



Reporting sexual crime to the Police: Your rights

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Reporting sexual crime to the Police - Your rights

The police take reports of gender based violence such as rape, sexual assault, domestic abuse, forced marriage and honour crime very seriously. They have specially trained staff to deal with these offences and they work closely with partners to ensure that victim-survivors are provided with support throughout the process. Anyone who reports such incidents should expect to be treated with dignity, empathy and respect.

This leaflet will provide you with some information about what to expect if you report an incident to the police and outlines some of your basic rights. Many of these rights have been set out in the [Scottish Government Victim's Code for Scotland](#).

All citizens are entitled to certain rights as outlined in the Human Rights Act 1998. These rights are based on the principles of equality, dignity, fairness and respect. The Act not only protects the rights of individuals but it influences the actions of public organisations including police, Procurator Fiscal, NHS etc., who are required to adhere to these principles and to the legislation.

Rape and Sexual Crimes

Any sexual activity that you did not consent to is a crime and is covered by the Sexual Offences (Scotland) Act 2009. The Act covers a range of crimes including rape, attempt rape, child sexual abuse, sexual assault, communicating indecently and sexual exposure. Crimes that took place prior to the date of the Act are covered by similar legislation and are investigated and prosecuted in the same manner. The law is clear, whether it be the Act or before, sex without consent is rape.

General Guidance

When you report a gender based crime, the police then have responsibilities and certain things they then have to do which relate to your complaint. Broadly speaking this can include:

- Taking a statement from you and any other witnesses;
- Examining any crime scenes;
- If the crime relates to sexual violence, asking you to have a forensic medical examination;
- Taking items of yours for evidence or for further examination. If you refuse this, they might be able to obtain a warrant to seize them without your permission;
- Asking you to sign a permission form to access your personal files, for example medical or social work records. If you refuse this, they might consult the Procurator Fiscal and ask for a warrant;
- Linking you with support services and ensuring your wellbeing;
- Identifying and managing risk to others
- Providing you with a Victim Care Card that has details of the investigating officer, the incident reference number and the crime reported. If the crime is rape, the point of contact will be a specially trained Sexual Offences Liaison Officer (SOLO).

This is a process, and the time taken to complete these activities will depend on the individual circumstances, but the investigating officer has a responsibility to update you with their progress. Within this process it is important that you know that **you have rights**.

The rights you have can sometimes depend on what your crime relates to, but if it relates to sexual crime, domestic abuse, stalking or human trafficking then you can;

- **Request a male or a female officer. This should always be respected unless there are exceptional circumstances;**
- **If you are asked to have a forensic medical examination, you may also specify the gender of the doctor that you want. There is a shortage of specially trained female doctors, so this might not be possible;**
- **Give your statement somewhere you feel comfortable;**
- **Have someone with you for support when you give your statement, as long as they are not a potential witness;**
- **Ask the Police if they can return certain items that are taken for evidence as a priority to minimise the inconvenience caused, for example your mobile phone;**
- **Ask the police to explain the necessity of accessing any of your personal records, and make sure that the form is specific and only requesting access to files that are relevant to the investigation, not the whole file. The COPFS leaflet ‘Sensitive and Personal Records; Information for Victims of Sexual Crimes’ gives full guidelines.**

The Police have a responsibility to explain what is happening to you in language that you understand, and to keep you up to date with any investigation they are undertaking after you report. Sometimes, as part of an ongoing investigation the police might contact you without you having reported anything to them. This is particularly relevant with rape, sexual crime and domestic abuse investigators. It is entirely up to you whether you choose to provide a statement; if you do, you may be called to court to give evidence.

If I report rape or sexual crime to the police what should I expect?

A decision to report to the police is very much a personal one and, for various reasons, many victim-survivors choose not to report, or to report some considerable time after the incident. This is not unusual; historic crimes can be reported.

Support agencies recognise the difficulties some victim-survivors have in either making a decision to report or, having made a report, in dealing with the ongoing process. Many victim-survivors find engaging with these agencies very helpful. For example, Rape Crisis Scotland's National Advocacy Service can provide you with a worker who will support you through the criminal justice process from start to finish, including at that very early stage where you are undecided about reporting to the police. Or, if you have reported to the police without having first spoken to support agencies, the police will automatically offer to refer you to Rape Crisis. It is your decision but if you accept the offer of referral then the police will do this for you. This link will provide you with [more information](#) about what to expect if you report to the police.

