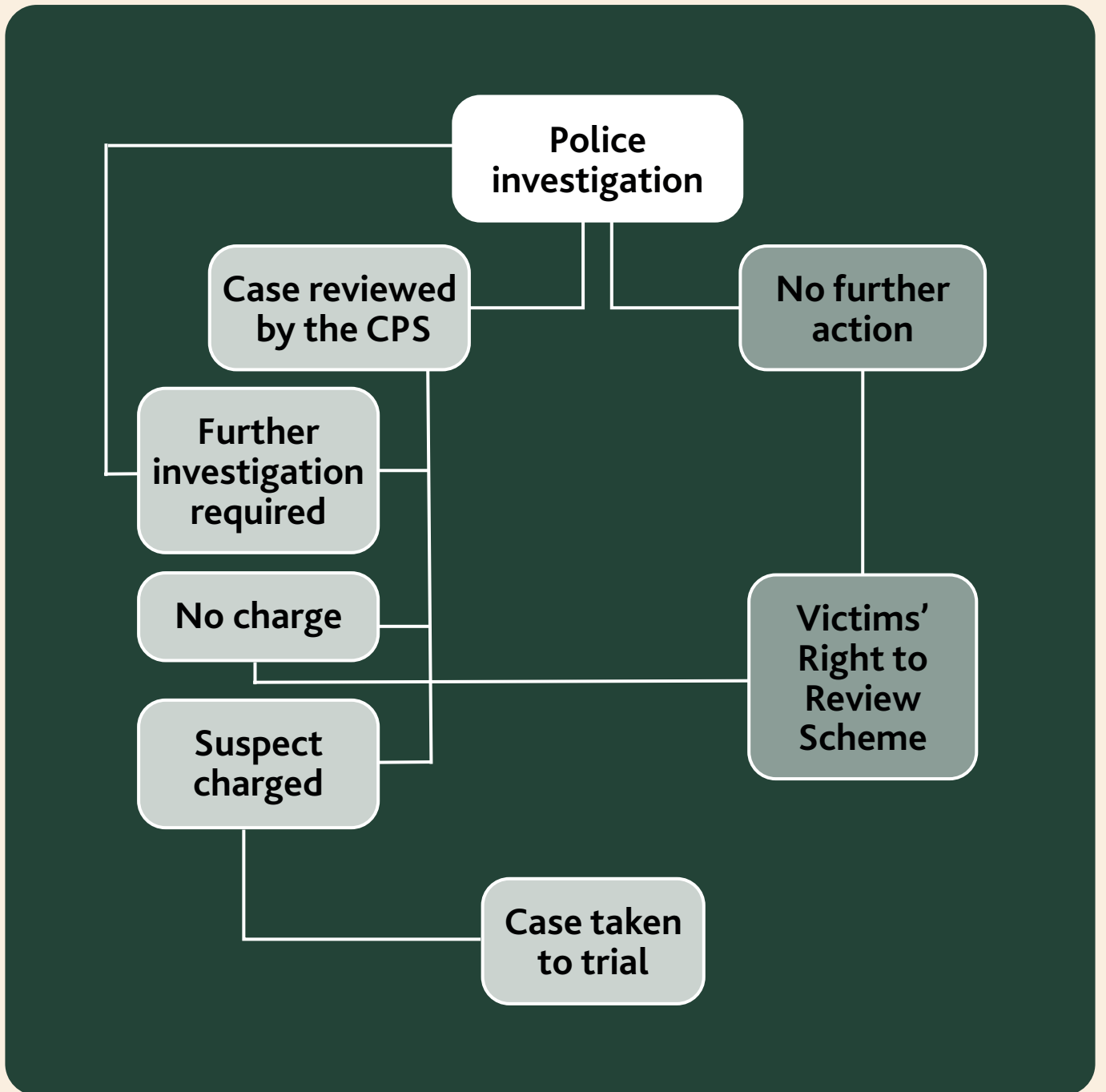
No further action

If the police do not think there is enough evidence to take the case forward, they won't pass it to the CPS. The police will explain to you why they have made this decision.

