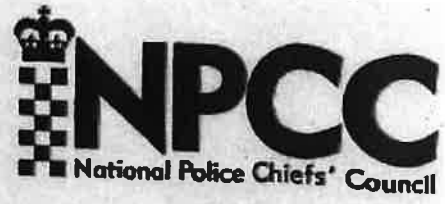


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To: Chief Constables and Force Rape and Serious Sexual Offence Leads

National Rape Working Group (NRWG) and CJ (Criminal Justice) Review update

As National RaSSO Portfolio Lead, I am writing to update you on the Criminal Justice Review into rape offence outcomes, in which I have been closely involved to date. Worsening outcomes for complainants, including the observed rise in police recording against falls in the volume of police referrals to the Crown Prosecution Service (CPS), charges, prosecutions and convictions for adult rape and serious sexual offences committed in England and Wales, have triggered the Review.

I am currently sitting on the Sub-Group of the National Criminal Justice Board, which oversees the review. The Sub Group consists of senior officials representing all parts of the Criminal Justice System (CJS). In addition, a stakeholder reference group comprised of, among others, specialist third sector organisations and the Victims' Commissioner is informing and assisting the Review process.

CJS outcomes are declining for almost all offence groups; however, performance is particularly poor for rape. Consequently, Her Majesty's Government has committed to an 'end-to-end review' of the justice system in relation to sexual offences within the recently published Violence against Women and Girls strategy refresh.

Between end FY14 and end FY18 there was a marked increase in all recorded crime (+39%), alongside a decline in the absolute volume of crimes resulting in a charge (-27%), and ultimately conviction.

These trends are particularly striking for rape offences: between end FY14 and Rolling Year to Date (RYTD) September 2018, recorded rapes increased by 173%, while charge volumes and rates have declined. Recent performance indicates an increasing rate of decline across the justice system, with a 44% decline in charges in the year to September 2018 vs end FY14.

The Prime Ministers implementation Unit (PMIU) has undertaken a short, primarily quantitative assessment of the CJS response to rape offences to inform the scope and prioritisation of the Review. This phase of the Review has brought together data from across the criminal justice process, from the point of police report to final court outcome, and has identified key points that merit further investigation. These being:

1. Increase in 'evidential difficulties, suspect identified – victim does not support prosecution' outcome;
2. Variation in referral to charge (RTC) volumes by Police Force Area (PFA) and CPS regions;
3. Changes in CPS charging outcomes, particularly the decline in charge rate for rape only flagged offences (not flagged as Domestic Abuse or Child Abuse);
4. Why do a lower proportion of rape only prosecutions result in conviction?



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Phase 2 is now currently underway and will review this initial analysis and prioritise areas of focus for the next two stages. We (Policing) and the Home Office are leading Areas 1 and 2 and the CPS and Ministry of Justice are leading on Areas 3 and 4. There are obvious interdependencies between all four areas such that joint working between the Police and CPS is essential. Ongoing work relating to disclosure is also highly relevant to these areas.

With this in mind, AC Nick Ephgrave and I recently met with Max Hill, the Director of Public Prosecutions to discuss the Review and raise themes emerging from engagement with Forces on issues, which may be relevant. These included:

- Approach to charging in rape and serious sexual assault cases – a move to a more risk averse approach
- Effective communication – challenges in accessibility and timeliness in some areas
- Approach to disclosure – inconsistency in both Police and CPS approaches
- Use of Early Investigative Advice – inconsistency in use by Forces and CPS

The meeting was positive and the DPP listened to the issues raised. We agreed that the Police and CPS need to work together to identify and address areas for improvement in individual and joint working and that the CJ review provides the opportunity to achieve this. We also agreed that the challenges to achieving successful outcomes in rape cases go beyond the Police and CPS relationship and by working together we can raise wider issues within the CJIS such as defence behaviour, court listing and Judicial directions on rape myths.

I have since met with the CPS lead on the Review, Baljit UBHEY, to agree joint ways of working. This was a very positive meeting and we agreed that there will be regular liaison between Police and CPS leads in the RaSSO field to ensure a fully a joined up approach across all four-priority areas.

I am committed to ensuring that we take this opportunity to make things better and I will be seeking the support of RaSSO leads within Forces for help with some of the activity that may be required, this may be dip sampling of crimes, gathering specific data from your Force or interviews/ focus groups. I will ensure that colleagues remain updated throughout the process and welcome any views, ideas or suggestions you may have.

Yours sincerely

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National Lead on Adult Rape and Serious Sexual Offences

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