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# Retracting rape and domestic violence allegations: CPS launches public consultation (Wiltshire)

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The Director of Public Prosecutions, Keir Starmer QC explains how the CPS launches public consultation into Retracting rape and domestic violence allegations

Individuals who retract truthful allegations of rape or domestic violence out of fear are less likely to be prosecuted under proposed new guidance for prosecutors on the offence of perverting the course of justice, the Director of Public Prosecutions, Keir Starmer QC, said today. But individuals who make malicious false allegations should know they risk prosecution, he said.

The guidance will apply in cases where a complainant of rape or domestic violence retracts an allegation and where they could face a charge of perverting the course of justice.

Launching the 12-week public consultation, Mr Starmer said: "These are very difficult cases which need to be handled carefully and sensitively. Our interim guidance aims to protect individuals who retract a truthful allegation as a result of pressure or fear of violence, while taking a firm approach to those who make a malicious allegation against an innocent person."

District Crown Prosecutor, for Wiltshire, Nicola Jennings said: "Rape and Domestic Abuse has a devastating effect on peoples lives and it is important that we do all we can to provide an effective service which puts the victims at the heart of it. Just as importantly we should challenge those who make malicious false allegations owing to the devastating impact that false allegations can have upon those accused. I wholly support this consultation and urge the people of Wiltshire to contribute, so that we can ensure we provide the right service for victims.

The consultation comes as part of a series of improvements, announced by Mr Starmer in December, to instil greater quality and consistency in the way the Crown Prosecution Service handles rape cases. The interim guidance details both evidential and public interest considerations for prosecutors.

In determining whether there is sufficient evidence for a realistic prospect of conviction, prosecutors should:

- consider whether the prosecution can prove an allegation was untrue. If there is any doubt then a charge of perverting the course of justice cannot be brought
- make no assumption that a retracted allegation was made with the intention of perverting the course of justice. Evidence is needed to prove this
- be aware that victims of domestic violence may sometimes retract true allegations as a result of pressure or fear of violence. In such cases there is a risk that a complainant may admit to an offence simply to bring the original prosecution to an end

- take particular care in double retraction cases that can arise where there is a background of domestic violence.

In applying the public interest factors as set out in the Code for Crown Prosecutors, the interim guidance indicates that a prosecution for perverting the course of justice is more likely to be required where:

- a false complaint was motivated by malice
- a false complaint was sustained over a period of time (particularly where there were opportunities to retract)
- the suspect in the original allegation was charged and remanded in custody
- the suspect in the original allegation was tried, convicted and/or sentenced
- the suspect in the original allegation was in a vulnerable position or had been taken advantage of
- the suspect in the original allegation has sustained significant damage to his or her reputation
- the suspect has previous convictions or out-of-court disposals relevant to this offence, or a history of making demonstrably false complaints.

A prosecution is less likely to be required where:

- the original allegation appears not to have been motivated by malice
- the person retracting the allegation has been threatened or pressurised into doing so by the suspect of the original allegation, his or her family, friends or other persons;
- there is a history of abuse or domestic violence or intimidation which might offer mitigation such as to make it likely that a nominal penalty will be imposed
- the suspect of the original allegation was not charged, detained or convicted and has not suffered damage to his or her reputation as a result of the original allegation
- the suspect appears not fully to have understood the seriousness of making a false allegation (bearing in mind his or her age and maturity).

The CPS welcomes the views of anyone with an interest in this difficult issue, before the consultation closing date of 6 May 2011. The interim guidance is on the website at [www.cps.gov.uk](http://www.cps.gov.uk).

The interim guidance is effective today.  
- Ends -

Notes to editors:

1. To arrange an interview with Nicola Jennings please contact Carrie Sanderson on 07500 917956.
2. A 'retraction' is when a complainant makes an allegation and later takes it back.
3. A 'double retraction' is where a complainant makes an allegation and later says it was false. Later again, the complainant says the original allegation was true and the retraction was false.
4. The consultation on the interim guidance is available at [www.cps.gov.uk](http://www.cps.gov.uk) where views from charities, interest groups and individuals are welcomed.
5. The full evidence and public interest factors included in the Code for Crown Prosecutors are available to see at [www.cps.gov.uk/code](http://www.cps.gov.uk/code)
6. This is one of a number of steps the CPS is taking in a long-term drive to improve the quality of

service to rape and domestic violence victims. The measures complement the Core Quality Standards, introduced by Mr Starmer last year, which hold the CPS to the high standard that the public rightly expect. See: [http://www.cps.gov.uk/news/press\\_releases/146-10/](http://www.cps.gov.uk/news/press_releases/146-10/)

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