No further action means the case will be closed. If there is new information or evidence in the future, the case could be reopened and reinvestigated.

You can ask for a review of this decision. This is called the Victims' Right to Review Scheme where a senior officer who was not involved with the case will look at the case again and see if they think the decision was correct.

You can find more information about the Victims' Right to Review Scheme on your local police force website.



Support is available to you at any time. More information can be found in the guide titled 'Support following a rape or sexual assault' (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault> **Link to landing page**).

Case reviewed by the CPS

The police may send your case to the CPS so they can review the evidence and decide whether to charge the suspect. If the suspect is charged, this means the case will go to court.

All rape and serious sexual offence cases are reviewed by specialists who are trained to understand all aspects of sexual offences.

To decide whether to charge the suspect in a case, the prosecutor must apply a two-stage test.

1. Evidential stage – this is where a prosecutor reviews the evidence and asks the question: is there enough evidence against the suspect to provide a realistic prospect of conviction? That means, having heard the evidence, is a court more likely than not to find the suspect guilty?

2. Public interest test – if the evidential test is met, the CPS prosecutor then considers: is it in the public interest to prosecute? To answer this question, they must consider things like:

- the seriousness of the offence
- the harm caused to you
- the age and maturity of the suspect at the time of the offence

In cases of rape or serious sexual assault, the seriousness of the offence means that where there is enough evidence, a prosecution will almost always go ahead. A decision not to prosecute these cases for public interest reasons is very rare and the prosecutor would need to provide clear reasons explaining their decision.

If the case does not pass the evidential stage of the test, the CPS cannot move onto the next stage no matter how serious or sensitive the case may be.

If the prosecutor decides that the two-stage test has been met, they will tell the police what offences they can charge the suspect with. At this point, the suspect becomes known as the defendant.

Every case is different. The time it takes to make a decision can vary and may take many weeks. Some cases may be straightforward while others will have a lot of evidence that the CPS needs to review.

You can read more about the CPS two-stage test in the Code for Crown Prosecutors (<https://www.cps.gov.uk/publication/code-crown-prosecutors>).

Further investigation

The prosecutor may decide that there is not enough evidence to charge the suspect. But they will consider whether there is further material which needs to be obtained before a charging decision can be made. If the CPS believes that there is further material needed or there are possible further lines of inquiry, they will advise the police accordingly.

If the police find more relevant information or evidence, the CPS will make a new decision on whether to prosecute the suspect.

The police will keep you up to date with your case, including if they need to look for more evidence.

No charge

If the CPS decides the case does not pass their two-stage test, and there is no further evidence that the police could look for that would change this, they cannot charge the suspect.

Where the CPS decides not to charge a suspect, you will be sent a letter from the CPS explaining their decision. You have the right to be offered a meeting with the CPS if they decide not to charge a suspect. If the CPS decides that the circumstances mean a meeting should not take place, they will explain why to you.

The suspect is charged

If a decision is made to charge a suspect, you will be informed by the police within one working day of the suspect being charged. They will tell you:

- the offence the suspect has been charged with
- the date, time and location of the first court hearing
- whether they have been remanded in custody (held in prison until the trial)
- any bail conditions or changes to bail conditions if the suspect is released on bail

Victims' Right to Review Scheme

You have a right to request that the CPS reviews a decision not to charge a suspect, under the CPS Victims' Right to Review Scheme.

This means a different prosecutor will look at the case again and come to their own decision on the case. The CPS will then let you know by letter whether they have decided to charge the suspect, or whether the original decision not to charge still stands.

More information is available about the CPS Victims' Right to Review Scheme (<https://www.cps.gov.uk/legal-guidance/victims-right-review-scheme>) is available online. This includes details about when you might be able to request a review.

Case taken to trial

You can find out more information about preparing for court and after a trial in our following guides (<https://www.gov.uk/government/publications/guides-for-victims-of-rape-and-sexual-assault>).



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