

Common Points Identified in ARU VRR Area reviews 2015

Introduction

This is the second report of the Appeals and Review Unit (ARU) on the key points identified in concluding Area decisions not to prosecute were wrong. The previous report covered the period June 2013 to December 2014

Overview and Common Themes

One clear common theme has emerged in almost every area both in the previous report and again in the past year:

A failure to consider the overall credibility of a complainant's version of events and to attach far too much credence to the account of a suspect, even where:

- i. **The suspect's account is implausible; and**
- ii. **There is evidence supporting the complainant's account**

There often appear to be a readiness to make a decision not to prosecute based on minor discrepancies in a complainant's account and, this, coupled with a failure to case-build sometimes gives the impression of prosecutors more focussed on finding reasons not to prosecute than a positive willingness to build a strong case.

There are also a significant number of cases across the service where CPS policies, particularly our child abuse and rape policies have not been considered.

Themes According to Areas

The factors relating to individual areas are set out below.

(NB: The factors marked with an asterisk * were also raised as a common issue in the previous assessment.)

CPSD

Wrongly dismissing an allegation as 'one person's word against another's', failure to consider whether additional lines of inquiry could strengthen the case.

Accepting implausible defence explanation in face of credible victim/witness accounts.* This includes too readily accepting that as assertion of self- defence cannot be disproved.

Wales

Disregarding CPS Policy in child abuse cases

Disregarding CPS Policy in rape cases

Too much reliance on the suspect's account*

Failing to assess the overall credibility of the allegation that prosecutors should focus on, particularly where there is supporting evidence such as medical/photos of injuries

West Mids

Discontinuing where there was strong circumstantial evidence
 Failure to consider youth policy or sexual offences policy*
 Failure to obtain additional evidence to build a stronger case

Wessex

Too little regard paid to the overall credibility of the complainants' accounts, including where accounts were mutually supportive and insufficient weight given to supporting evidence

North East

Failure to consider overall reliability of victims' accounts and failure to properly investigate any doubts raised regarding credibility issues*

Incorrect application of law – failure to consider relevant case law (2 cases)

London

Over reliance on counsel's advice in sexual cases

Failure to take into account the CPS rape policy*

Failure to consider the overall credibility of the complainant and over reliance on the suspect's denial in interview.

South West

Failure to consider overall credibility of an account even in the face of clear supporting evidence.

Merseyside and Cheshire

Too much reliance on the victims' discrepancies and the defendants' assertions in interview.

North West

Failure to consider relevant case law

Failure to consider overall credibility of victim's account and to obtain additional supporting evidence*

Placing too much reliance on the denials and account of the suspect.*

Thames and Chiltern

Too much weight given to relatively minor discrepancies in the complainant's account and insufficient consideration given to her overall credibility.*

Failure to case build to support victim's account

South East

Disregarding good circumstantial evidence and giving insufficient weight to the cumulative impact of a range of circumstantial evidence.*

Insufficient consideration had been given to the respective credibility of the suspect and complainant's accounts.*

East of England

Failure to consider circumstantial evidence*

Yorkshire and Humberside

Over-reliance on counsel's advice in RASSO cases

Failure to assess overall credibility of complainant and

Too much weight was placed on the account given by the suspect and insufficient weight given to the clear evidence of the complainant

Discontinued on the basis the evidence consisted of one person's word against another

Failure to case build to strengthen good circumstantial evidence

No, or insufficient, regard to the CPS Guidelines on Prosecuting Cases of Child Sexual Abuse.

