

# Rape Convictions at Four Year Low Despite Attempts to Bring More Cases to Court

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Image: The Central Criminal Court at the Old Bailey by Alan Denney at Flickr

Police and prosecutors are struggling to tackle a worrying decline in rape convictions, which new figures show have fallen to a four-year low.

Statistics released to the Bureau of Investigative Journalism by the Crown Prosecution Service (CPS), reveal there were 129 fewer rape suspects convicted of any offence in 2013 than in the year before.

This is despite the introduction of a CPS strategy focused on violence against women and various improvements to the way rape cases are managed by police, prosecutors and the courts.

At the same time the numbers of rape cases referred to prosecutors for charging has fallen by more than a third since 2011, despite a rise in offences recorded by police.

In an interview with the Bureau Alison Saunders, the Director of Public Prosecutions, said there were worrying variations in the way rape cases are dealt with across the country.

'We have certainly seen some indication that cases which we thought should have gone through (to charge) didn't go through,' she said.

She added: 'There is best practice out there. It's just that not everyone is doing it.'

The CPS and police chiefs set up an expert 'rape scrutiny panel' last year to assess the problem and produce new national guidelines for police and prosecutors.

The figures given to the Bureau show that last year there were 1,747 fewer rape cases sent to the CPS by the police than in 2010, while the number of rape convictions fell from 2,433 to 2,300.

The fall in convictions raises serious concerns that despite previous policy reviews and improvements to management of rape cases, police and prosecutors are still not getting to grips with the crime.

Last month the Bureau reported the view of the former head of research at the Metropolitan Police Service, Professor Betsy Stanko, that for many victims rape was 'effectively decriminalised'. Over the coming week the Bureau will publish more evidence that backs up

this claim.

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### **Statistics that don't stand up**

In the past few years, the CPS has claimed that it is successfully tackling rape by citing increases in the percentage of cases it prosecutes that result in a conviction - the 'conviction rate'.

But some parts of the country that have the highest 'conviction rates' have seen some of the largest falls in real terms of successful prosecutions - suggesting that cases that previously have been prosecuted are being dropped.

East Midlands and the East of England CPS regions, for example, were recently praised for their high conviction rates.

However the raw figures show that East Midlands achieved only 188 convictions in 2012/13 compared with 208 the previous year, while East of England had 18 per cent fewer convictions than in the previous year.

Ms Saunders said the improved conviction rates showed the CPS and the police were getting better at building stronger cases.

'The Rape Scrutiny Panel is now looking at how we get the numbers going through as well as the quality going up,' she said.



*CPS figures reveal a drop in prosecutions and convictions of rape since 2010*

### **Dismay**

The drop in both referrals and convictions has been greeted with dismay by academics and charities working with survivors of sexual violence.

Marianne Hester, professor of gender and violence at Bristol University, said it gave a wrong impression that those reporting attacks 'are just making it up'.

'But most cases do not end up in court, and this is not because the rape did not happen but because the police may not be vigorous enough in pursuing evidence, or because victims may be deemed too fragile to cope in the court setting or because they are seen as the "wrong" kind of victim if they have been raped before.'

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Academic research has shown that only around 12% of rapes recorded by police result in a conviction of any kind - and only around six per cent end in a conviction for rape.

These figures have hardly changed over a decade despite improvements in police and prosecutor training and victim support and the introduction of specialist centres for collecting forensic evidence.

The conviction rate when cases do go before a jury is higher than the average for other indictable offences suggesting that not enough cases are coming to court.

Mary Mason, director of Solace Woman's Aid said: 'We will not see convictions improve significantly and consistently until there is a change to the institutional mindset which blames the victim for being raped.'

### **Concerning figures**

The former director of public prosecutions Keir Starmer, who left the CPS in November 2013 after five years at the helm, also said the conviction numbers were concerning.

He said dramatic falls in referrals of rape cases from police to prosecutors might be to blame.

'We initially thought that the numbers might be plateauing and would then continue the upward trend, but then they started to go down,' he said.

'It is not due to rape offences dropping, I am certain about that. But it is very hard to pinpoint a reason. It may be related to the decline in referrals from the police.'

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New guidelines brought in around 2011 put more emphasis on police forces identifying and stopping cases where the threshold for charging had not been met, than had previously been the case. The CPS insisted that any changes were in language rather than substance.

But the Rape Scrutiny Panel set up by the CPS and police chiefs to examine the reason for the decline has now realised that the guidance has been interpreted differently around the country.

The current DPP Alison Saunders, who sits on the panel, says:

'You have some places where within 24 hours of a rape being reported to the police there is a referral to the CPS. In others [the guidance] has been interpreted as "send the file through when we are ready for charging" - a much later stage.'

**Related story:** [Prosecution intervention behind dramatic falls in rape cases sent for charging](#)

The panel has scrutinised 'samples of cases from seven forces in different regions to try to work out why cases were being dropped.

One causal factor identified so far has been officers' failure to seek early advice from prosecutors.

'We are not doing what we should be doing in terms of seeking early investigative advice.

'This was not a quantitative survey, but a sample of a small number of cases. But we think there is something there. There is no common best practice.'

The CPS is now working on a new protocol on how rape cases are handled.

Ms Saunders added that even the referral figures – which show significant variation between forces – could not be relied on.

‘It is not clear that we are counting the same thing in every place.’

### **Focus on conviction rates has disguised stalling conviction numbers**

In the past few years, the CPS has been claiming an impressive performance in convicting rape. The CPS is able to claim this success because it has emphasised improvements in the conviction rate. But this is a measure of the proportion of cases prosecuted that result in a conviction, not a measure of the actual numbers.

While improved conviction rates mean fewer cases are going to court unnecessarily they could also mean that only the most water-tight cases are going to court – and that many rapists are going free.

Last year the CPS claimed ‘[an all time high for the conviction rate in rape cases](#)’ and ‘[a second year of record conviction rates for rape](#)’.

But some parts of the country that have the highest “conviction rates” have seen some of the largest falls in real terms of successful prosecutions – suggesting that cases that previously have been prosecuted are being dropped.

East Midlands and the East of England CPS regions, for example, were praised for their high conviction rates in the CPS’ [Violence Against Women and Girls](#) report for 2012/2013.

However East Midlands achieved only 188 convictions in 2012/13 compared with 208 the previous year, while East of England had 18 per cent fewer convictions than in the previous year.

Police forces including the Metropolitan Police have dropped targets based on the percentage of cases resulting in charge and performance is now measured on actual numbers of cases charged.

This is because rate-based targets were found to encourage ‘gaming’ – officers were dropping difficult cases in order to improve their performance.

Ms Saunders said there was no evidence a focus on conviction rate is creating perverse incentives for prosecutors to do the same.

Ms Saunders says: ‘We are not just focused on conviction rates, we do look at numbers as well. You can’t just look at the percentage [of successful cases] and not look at the actual numbers as well, you need to look at both, which is what we do.’

Confusion about rape convictions and conviction rates led to several newspapers welcoming rises in numbers of rape convictions last year where in fact falls had occurred.

The [Daily Express](#) reported that ‘the number of successful convictions of defendants charged with rape has continued to rise,’ when it had actually fallen for the second successive year.

And Bradford Telegraph and Argus [quoted](#) the local Rape Crisis centre welcoming ‘to ‘the increase in rape convictions’.

In fact, in Yorkshire & Humberside convictions fell by almost a fifth, from 251 convictions to

203 and it was the conviction rate that had risen.

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