



Crown Prosecution Service: Rape Cases and Guidance QSD on 23 July 2019

This briefing identifies relevant reports and useful documents, including recent parliamentary materials and press articles, which may be of assistance to Members in preparing for the following debate:

Baroness Chakrabarti to ask Her Majesty's Government what assessment they have made of delays in processing rape cases by the Crown Prosecution Service; and what steps they are taking to review the Crown Prosecution Service's rape and sexual offences guidance.

Copies of the materials are available for collection from the Library.

Key Information

- Crown Prosecution Service (CPS), [CPS Policy for Prosecuting Cases of Rape](#), 2012, pp 1–43; [Key Facts About How the CPS Prosecutes Allegations of Rape](#), accessed 8 July 2019; and '[Rape and Sexual Offences Legal Guidance: Chapter 1—CPS Policy Statement](#)', '[Chapter 8—Case Building](#)' and '[Chapter 22—Monitoring Rape Prosecutions](#)', accessed 8 July 2019

The CPS Policy for Prosecuting Cases of Rape and a 'key facts' document, which detail how the CPS deals with allegations of rape; and chapters 1, 8 and 22 of the CPS legal guidance on rape and sexual offences, which provide further information on how the CPS deals with cases involving sexual violence.

- Alexandra Topping, '[Prosecutors Urged to Ditch 'Weak' Rape Cases to Improve Figures](#)', *Guardian*, 24 September 2018

Article which alleged that senior CPS staff had advised specialist prosecutors to “take a more risk-averse approach in rape cases to help stem widespread criticism of the service's low conviction rates”.

- Crown Prosecution Service, [Violence Against Women and Girls Report 2017–18](#), 26 September 2019, p 8–12

Section on rape offences from the latest annual statistics report from the CPS. The report stated that, compared to the previous year, rape case referrals to the CPS from the police fell by 9.1%; the number of suspects charged by the CPS fell 23.1%; and the number of convictions for rape fell by 11.9%.

- HM Government, [Ending Violence Against Women and Girls 2016–2020: Strategy Refresh](#), 6 March 2019, pp 37–41

Document in which the Government committed to undertake a review of the criminal justice system's treatment of rape and sexual offence cases in response to “reductions in the volumes of police referrals, charges and prosecutions”. The Government has since stated that it expects to report on the review and its recommendations in March 2020.

- End Violence Against Women (EVAW), '[EVAW Launches Legal Action Against CPS For Failure To Prosecute Rape](#)', 10 June 2019; and Crown Prosecution Service, '[CPS Says: How We Prosecute Rape Cases](#)', 10 June 2019

Press release from EVAW reporting its initiation of legal action against the CPS. EVAW alleged that changes to the CPS's policy and practice in relation to decision-making on rape cases had resulted in a decline in the number of cases being charged. In addition, press release from the CPS in response to press reports on the issue. The CPS stated that "decisions whether or not to prosecute are based on whether our legal tests are met—no other reason—and we always seek to prosecute where there is sufficient evidence to do so". In response to the allegation that it had changed the way it processes rape cases, the CPS stated that "there has been no change of approach".

Parliamentary Questions

- Selection of written questions from the House of Commons: [268393](#) (8 July 2019); [266818](#) (28 June 2019); [191416](#) (19 November 2018); and [177584](#) (18 October 2018)

Press Articles and Comment

- Owen Bowcott, '[CPS Faces Challenge Over 'Covert Policy Change' On Rape Cases](#)', *Guardian*, 10 June 2019
- Charles Hymas, '[CPS Accused of Dropping Rape Cases If They Think Jurors Will Be Prejudiced Against the Victim](#)', *Telegraph*, 10 June 2019
- Rachel Schraer, '[Why Are Rape Prosecutions Falling?](#)', BBC News, 29 April 2019
- Alexandra Topping and Caelainn Barr, '[Rape Prosecutions Plummet Despite Rise in Police Reports](#)', *Guardian*, 26 September 2018

Further Information

- Crown Prosecution Service, [The Code for Crown Prosecutors](#), October 2018
- Office for National Statistics, '[Sexual Offending: Victimisation and the Path Through the Criminal Justice System](#)', 13 December 2018
- House of Commons Justice Committee, [Disclosure of Evidence in Criminal Cases](#), 20 July 2018, HC 859 of session 2017–19; and [Government Response](#), December 2018, Cm 9744

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