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CPS publishes outcome of sexual offences review

05 June 2018 | News, Sexual offences

The Crown Prosecution Service (CPS) has today (5 June) published the outcome of its review of rape and serious sexual offences (RASSO) cases.

In January the CPS announced its senior prosecutors were assessing all cases in England and Wales in which someone had been charged with rape or serious sexual assault. More than 3,600 cases were looked at to ensure that disclosure was being managed effectively.

This additional scrutiny was undertaken after concerns were raised over how disclosure was handled by the CPS and the police, following decisions to stop several prosecutions late in the process. Specialist RASSO prosecutors assessed each case to be satisfied that the police had pursued all reasonable lines of inquiry, and that there was a clear strategy for disclosure to be carried out effectively and in a timely manner.

In total, 3,637 cases were assessed; some were at an early stage, while others were close to trial, and the reviews were concluded by February 13. Prosecutors identified where additional work was required, either to strengthen the prosecution case or to be satisfied that the evidence continued to support the decision to prosecute. In many cases, the police were asked to conduct further investigations.

The cases that were stopped during the review period were subjected to further, detailed analysis. This was in order to identify whether there were any concerns about how disclosure had been handled, and any common

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themes that should feed into improvement work already under way.

Forty-seven prosecutions for rape or serious sexual offences which were stopped in that period were found to have issues with the disclosure of unused material.

Common themes identified included communications evidence such as texts, emails and social media being examined too late in the process, the failure to identify and obtain material such as medical or social services records and the emergence of new evidence after charge.

Director of Public Prosecutions, Alison Saunders, said: "Getting disclosure right is a fundamental part of a fair criminal justice system. Our analysis shows that in the vast majority of cases we are doing that.

"But there are cases where we are falling short - and that is unacceptable. I recognise that the huge impact on individuals involved, and deeply regret every case where mistakes have been made.

"My priority, working closely with the police, is to put in place effective measures that bring about a sea-change in how disclosure is managed so that complainants and suspects alike can have confidence that every case is fair.

"There is an unprecedented focus in finding solutions to these problems, which have dogged the criminal justice system for many years. There have been attempts to tackle it in the past, but improvements have not been lasting. We need to make it stick. That's why we are looking not just at systems and processes, but the whole culture within policing and the CPS. Disclosure must be seen for what it is - a central element of every investigation and every prosecution.

"We agreed a joint improvement plan with the police in January, and we are already seeing improvements in how cases are handled. This is not a quick fix, but I am confident that the measures we are putting in place will drive the systemic change we need."

National Police Chiefs' Council Lead for Criminal Justice, Chief Constable Nick Ephgrave said: "The Crown Prosecution Service's review of a number of rape and serious sexual offences cases has furthered our understanding of the causes of disclosure problems in these sensitive cases and reinforced the importance of the measures agreed in the joint disclosure improvement plan.

"In recent months, we have seen some prosecutions stopped far too late in the process with very serious impact on the lives of those involved - this is not right or fair. The changes we're implementing will help to prevent this

In January 2018, the Crown Prosecution Service announced that senior prosecutors were assessing all cases in England and Wales where someone had been charged with rape or serious sexual assault. This additional scrutiny of pre-trial prosecutions was carried out to ensure that prosecutors were satisfied that the police had pursued all reasonable lines of enquiry, and that there was a clear strategy to ensure disclosure was carried out effectively and in a timely manner.

This report is the outcome of that assessment.

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[National Disclosure Improvement Plan](#)

The Joint National Disclosure Improvement Plan (published 26 January

happening to others by ensuring reasonable lines of enquiry are identified early by police, prosecutors and the defence working together with timely review of the material generated.

“Real progress is already being made with new training to officers rolled out, improved processes and experts and champions identified in police forces and CPS areas. We are also working at pace to consider how technology could help us, and to review our progress so we can be sure the changes are making the difference we expect.”

Action is already under way to address the issues identified in the review. The joint [National Disclosure Improvement Plan](#) includes a range of measures that will support police and prosecutors with their disclosure duties. This includes:

- The extension of Disclosure Management Documents to all RASSO and Complex Crown Court cases. These documents are used to outline the prosecution approach to disclosure for the court and the defence, and ensure disclosure issues are dealt with at an early stage;
- The introduction of Disclosure Champions in all CPS Crown Court and Magistrates’ Court teams;
- New training for all forces introduced by the College of Policing, taking into account the ongoing and significant changes in disclosure practice;
- A new procedure for officers to identify reasonable lines of enquiry when submitting a charging decision request to the CPS; and
- A new [protocol between the CPS and police](#) on the use of third party material.

2018) builds on detailed work over the past six months to agree an effective approach to meet this challenge and represents the shared commitment of the Crown Prosecution Service and the National Police Chiefs’ Council to make sustainable change to the way we exercise our duties of disclosure.

Updated 10 May 2018.

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Notes to editors

- You can [read the full report](#) on the CPS website
- Further information on progress on the Joint National Disclosure Improvement Plan is available on the CPS website: www.cps.gov.uk/disclosure

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