

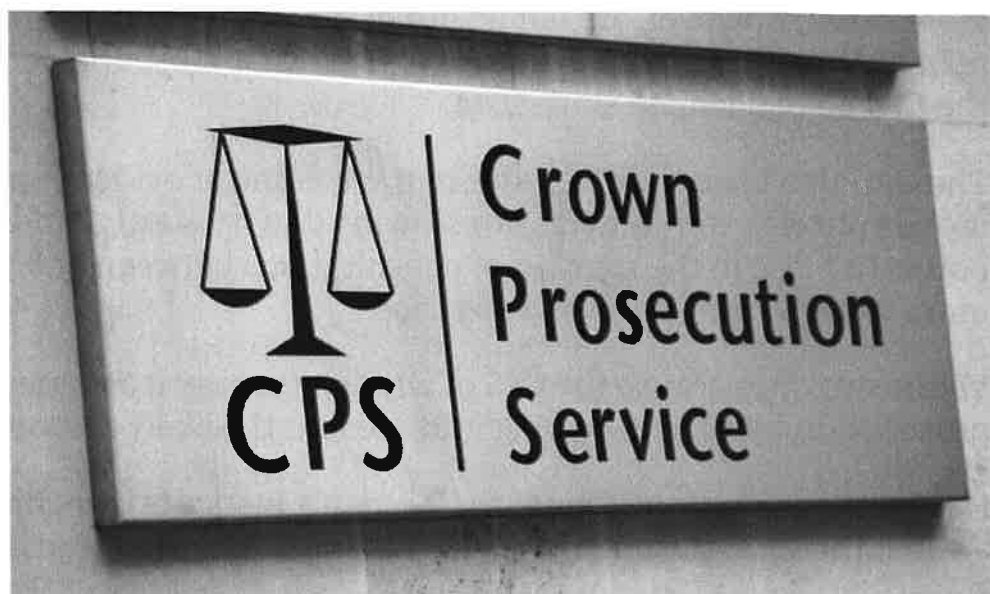
The Guardian

Rape prosecutions in England and Wales at lowest level in a decade

Prosecutions are down by 32% in a year and convictions have fallen by 26%, CPS figures show

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The director of public prosecutions says fewer cases are being passed on to the CPS by police. Photograph: Kirsty O'Connor/PA

Rape charges, prosecutions and convictions in England and Wales have fallen to their lowest levels in more than a decade.

The step decline comes despite the number of rapes the police record more than doubling over six years to 58,657 in 2018.

Figures released by the Crown Prosecution Service show the number of convictions fell by 26% from 2,635 in 2017-18 to 1,925 in 2018-19. The number of prosecutions completed fell by 33% from 4,517 to 3,034, and the number of cases charged by the CPS declined by 38% to 1,758.

The Guardian reported last year that prosecutors had been urged to adopt a more risk-averse approach to rape cases by taking a proportion of “weak cases” out of the system.

The director of public prosecutions, Max Hill, defended the service’s record. “Rape is an

awful, sickening offence and I completely understand why the fall in charging rates is so concerning," he said.

"Partners across the criminal justice system are coming together to look at how these cases are handled and the CPS is playing its part by opening up our charging decisions to further scrutiny.

"I have every confidence in the work of our dedicated prosecutors but it is important that the public has confidence too. I intend to implement any changes which are recommended if they improve our processes and enable the criminal justice system to deliver swifter, more effective justice."

He said police were passing fewer cases on to the CPS. The number of suspects referred for a charging decision fell from 4,370 in 2017-18 to 3,375 in 2018-19.

More cases, however, are falling out of the system because of CPS charging decisions than police referrals. Such decisions have fallen at almost double the rate that police referrals to the CPS have declined since 2014.

The CPS also blames an increase in the volume of evidence, mostly digital data generated by mobile phones and cameras, for slowing down investigations into allegations of rape. It points to a rise in the number of consultations between police and prosecutors to show more work is being done on each case.

Victims' groups accuse the CPS of altering the way it assesses the prospects of a successful prosecution by wrongly taking into account the likely response of juries to evidence.

Harriet Wistrich of the Centre for Women's Justice is launching a judicial review challenge against the CPS, alleging the service changed the way it handled cases as far back as 2016.

She told BBC Radio 4's Today programme: "The test should be a realistic prospect of conviction ... not second-guessing what the jury will decide. What we are supposed to do is to look at all the evidence objectively."

Dame Vera Baird QC, the victims' commissioner, said: "Again and again the figures get worse to the point where tens of thousands of women and many male victims are being denied the chance of justice.

"Is this ineptitude or, as seems clear but is denied by CPS leadership, deliberate policy to improve their conviction rate by abandoning thousands of cases of potentially traumatised men and women who look to CPS for support? Women's groups have rightly warned rape is being decriminalised and thousands of victims present and future will pay the price."

Andrea Simon, of the End Violence Against Women coalition, said: "These shocking and unjustifiable failings speak to a clear and concerted shift in how the CPS has decided to prosecute rape and this is why we have instructed our lawyers to now issue judicial review proceedings.

“The failure to prosecute rape sends a clear message not only about disregarding justice for survivors, but also signals to rapists that they are safe to continue offending, knowing the likelihood they will be held to account is miniscule.

“Making excuses about digital disclosure, when we know that scrutiny of a complainant’s digital (and non-digital) life are being conducted routinely and out of all proportion in a fashion which we say scrutinises complainant credibility in a wholly exceptional way, is frankly shameful.”

Anne Quesney, women’s rights advocacy adviser at ActionAid UK, said: “This is essentially a ‘decriminalisation’ of rape. Over the last two years, with movements like #MeToo, more and more women are speaking out against violence, but they are being let down when it comes to getting justice.”

Peter Csemiczky, a criminal solicitor at the law firm Hickman & Rose, said the problem was in part the result of a “chronically underfunded criminal justice system” but also to changes in the law on the use of police bail which have resulted in complainants and suspects waiting longer before a charging decision is made.

Introduced in 2017 as an alternative to police bail, “released under investigation” (RUI) allows the police to investigate a suspect indefinitely, he said.

“In practice, this can be months or sometimes years. The drop in the number of police referrals to the CPS is likely to be as a result of these cases working their way through the system.”

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