If you do report to the police it's highly likely that the first officers that you speak to will be uniform officers. They should be trained to deal with sexual crimes although their initial role is to make sure you are safe and to get you any medical attention you may need. They should only ask minimal questions to confirm the exact crime that's been committed, whether there is any immediate risk to you or others and to start an investigation. They will take a short statement to cover these things and then ensure that you are put in touch with specially trained officers.

If the crime is recent the police may request immediate forensic samples such as swabs of your hands or face (not intimate), and/or your clothing. This is because any further delay may hamper

the recovery of forensic evidence. You don't have to agree to this but it may be detrimental to the investigation. If you are unsure about the nature or the purpose of such a request by the police then ask for a full explanation, this may help you in your decision.

What happens if I decide to provide a statement?

Only specially trained police officers can interview victims of rape or sexual crime, they are known as SOLO officers (Sexual Offence Liaison Officers). You will be appointed a SOLO officer who will interview you and be your point of contact to the police. You should tell the police if you have a preference about whether this is a male or female officer. Your SOLO should provide you with regular updates as the police investigation progresses and will be the person you contact if you have any questions about the investigation. They must provide you with their contact details.

During the more detailed statement taking process, you can again specify the gender of the officer taking the statement. You can also ask to have someone present to support you such as a family member, a friend or a support worker. Provided the person you have requested is not likely to be a witness in the investigation, this request should be honoured. The police frequently take statements in a police office however you can request that your statement is taken in a place that you feel more comfortable; such as your home, a friend's house or the local Rape Crisis office for example.

The statement should be taken at a pace you feel comfortable with and your SOLO officer should provide you with breaks when you feel you need them. The police are prohibited from asking you questions that are not relevant to the investigation, such as your previous sexual history. This will only be relevant if you are reporting a recent incident, in

which case other consensual sexual activity may have a bearing on any forensic evidence recovered.

At the conclusion of your statement you will be asked to sign it. Prior to signing it you should either read it yourself or, if you prefer, have your SOLO officer read it over to you, making any necessary changes as required.

If you feel, for whatever reason, you are unable to continue with your statement you can stop. It may be useful to discuss your concerns with your SOLO officer or your support worker. It may be that, having had some time to take advice or to rest and reflect, you are able to continue.

After providing your initial statement, and as their investigation develops, the police may ask to re-interview you. This is not unusual and is generally done to clarify some points. Similarly, it's possible that you may recall some additional information that may be important therefore there may be a number of statements taken over a period of time.

The most important thing is that your rights remain the same in relation to the gender of interviewer and the manner and pace of the interview/s

I have been asked to undertake a medical examination, what does this involve?

This is known as a forensic medical examination and can be extremely important to the investigation. If successful it can provide strong evidence of the crime and the person responsible, particularly if you are making a report soon after the incident or if you have injuries as a result.

This examination will be done by a specially trained doctor but can only take place with your consent. The SOLO officer should explain the purpose of the medical examination and the doctor will talk you

through the examination itself. You can refuse to consent to all, or to specific aspects of the examination. And, as mentioned earlier, you can request to be examined by a male or female doctor, whichever is your preference, although the availability of female doctors means this may not always be possible. Wherever possible the examination will take place in a medical facility, however in some areas this may take place in a specially prepared medical room within a police office. You can have a support worker accompany you to the medical examination and, while they will not be permitted in the room during the examination, they can be available to you immediately afterwards.

Prior to the start of the examination the doctor will confirm your consent and if you agree you will be asked to sign a consent form. If you have any specific concerns or questions about the examination speak to the doctor who will talk through the issues with you.

The law states very clearly that sex with a person who is incapacitated through alcohol or drugs is rape. Depending on the circumstances, the doctor may ask you for a blood sample specifically to check the level of alcohol and/or drugs in your system. Again, you can refuse to consent to this however, the purpose of this is explicitly to support your report that you were incapable of providing your consent to sex. This is a medical procedure and it is not a judgement in relation to what drink or drugs you may have consumed.

If you initially consent to a medical examination but feel that you are unable to continue with it then you can stop the examination at any time.

What else should I expect from the police investigation?

Police investigations may include the need to seize items that may be relevant to their enquiries, and/or may ask to get access to some of your sensitive records. Please see the introductory section for guidance on this.

Your SOLO officer should provide you with regular updates as the investigation progresses. You can guide him/her as to how often you would like updates, for example weekly, fortnightly or only when there is some information to update you with. If, following their investigation, the police do not charge someone with the crime, the Senior Investigating Officer should explain why that's not been possible.

