



Care of Suspects of Sexual Assault in Police Custody

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Medical History

It is important to conduct a full assessment so that any vulnerabilities are identified and if there are any medical issues that may become relevant in the case. For example a history of diabetes or certain medications can affect potency. The Forensic Physician (FP) will also need to provide the usual assessment of fitness to detain and interview and manage risks.

Mental Health History and Risk Assessment

Being arrested for sexual offences, especially child sex offences or possession of indecent images, confers a higher risk of suicide on release from custody¹. This risk can be increased further if there is a history of mental disorder or self harm. All detainees need to have a thorough mental health and risk assessment and a plan put in place about support services on release if needed. The Lucy Faithful Foundation² contains some useful resources for people accused of child sexual offences in addition to sources of support provided in primary care and secondary mental health services.

As always in suicide risk assessment in police custody it is important to explore what this arrest means for this person. The vast majority of cases will be released on police bail and it is known that this can be highly stressful and be a risk factor for suicide³.

Men with autistic spectrum disorder and learning disabilities can be over represented in sexual offenders. This is due to a normal drive to develop intimate relationships but poor social skills to allow them to negotiate the complex social interactions necessary. These men may not be known to services and onward referrals should be made from Police Custody.

Many other physical and mental health problems such as dementia or organic brain disorders can present with sexual disinhibition which can lead to arrest.

In healthcare models where the service is provided primarily by Registered General Nurses or Paramedics there should be availability of Forensic Physicians and Mental Health Nurses to provide more detailed assessment of mental health and risk.

Safeguarding

Although the Police should ensure the safety of children that a suspected abuser has access to, the FP should take a full social history, identify areas of risk and make appropriate

safeguarding referrals. It is the FPs responsibility to identify these issues and make the referrals⁴.

Similarly a child suspect is likely to have a wide range of vulnerabilities and the FP needs to take full responsibility for assessing these and contacting the relevant Safeguarding Board to make sure that these are addressed and also to prevent delay in release due to the need for secure accommodation etc.

Forensic Examination of Suspects

A FP should ideally never examine a suspect and a complainant of the same sexual assault allegation. There is the risk of cross contamination if this is the case.

If in exceptional circumstances this is necessary the FP must take precautions against cross contamination, record the reasons for this being necessary. The forensic laboratory and later the Courts must be made aware of it.

On occasion liaison with the FP conducting the examination of the complainant can be helpful, particularly if a complainant may have caused injury to the suspect.

Providers should ensure staff are trained in forensic recovery and that the rooms used⁵ for sampling are cleaned to a high enough standard with suitable cleaning materials to prevent DNA cross contamination.

Thorough examination for the presence or absence of injuries and careful documentation of any injuries should take place. Photography should be undertaken by a suitably trained professional if relevant. Similarly a note of any distinguishing marks around the genital area such as piercing/the presence or absence of pubic hair/birth marks should be noted.

The collection of intimate samples as per s64 Police and Criminal Evidence Act 1984 requires lawful authorisation by an officer of the rank of Inspector or above and specific written consent.

Further consent needs to be taken from suspects aged 17 and below⁶.

The forensic clinician should consider the guidance regarding chaperones, provided by their regulatory body.

Sampling should be in accordance with the FFLM Guidelines⁷ which are updated twice yearly.

Samples should be labelled and submitted in line with the FFLMs recommendations⁸



Sexual Health Aftercare

All persons engaging in unprotected sexual intercourse should have regular sexual health checks. It is difficult for a FP to advise a suspect around sexual health given the risk that incriminating statements may be made. Some sexual encounters are higher risk than others and if the allegation may confer a higher risk of serious infection such as HIV or Hepatitis B a suspect has the right to access post exposure prophylaxis in a timely fashion⁹.

Matters of confidentiality can be critical and each case must be assessed on its merits. It is recommended that the case be discussed with the local Infectious Diseases Consultant on call out of hours or a Genito Urinary Medicine Consultant within hours who are able to advise on such matters.

References

1. Independent Police Complaints Commission
Deaths during or following police contact: Statistics for England and Wales 2013/14
2. The Lucy Faithfull Foundation
lucyfaithfull.org
3. King,C (2012)
A National Study of Suicide and Recent Contact with the Criminal Justice System
PhD Thesis, The University of Manchester
4. FFLM
Child Safeguarding: Information Sharing Guidance for Healthcare Professionals working in Police Custody October 2014
5. FFLM
Operational procedures and equipment for medical rooms in police stations January 2016
6. FFLM
Consent from children and young people in police custody in England and Wales March 2008
7. FFLM
Recommendations for the collection of forensic specimens from complainants and suspects January 2016
8. FFLM
Labelling forensic samples January 2016
9. BASHH
UK guideline for the use of post-exposure prophylaxis for HIV following sexual exposure 2011