



RASSO actions for offences committed abroad

Introduction

Incidents of UK residents being subject to rape and sexual offences abroad, as well as their subsequent treatment as victims, remains a significant public concern. There is a clear need to support victims of such offences, as police would do for any UK-based offence. There is also a need for accurate and timely reporting of the incident to the 'competent authority' in that country.

This advice should be read in conjunction with the [**NPCC \(2020\) International Crime Reporting Operational Guidance, April 2020**](#), which outlines the general rules for transmitting reports of crime to a foreign competent authority in the country where the offence took place. The following advice aims to promote consistency in the provision of service by UK forces to victims, to help set realistic expectations and maintain public confidence.

Legislation

Policing activity undertaken in this country must comply with the law of England and Wales. There are few examples where legislation allows the law enforcement community in England and Wales to investigate and prosecute crimes that have been committed abroad (termed 'extra-territorial jurisdiction'). These include sexual offences committed by a UK national against children, under section 72 of the Sexual Offences Act 2003.

For most offences, police forces have no authority or jurisdiction to investigate an offence committed abroad, unless they have a legal request in place from a foreign state, such as a [European Investigation Order](#) or a [Request for Mutual Legal Assistance](#).

Offences relating to the armed forces

When a rape or sexual offence occurs in a foreign country and involves suspects who are either subject to service law or civilians subject to service discipline, they remain subject to the law in England or Wales. However, the host country will still have jurisdiction.

In some circumstances, depending on local agreements, the suspect may be dealt with under service jurisdiction and the offence will be dealt with in accordance with the Service Police Codes of Practice, under the provisions of the Police and Criminal Evidence Act 1984 (PACE) and the Armed Forces Code of Practice for Victims of Crime. This will influence which competent authority the details will be transmitted to.

The victim status (eg, service member) will not determine the jurisdictional position.

Reports of such offences will be discussed with the Royal Navy Police (RNP), Royal Military Police (RMP) and Royal Air Force Police (RAFP) in the first instance, as appropriate, to ascertain who has taken primacy in the investigation.

The police response to reports of offences abroad

Policing decisions and actions need to:

- safeguard victims and other members of the public, including an assessment of the risk involved in reporting crime to that country

- prevent the loss of material that may be of evidential value
- record the crime (or 'incident') in accordance with Home Office Counting Rules (HOCR)
- assist in transmitting a complaint of crime to the competent authority
- reflect differences between law enforcement, court systems and legislation around the world

Safeguarding victims and other members of the public

The health and wellbeing of the victim is paramount. A victim with immediate physical or sexual health risks and needs must be referred to a medical professional as soon as possible. A sexual assault referral centre (SARC) will assist with health screening and assessment, as well as forensic examination for those cases within the forensic window. The location of the offence is no bar to victims receiving these services.

Police should provide support to victims reporting crimes, including appropriate referral to rape specialist support services for engagement with an Independent Sexual Violence Advisor (ISVA) and/or therapeutic services. Any vulnerabilities requiring referral to statutory or voluntary agencies will be completed as per force protocols.

The risk of reporting the matter to the foreign competent authority should also be considered. In the United Arab Emirates, for example, a rape victim – as defined per the Sexual Offences Act 2003 – was **convicted of having sex outside of marriage** in 2016. Such considerations must form part of the **Interpol Risk Assessment Procedure**.

Wherever possible, ongoing risk to the victim or others from the suspect(s) will be assessed and mitigated against.

Where there is no jurisdiction to investigate or prosecute the reported offence, if the suspect is a UK national or resident, means of preventing criminality and reducing the risk posed should be explored. This may include Sexual Risk Orders. Care will be taken to avoid conflict caused to any investigation by the foreign authority. The risk posed by a suspect may also justify a proactive police investigation into other offending in this country.

Intelligence regarding the suspect and incident will be submitted on the Police National Database (PND) and can be shared with other countries via the INTERPOL Enquiry Form once a risk assessment is completed.

Preventing the loss of material that may be of evidential value

The initial response of police in England and Wales to a report of a rape or sexual offence should remain the same wherever it occurred. The initial account of a victim must be recorded and appropriate questions should also be asked to identify what has happened – as well as where, when and by whom the offence was committed – to allow correct crime recording and reporting to the foreign state. Many forces use a Sexual Offences Workbook to document initial accounts and actions.

Officers will document, and consider the preservation of, potential evidence. SARC's will accept both police and victim self-referrals. They will also undertake forensic examination, sampling and the retention of samples, pending any foreign investigation, for a period up to two years. It is important to emphasise that, at all times, the written and informed consent of the victim is required to harvest, retain and share such samples with police forces.

The identification of witnesses, as well as any other possible sources of evidence, should be achieved within the initial accounts and provided in any subsequent report.

It is recommended that evidence from a supportive victim is secured as soon as practicable by means of a visually recorded interview (VRI) or written statement. This can support any subsequent decision making and investigation by the foreign competent authority. It may also benefit other criminal justice activity within the UK, such as applications for preventative orders and for compensation.

Any urgent requirement to pass information to foreign law enforcement, so that potential evidence is not lost, should be referred to the competent authority via an urgent INTERPOL enquiry.

Requests from foreign investigatory authorities for support in an investigation will come via similar Interpol routes.

Home Office Counting Rules

For offences that have occurred abroad and do not come within domestic jurisdiction for investigation, HO CR must be complied with and an incident must be recorded.

If the offence reported is a rape, then we must record an Incident of Rape (N100/3):

100/3 - reported incident - offence committed in another police force area/outside the UK

It is important that offences committed abroad can be identified from within force crime recording systems so that risks, demand and onward involvement of the foreign competent authority can be monitored. Also, that timeframes for the incident, location and crime-type data are accurately recorded.

Assisting in the reporting of the allegation

Please refer to the [**NPCC \(2020\) International Crime Reporting Operational Guidance, April 2020**](#) for transmitting allegations of crimes overseas.

Victims should be informed that, while police and partner agencies will treat them seriously and with respect, we are unable to influence the decision of another competent authority to accept, investigate and prosecute a criminal offence reported to them.

Differences in criminal justice processes

It should not be assumed that the country concerned has legislation that mirrors that of England and Wales. The definition of certain criminal acts here will vary significantly across the world. For example, many European states still have a definition of rape that depends upon the use or threat of force, rather than the absence of consent.

The actions of those involved in the incident must be described in sufficient detail without reference to legal terminology, to allow the relevant state to interpret what offence has been committed under their legislation.

In relation to reports of non-recent offences, it is vital to note that countries have varying statutes of limitations in relation to criminal offences. England and Wales are fairly rare in the world, as they only have a limit for summary-only offences.

Compensation can usually be applied for if a UK resident has been injured because of a violent crime in another country. Further details are available on the [Criminal Injuries Compensation Authority](#) website.

This information does not replace, nor should it be confused with, any existing processes for:

- seeking international investigative assistance
- sharing intelligence with other countries
- transferring proceedings via the Crown Prosecution Service (CPS)

This does not prevent use of any information, intelligence or material appropriately within a UK-based criminal investigation, for example, as evidence of a course of conduct or coercive controlling behaviour.

If in doubt, please seek the advice of your crime manager, your international liaison officer or the [International Crime Coordination Centre](#).

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