

## Home Office Circular 36/2002

### The Investigation of Child Sexual Abuse: Lead Responsibility for Investigating Cases which transcend force boundaries

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<b>THIS CIRCULAR IS ABOUT: The Investigation of Child Sexual Abuse: Lead Responsibility for Investigating Cases which transcend force boundaries</b>	
<b>FROM: Action Against Crime &amp; Disorder Unit</b>	<b>Expiry Date: None until replaced</b>
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<b>THIS CANCELS: N/A. This circular supplements guidance set out in paragraph 7 of HO 52/1988 "The Investigation of Child Sexual Abuse"</b>	<b>THIS CIRCULAR IS ADDRESSED TO:</b> <b>Chief Officers of Police (England &amp; Wales)</b>
<b>For general information about this circular contact:</b>  <b>Ruth Pope, AACDU, Violent Crime Section, 5<sup>th</sup> Floor, 50 Queen Anne's Gate, London, SW1H 9AT</b>  <b>Phone: 020 7273 2027</b>  <b>Email:</b>  <b>Ruth.Pope2@homeoffice.gsi.gov.uk</b>	<b>COPIES ARE BEING SENT TO:</b>  <b>Chief Crown Prosecutor</b>  <b>Chief Clerk to Crown Court</b>  <b>Clerk to the Justices</b>  <b>Clerk to the Police Authority</b>  <b>Director of Education</b>  <b>Director of Social Services</b>  <b>Chief Executive, Regional Health Authority</b>

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#### THE INVESTIGATION OF CHILD SEXUAL ABUSE: LEAD RESPONSIBILITY FOR INVESTIGATING CASES WHICH TRANSCEND FORCE BOUNDARIES

1. The purpose of this circular is to clarify the principles which should underpin the practical arrangements between forces for investigating child

abuse cases where the victim lives in a different policing area to that in which the alleged offence(s) was committed. It supplements the guidance set out in paragraph 7 of HO 52/1988.

2. In many such cases which transcend force boundaries, liaison between the relevant forces is effective and the division of responsibilities is clearly brokered. This guidance is not intended to override existing arrangements where these are working well, but to provide a basis for effective decision-making in cases where there may be a conflict of views as to which police force should assume primary responsibility for the investigation.

3. There are two primary principles which should inform all decisions as to which police force should take the lead on which aspects of the investigation of such cases:

- i. Chief Officers are responsible for the investigation of offences which are committed in their area; and
- ii. the welfare of the child is paramount.

4. It is important to distinguish between the different, although complementary, roles of the police and social services in relation to the second principle. The welfare of the child is an underlying principle in determining aspects of the police investigation process, but remains the primary responsibility of social services and not the police. The primary responsibility for the police is the criminal investigation, although the forces concerned will wish to ensure that all appropriate steps are taken for the protection of the child.

5. It follows from these two principles that the onus to investigate an allegation of child abuse should rest with the force which has geographic responsibility for the scene of the alleged offence ("the owning force"), but that the child care aspects of the case should usually be retained by the force which covers the area where the child currently lives ("the local force"). There is one exception to this: when the suspect/offender also resides in the local force area it may be advantageous for that force to investigate the offence(s) regardless of where they took place.

6. The owning force should establish immediate links with the local force to establish the most effective and efficient process for gathering evidence (both from the scene of the crime and from the victim) and for dealing with the more comprehensive investigation issues.

7. The general expectation is that the overall case preparation should remain the responsibility of the owning force, except where, in the circumstances set out in paragraph 5 above, the local force rather than the owning force is responsible for investigation. The investigating force should establish early contact with the Crown Prosecution Service to agree the location of any subsequent trial, again with the welfare of the child remaining paramount.

8. The welfare needs of the child suggest that in most cases it should fall to the local force to arrange

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for medical examinations or any other evidence-gathering which involves the victim, and to liaise with local social services on child protection aspects of the case.

9. In an investigation where the offender lives outside the geographical area covered by the owning force or the local force, the owning force should ensure close liaison with the force where the offender lives, while retaining overall responsibility for the investigation.

10. This supplementary guidance applies to all cases of child abuse including institutional, inter-familial and stranger abuse and is intended to supplement existing local procedures for handling cases of *non-accidental injury and neglect*.

11. This Circular has been discussed and agreed with the Association of Chief Police Officers and HM Inspectorate of Constabulary.

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