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## Rape action plan: investigations must 'focus on accused, not complainant'

**Official guide urges prosecutors and police to place emphasis on whether suspect sought consent for sex**

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The newly launched rape action plan aims to improve the way police and prosecutors treat alleged victims. Photograph: Gareth Fuller/PA

Prosecutors and police investigating rape cases must place greater emphasis on examining whether suspects sought consent for sex from alleged victims, according to an official action plan published on Friday.

In a coordinated attempt to reverse declining conviction rates, the director of public prosecutions, Alison Saunders, and a senior Metropolitan police officer, Assistant Commissioner Martin Hewitt, have agreed to examine how a suspect's "reasonable belief" that consent had been given is assessed by the courts.

The focus on establishing what steps a defendant took to ensure that sexual activity was consensual and whether the alleged victim was capable of giving consent is aimed at improving procedures.

While the number of prosecutions and convictions has increased following changes to the

way rape cases are handled, the conviction rate dropped from a record high of 63.2% in 2012-13 to 60.3% in 2013-14.

CPS figures express the percentage of cases charged as rape and resulting in conviction for rape or another offence.. Most rape complaints do not lead to charges being brought while as few as 10% of rapes are estimated to have even been reported to police in the first place.

The Rape action plan, agreed by Saunders and Hewitt, who is the national policing lead on rape offences, is partially a response to a sharp drop in the number of cases being referred by police to the CPS in 2012-13.

The document urges police officers and prosecutors to "focus their cases on the behaviour of the accused, not the complainant", noting that pervasive myths remain, not only among investigators but society as a whole, which may be a barrier to justice for vulnerable victims.

"Despite efforts to raise awareness, many people still believe a rapist is a man in a balaclava in a dark alley, and a victim is a woman who shows her fear through fight," the plan adds. "That is very rarely the case - most rapists know their victim, many victims do not physically fight, and the trauma of being raped will effect each victim differently.

"There is an urgent need to change the discourse on rape. Our police officers, our prosecutors, our courts and our communities must reject the out of date myths and acknowledge the realities of rape. We also need to debate and understand the fundamental issue of consent."

Another proposed change is in the handling of cases that do not result in charges. Officers and prosecutors are to be encouraged to "develop an exit strategy following a police decision to take no further action in order to assess the risk of reoffending by the alleged perpetrator, and to safeguard the victim against future abuse".

The action plan is the outcome of more than six months of discussions by a rape scrutiny panel convened to investigate the fall in the number of rape-flagged cases referred by poli to the CPS. The latest figures show an 8% rise in the volume of police referrals for 2013-14 compared with 2012-13. Seven hundred more defendants have been charged over the same period - an increase of 25% from the previous year.

Saunders, said: "Even though there have been slightly more defendants convicted, the steady increase in conviction rates we have seen in recent years has halted, and this must be addressed immediately.

"The new action plan makes very clear that, as with cases of child sexual abuse, the focus of any investigation and case preparation should not be on the credibility of the victim but on the credibility of the overall allegation, including the actions of the suspect.

"Where cases turn on the issue of consent prosecutors must focus on what steps a suspect has taken to seek consent from the complainant and the extent to which an alleged victim is capable of giving consent."

Hewitt, said: "All the changes we have made in the way police deal with sexual offences - specialist training of officers, the introduction of early evidence kits, greater access to sexual assault referral centres and working closely with support groups - are changes that have emerged from looking at ourselves and realising that we can do things better."

Labour's shadow attorney general, Emily Thornberry MP, welcomed the plan. She said: "We have been pressing for months for action on falls in the numbers of rape cases charged, prosecuted and convicted so it's good to see some concrete measures."

"However, given that the proportion of rape cases referred by the police for charges fell to a third in 2012-13 and that conviction rates are falling sharply as well, it remains to be seen whether these measures will be strong enough to turn around these worrying trends. If we don't see the necessary change, ministers will need to consider imposing more stringent obligations on how prosecutors and police handle these cases."

Professor Liz Kelly, co-chair of End Violence Against Women Coalition, said: "Everyone reporting sexual violence deserves the highest standards from the criminal justice system and the national scrutiny panel has identified actions, which, if implemented consistently across England and Wales, provide an opportunity to achieve this."

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