

prosecutions for rape in 2008. Of the rape cases heard at Crown Court in 2008 and matched to an outcome in 2008 or 2009 (i.e. completed trials):

- 58% were convicted of an offence (42% were not guilty);
 - of which 33% were convicted of rape;
 - a further 14% were convicted of another sexual offence;
 - 5% were convicted of a violent offence, a further 5% of another indictable offence and 1% of a summary offence.

As part of their consultation on "*Improvements to the Ministry of Justice statistics*", the MoJ proposed to resolve key conceptual issues which have been raised by users when examining current Ministry of Justice statistical publications, including issues relating to:

- conviction rates; and
- the measurement of the number of crimes where an outcome is reached.

Information on prosecutions and convictions is published quarterly by the Ministry of Justice, however, detail offence level data, e.g. rape, is only published annually for the complete calendar year, to ensure that all data has been received and validation processes have been completed.

CPS performance management data

From CPS case management data, there was a six percent increase in volume of cases forwarded to the CPS by the police for charging reaching 8,130 in 2010-11, of which the proportion charged increased slightly to reach 37%. However accuracy of flagging of cases has fluctuated over the year, reaching 94% by the end of 2010-11.

From CPS data, 3,867 (97%) of cases initially flagged as rape were finally prosecuted for the principal offence³⁴ categories of 'sexual offences. including rape'. or more serious principal offences of 'homicides' or 'offences against the person'. Of these 3,604 were for sexual offences including rape; seven for homicide and 256 for offences against the person.

From CPS case management data, as in table 2, the volume of defendants prosecuted has increased over the last year by 10% to 4,208, with successful prosecutions³⁵ increasing in volume by 9% to 2,465. However, the proportion of convictions out of all cases prosecuted has fallen slightly from 59.4% in 2009-10 to 58.6% 2010-11. Although convictions after trial rose slightly, jury acquittals have increased – out of all reasons for unsuccessful outcomes, those resulting from acquittals rose from just under 45% in 2009-10 to just under 48% in 2010-11. The rise in jury acquittals tends to suggest that more work may be needed with partners to address public awareness and challenge myths and stereotypes, which have traditionally led to high jury acquittal rates in sexual cases.

³⁴ See Glossary for CPS definitions of 'principal offence' and the different categories. The principal offence category data recorded by the CPS in the Case Management System are understated when compared to overall prosecution volumes in the same period. Outcomes which resulted in an administrative finalisation or incomplete proceedings, where a principal offence category is not allocated, have been excluded.

³⁵ Outcomes from charge to conviction.

RASSO units; unity team

The joint police and CPS Unity rape team in Merseyside introduced a new way of working between rape investigators and prosecutors and has already seen a rise in conviction rates for attacks specifically against sex workers in Liverpool, thanks to detectives working closely with outreach workers at Armistead Street, an organisation funded by Liverpool Primary Care Trust which provides support and advice to the city's sex workers.

From charge to court

The DPP announced a series of measures designed to strengthen rape prosecutions in December 2010. These included reinforcing of the 'merits-based' approach to rape prosecutions which requires prosecutors to deal effectively with myths and stereotypes, such as those related to consent or alcohol consumption, when deciding whether or not there is a realistic prospect of conviction and to ignore any prejudices society might hold.

Merits based approach

A West Yorkshire case illustrated the importance of prosecutors applying the 'merits-based' approach. The defendant raped a drunken girl after a night out in a town centre. This was a good example of pursuing a case where the complainant was drunk and had a patchy recollection of events. The issue was consent - the defendant claimed he thought she was a prostitute. The evidence from head cams was invaluable for showing distress and injuries of the victim when reported to police. He was convicted following a rape trial and sentenced to an indeterminate sentence for the protection of the public.

A case, from Northumbria, addressed consent issues in the light of the evidence of intoxication. The prosecution referred to R v Bree (a case in which the Court of Appeal provided guidance on the issue of capacity to consent when drunk). The defendant offered to drive home a drunk woman and raped her on the journey. The following morning she woke with bruising in her genital area, reported this to the police and was referred to a specialist rape service. Initially the defendant claimed that all sexual activity was consensual and pleaded not guilty, but changed his plea to guilty before trial.

The DPP also made a commitment to improving the quality of communications with rape victims. In a letter addressed to all rape specialist prosecutors he reminded them of recent guidance on appropriate and effective communication following the discontinuance of a case, introduced as part of the CPS response to the Stern Review.

