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Rape victims at mercy of 'postcode lottery' over justice, figures show

Exclusive: Government investigating 'inexplicable' variation between how alleged rapes are investigated and prosecuted

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Dame Vera Baird, the victims commissioner, warned of a 'vast and worrying variation' in how police treat cases (*Andy Paradise*)

Rape victims are at the mercy of a “postcode lottery” governing whether their attackers will be brought to justice, it can be revealed.

As charges plummet for sex attacks across England and Wales, new analysis by *The Independent* shows that individual police forces are referring dramatically different proportions of rape cases to the **Crown Prosecution Service** (CPS).

In Devon and Cornwall the figure was just 4.7 per cent in 2017-18, but in South Wales and Norfolk it stood at 20 per cent.

Kent Police referred just 5.2 per cent of cases for a charging decision, while the rate was 6.3 per cent in West Yorkshire – compared to a national average of 11.4 per cent.

The Victims Commissioner for England and Wales said the disparity was “hard to explain”, as the CPS and police clash over who bears responsibility for falling prosecutions.

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“These figures show a vast and worrying variation in the proportion of rape cases referred by different police forces to the CPS,” Dame Vera Baird told *The Independent*.

“Not only are these differences inexplicable at first sight, but there is a risk that it suggests to victims that their prospect of getting justice is a postcode lottery.”

The number of cases taken forward by the CPS also varies dramatically by region, as does the conviction rate for alleged rapists who reach court.

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In Norfolk, the CPS only charged 18 per cent of cases referred by police in the period, but the



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figure was 70 per cent in Yorkshire.

Meanwhile in Durham Constabulary's area, less than 10 per cent of suspects put on trial for rape were

convicted, compared to two thirds in Cleveland.

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The issue is a priority area of investigation in an ongoing **government review of how rape cases are handled** through the criminal justice system.

An "official-sensitive" document drawn up by the Prime Minister's Implementation Unit, and seen by *The Independent*, said prosecutions were **falling for almost all types of crime** but were "particularly poor for rape".

It said CPS charging decisions had dropped faster than the number of referrals from stretched police forces, who have been hit by the loss of 20,000

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officers since 2010 and explosion in digital evidence.

Civil servants found “significant variation by police force area”, which was not linked to the number of rape reports received.

The document said the review would question what is driving the differences, saying “factors could include, for example, practice and resources within CPS region, changes in demand on police time and relative local prioritisation”.

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It will also look at why **more victims are dropping out of rape investigations**, why the CPS is proceeding with fewer prosecutions and why conviction rates sit at around 43 per cent.

Dame Vera said the gulf in referral rates suggested “differences in policing practice and perhaps culture from one force to another”.

“Everyone who has suffered rape should be encouraged to report it to the police,” she added.

“We must be sure all victims can get that encouragement, and are confident that if they come forward and report, they will receive justice. “

She is to ask HM Inspectorate of Constabulary and Fire and Rescue Services to examine forces at the bottom of a table compiled by *The Independent*, in order to maintain public confidence in the justice system.

The watchdog released in-depth figures for 2017-18 after separate statistics for the most recent financial year showed that the proportion of reported **rapes being prosecuted stands at just 1.5 per cent.**

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One alleged victim told *The Independent* she felt the crime had been **“decriminalised” after her attacker was not charged**, while rising numbers of complainants are dropping out of investigations amid

demands for their mobile phones and personal records.

Rebecca Hitchen, campaigns manager at

End Violence Against Women Coalition (EVAW) said there were “clear failings in the criminal justice system at every point”.

“It should not be a postcode lottery as to whether a case of rape reaches the CPS, or goes to court, but these statistics suggest it is,” she told *The Independent*.

“There should not be a 1 in 5 chance of a reported rape being referred to the CPS in one region and a 1 in 25 chance in another.

“Police forces and CPS may have their own ways of working but surely, victims and survivors deserve a level of consistent practice across the board.”

EVAW is mounting a legal challenge against the CPS that **claims it has “covertly changed its policy and practice in relation to decision-making on rape cases”**.

The CPS insists it has not changed its practices or code, which states that only cases with a “reasonable prospect of conviction” can progress.

Police leaders are looking at potential reasons for regional variations, with hypotheses including differences in the use of “early investigative advice” from prosecutors – which can cause investigations to be closed before a formal charging decision – different working practices in both CPS and police regions, varying capacity levels and personal relationships.

The National Police Chiefs’ Council lead for rape said the body was working to “better understand and address the problems identified”.

“Everyone with a role in investigating and prosecuting these crimes acknowledges there is more to be done in increasing the number of cases brought before the courts,” deputy chief constable Sarah Crew added.

The CPS said it was participating in the government review “honestly and openly” and would address any issues identified.

“Although the cases we deal with are all different and have varying levels of complexity, our prosecutors up and down the country make their charging decisions in exactly the same way – in line with the Code for Crown Prosecutors and our charging guidance and policies,” a spokesperson said.

Devon and Cornwall Police said its decision-making “encompasses a wider range of factors than the single objective of obtaining a conviction” but was working to increase the number of rape cases referred.

Kent Police said many of the rapes reported in the period were still under investigation and may yet result in charges.

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Deputy chief constable Tony Blaker, of Kent Police, added: “We will always seek tirelessly to bring offenders to justice, but the emphasis will remain on safeguarding the victim and giving them the support they need.”

A spokesperson for West Yorkshire Police said: “We continue to work with partner agencies to strive to improve and

achieve the best possible outcome for each victim.”

A Home Office spokesman said: “Rape and sexual violence are horrific crimes which is why the government is determined to do everything in its power to support victims and bring perpetrators to justice.

“That is why we are conducting an end-to-end review of how these cases are handled across the entire criminal justice system, to improve the overall response to these crimes and better understand the decline in cases reaching the courts.

“We are also funding more support services for victims than ever after nearly doubling the money available since 2013, including a further 10 per cent increase this year.”

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