I have provided a statement and the police are carrying out an investigation but I don't want to continue with it

For many reasons victim-survivors, having initially made a report to the police, feel unable to continue with the process. Sometimes an explanation, additional support or reassurance will be enough to address this. Your support worker will assist you or, if you have not already engaged support services, you may find it useful to [get in touch](#) with them at this point.

If, however you still feel unable to continue you should speak to your SOLO officer. To ensure that you are not being pressurised by others to disengage from the process, the police will ask you for a reason and will take an additional short statement to that effect. They will respect your decision and discontinue with their investigation. However, there are occasions when this may not be possible, for example the risk to others may be too significant. Where that's the case they should discuss this with you and any effect the continuing investigation may have on you.

What other options do I have to keep myself safe?

There may be other, alternative courses of action open to you that will help provide you with security and reassurance, and the police should discuss these with you. This includes various legal measures, known as protective orders, including Exclusion Orders, Non-Harassment orders and Domestic Abuse Interdicts.

A Non-Harassment order is an order that the court can make to help protect you from someone who is harassing you. This order can prevent a person from approaching or contacting you, threatening or abusing you, using physical violence against you or damaging your property. Applications are made to the court by a solicitor on your behalf. If an order is granted and the person to whom the order applies breaches it, then they will be committing a criminal offence for which they can be arrested.

The Scottish Women's Rights Centre [Stopping Harassment Guide](#) contains a clear and useful guide to Non-Harassment orders. Similarly, the Scottish Women's Rights Centre can provide further information in relation to the various protective orders that are available.

I am not satisfied with the police action, what should I do?

If there are aspects of the police investigation that you are not satisfied with, or are unsure of, it may be useful in the first instance to ask for an explanation or for more details from the police. If for whatever reason that is not an option or, having done that you are still unsatisfied, you can make a formal complaint against the police.

Your support worker can help you with this or you can make a complaint directly to [Police Scotland](#).

If, following the conclusion of your complaint to the police, you are still not satisfied, you can refer your complaint to the Police Investigation and Review Commissioner (PIRC). PIRC are independent of the police and will review the police's handling of your complaint.

Criminal Injuries Compensation Authority (CICA)

Victim-survivors of crimes of violence, sexual abuse or physical abuse can apply to the Criminal Injuries Compensation Authority for compensation where they have been physically or mentally injured as a result of the crime. If the victim-survivor was an adult (aged 18 and over) at the time, the claim must be made within 2 years of the incident (unless in exceptional circumstances). The two-year rule does not apply where the victim-survivor was below the age of 18. All crimes must be reported to the police before a compensation claim will be considered.

Your support worker can help you with any application, or full details of the application process can be found on the [CICA website](#).

Glossary of Terms

CICA	Criminal Injuries Compensation Authority
COPFS	Crown Office and Procurator Fiscal Service
DAU	Domestic Abuse Unit
PIRC	Police Investigation and Review Commissioner
SIO	Senior Investigating Officer
SOLO	Sexual Offences Liaison Officer
VCC	Victim Contact Card
VIA	Victim Information and Advice

Support Agencies and Contact Details

Scottish Women's Rights Centre

Helpline: 08088 010 789 (opening times available on website)

Website: www.scottishwomensrightscentre.org.uk

Rape Crisis Scotland

Helpline: 08088 01 03 02 (everyday 6pm-midnight)

Website: www.rapecrisisscotland.org.uk

Scottish Women's Aid

Website: www.womensaid.scot

Local specialist groups: www.womensaid.scot/find-nearest-swa-group/

Scotland's Domestic Abuse and Forced Marriage Helpline

Helpline: 0800 027 1234 (24 hour)

Website: www.sdafmh.org.uk

Email: helpline@sdafmh.org.uk

Police Scotland

Telephone: 101 (non-emergency)

999 (emergency only)

Website: www.scotland.police.uk

National Stalking Helpline

Helpline: 0808 802 0300

(daily 9.30am-4pm except Wednesday 1pm-4pm)

Website: www.suzylamplugh.org

**For information on local services please visit the
Scottish Women's Rights Service website.**

For further information about the SWRC
and its services please visit our website at:

www.scottishwomensrightscentre.org.uk

HELPLINE:

08088 010 789

Tues: 6 - 9pm / Wed: 1.30 - 4.30pm / Fri: 10am - 1pm

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administered by Foundation Scotland



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through the Scottish Legal Aid Board

