

**THE INDEPENDENT INQUIRY**  
**INTO CHILD SEXUAL ABUSE (ICSA)**  
**BEFORE CHAIR PROFESSOR ALEXIS JAY OBE**

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**EXHIBIT WB5 TO WITNESS STATEMENT OF WARREN H. BINFORD**

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Appendix P, Dealing With Serious Sexual Offences Which Have Occurred Abroad – Sussex  
Police guidance



## Dealing With Serious Sexual Offences Which Have Occurred Abroad

A number of cases have arisen in which complainants returning from holidays or other trips abroad notify the police at the point of entry into the UK that they have been the victim of rape or other serious sexual assault whilst in a foreign country.

The standard of service provided to such victims has been inconsistent across Sussex possibly due to a perception that little can be done to pursue offences which are out of our jurisdiction. It is important therefore that we offer the same level of support as we would to victims of crime which occur in this country and, where appropriate, take positive action to assist investigation of the offence by a foreign police force.

### **Initial Action**

The initial response to victims reporting offences which have occurred abroad should be no different to that for offences committed in this country. It is important that the victim is treated with tact, sympathy and understanding. The services of the Sexual Offence Liaison Officer should be offered ensuring that a doctor will be available to see the victim so that the procedure may be followed regardless of the time which has elapsed since the offence occurred.

### **Investigative Considerations**

Establish whether the victim has reported the offence to the police in the country where it occurred. If it has been reported, establish via the Interpol Liaison Officer at the Force Intelligence Bureau whether the complaint has been recorded and if so what assistance can be provided to the investigation.

In the more likely event that the offence has not been reported abroad, continue to treat the victim as though the offence had occurred in this country and take a witness statement. Seize exhibits for forensic analysis and store them appropriately. There is no automatic presumption that items should be submitted for forensic analysis at this stage but decisions should be made on a case by case basis in consultation with the divisional Detective Inspector and the Crime Scene Investigator (CSI) supervisor.

Consideration should be given to taking statements from other potential witnesses such as the victim's travelling companion.

Where necessary, all statements should be translated into the language of the country where the offence took place, possibly in typewritten form. A brief report detailing the circumstances of the alleged offence of the action taken, together with copies of all statements (both English and foreign language versions), should be submitted to the Interpol Liaison Officer asking that the papers be forwarded to the appropriate investigating authority abroad.

### **Dealing with suspected offender(s)**

Even though the offence has occurred abroad, the suspect(s) may be resident in this country. Powers of search, seizure and arrest are extremely limited and if contact with the suspect(s) is possible, action should be restricted to seizing potential evidence with the

suspect's consent. No interview of a suspect should take place, however, any comment which he or she may volunteer should be recorded in writing and the suspect given the opportunity to read and sign it.

### **Prosecution and Jurisdiction**

The vast majority of offences committed abroad may not be prosecuted in this country and, therefore, the British courts have no jurisdiction.

Section 72 of the Sexual Offences Act 2003 made it possible to prosecute, in this country, UK nationals who have committed sexual offences abroad. However, this offence applies only to those offences listed at Schedule 2 of the 2003 Act which are principally aimed at the protection of children. For example, cases of rape and indecent assault can only be dealt with under this legislation if the victim was under 16 at the time of the offence. Contact should be made with the Chief Inspector, Public Protection, for advice before embarking on an investigation into offences committed abroad which may be dealt with in the British courts.

Other offences involving procurement or incitement to commit sexual acts abroad (Sexual Offences (Conspiracy and Incitement) Act 1996) may be dealt with by the British courts provided that the act of incitement takes place in this country.

You should also ensure that the victim is aware that in the vast majority of cases any court proceedings are likely to take place in the country where the offence occurred and may require him or her to return there to give evidence.

### **Civil Action**

Although the possibility of a criminal prosecution in this country is extremely unlikely, in certain circumstances a complainant may start a civil action for damages in the British courts. This applies particularly in respect of offences committed in either European Union countries or the United States, although cases from other countries may also be eligible. This possibility should be explained to a victim and officers should advise that independent legal advice be sought.

### **Crime Recording**

A crime committed outside England and Wales should only be recorded if it involves an investigation by the Force to which it is reported.

### **Victim Care**

The Sexual Offence Liaison Officer should maintain contact and ensure that the victim is kept informed about any developments in the investigation. The victim should also be made fully aware of any counselling support services or other schemes available via the victim support scheme.