

DPP meeting Tues 22 Jan @ CPS – SG notes

RK, SG, and nia/HH KIS

DPP, Baljit, jude, rob allen

DPP spoke at length first:

- We have no less enthusiasm for rape cases
- We do not set targets on rape
- We do not seek to prosecute a target/proportion of rape cases, “we are a demand led organisation”, we look at everything that comes in the door etc
- “...this service has been damaged by disclosure failings...”
- “...rape cases just take up such a huge % of crown court time..”

Reference to responsibility lying with police.

Next DPP gave – long explanation of “administratively finalised” cases, suggesting that this indicated quality of work and thought and care.

Explanation of the disclosure problems and crisis with reference to stats – as in trying to justify the 23% fall in charging rate (which is a Apr 2017 – Mar 18 stat).

DPP says any drop in charging now is a result of delays following the disclosure crisis...we’re doing the work more carefully and it takes longer to do things.

SG interrupted & picked DPP up on this - the 23% can’t be reduced to the disclosure ‘crisis’ (spotlight from Dec 2017, not least cos internally there are month on month and quarter stats). The ‘informal course’ delivered by Greg was from 2016/2017.

He moved on.

We asked – stats aside now, can we also talk about policy and approaches. Eg ‘...is it fair to say that the CPS is now less interested to follow a “merits based appr” in considering whether to charge a rape case? We are finding it harder to find reference to the term on your website..’

Answer by DPP:

No clear confirmation that merits based abandoned; and total refute that they do bookmakers; but then lots of language like “...undue optimism..” in building cases and the police (and CPS prosecutors in the past?) having an “imperfect investigative mindset”

He finished speaking by saying – what you people shd do is – pursue rape myths and things like a lecture for the jury. DPP said “we don’t charge on a myths basis but its too hard for CPS to challenge the myths juries hold”

BALJIT

- Confirmed they are looking at the signif differences in justice outcomes for young defendants (and victims) and the myths and stereotypes younger people may have
- So yes – they’re reviewing outcomes by cross-cutting characteristics – we can FOI more
- Yes we do review the VRR system – we shd FOI this now
- Great challenge from heather/nia – how do you regard the PSED on the CPS. Long answer from Baljit re their E&D objectives

And in answer to merits based approach Q:

- Yes we follow it still “..but...some conversations...” (eg judicial feedback she said) have fed back it’s tricky, and “...some concerns...” about cases done this way and “...misunderstanding..” by prosecutors of what it really means, prosecutors not pursuing “other scenarios” meaning lines of enquiry, being “too optimistic” “complaints shouldn’t always lead to charge” implying that its what’s been happening. Must have a “proper investigative mindset”

We challenged and asked when and how merits based was ever reviewed and changed, what is evidence base for any of this vague feeling it’s not good enough, and that eg it had never come up in ECG stakeholder group

HEATHER NOTES:

DPP meeting

Some areas that we can follow up with FOI if we need to and for campaigning/pressure

- **Victims right to review** - internal management report quarterly
- **Public sector equality duty** – equality monitoring
- **Merits based approach** - policy hasn’t changed policy hasn’t changed
But some have “misunderstood” and some “have misapplied”
“There were concerns, conversations.....” No research or report (or evidence actually)
- Rape review/“deep dive” – TOR, stakeholders, how radical an overhaul may it be, Gillen review
- Myth busting info

Attempted explanations given by CPS - it may be that figures are lower now but this is in the wider context of figures being very/too high for a while and cases being put forward that shouldn’t have been so now it’s evening out taken as a whole and this is a sign of success.

We are demand led, we are not proactively seeking to change either volumes or convictions, we do not have targets

These cases taking up a disproportionate amount of time and space - i.e. too many - so it is evidence that there were too many and it is right that there should be fewer!

The disclosure implementation plan (dip) will also impact on numbers as everything is slowed down as we try to disclose properly (however struggled to cope when challenged re 23% being pre DIP)

Stafford case solves all the disclosure issues and it is right that a prosecutor looks at what may undermine a case as well as what may support it

That police are saying CPS will not charge is “Useful however anecdotal”

Police are not bringing forward cases or are raising a case then being asked to provide more info by cps and then nothing so “administratively finalised” (72%)

Actually we are refusing to bring charge in fewer cases now

Cooperation avenues

Let's work together to repeat all that work that went on before about busting myths