



Disclosure Ref: 2 sent 30/1

## Freedom of Information Act 2000 Request

### Information relating to unsuccessful prosecution of Liam Allen

#### Request

***Please provide me with the following information in respect of the recent unsuccessful London rape prosecutions of Liam Allan (who was charged with 12 counts of rape and sexual assault) and Isaac Itiary (who was charged with rape of a child under 16):***

- 1. For each case, whether the incident which led to the prosecution remains classed as a crime of rape?***
- 2. For each case, whether the prosecution is now classed for statistically purposes as being one which took place following a false allegation?***

***I ask the above questions in an attempt to ascertain whether following a failed prosecution for rape (in which there appears to be only one possible suspect) there is any attempt by the CPS to establish whether the relevant incident remains an undetected crime (i.e. the alleged crime was not proved) or whether the prosecution was based on a false allegation (meaning that there was in fact no crime committed).***

***If there is any relevant guidance or explanation that the CPS can provide on this point then I would be pleased to receive it.***

#### Response

In relation to question one, the Crown Prosecution Service (CPS) monitoring of cases involving offences of rape involves the application of a rape 'flag' to applicable cases that are recorded on the CPS' electronic Case Management System (CMS). The CPS definition of rape covers any case where the following offences were considered pre-charge or were subsequently charged:

- Rape: Section 1 of the Sexual Offences Act 1956



- Sexual intercourse with a girl under the age of 13: Section 5 of the Sexual Offences Act 1956
- Rape: Section 1 of the Sexual Offences Act 2003
- Rape of a child under 13: Section 5 of the Sexual Offences Act 2003
- Sexual activity with a person with a mental disorder impeding choice: Section 30(3) of the Sexual Offences Act 2003
- An attempt to commit any of the above offences under the Criminal Attempts Act 1981
- Incitement or conspiracy to commit any of the above offences

The flag is applied from the onset of the case and will remain in place even if the charges are later amended or dropped. If a case commences under a different offence but during the prosecution a rape charge is preferred, the case is flagged at that stage. It is not possible to disaggregate figures to show separately the volume and outcome of proceedings for individual offences on the list. A single defendant may be charged with more than one offence. The data that is produced through the application of the flag is primarily used for monitoring performance on all cases that involve allegations or charges of rape. The data is accurate only to the extent that the flag has been correctly applied.

In response to question two, CPS does not centrally capture data showing the number of cases that the CPS does not proceed with, because the allegation was subsequently found to be false.

Please also note that a charge can only be brought if a prosecutor is satisfied that both stages of the Full Code test in the Code for Crown Prosecutors are met, that is, that there is sufficient evidence to provide a realistic prospect of conviction and that a prosecution is required in the public interest.

All prosecutions are kept under continuous review and prosecutors are required to take account of any change in circumstances as the case develops.

You may find of interest the CPS publication the annual Violence against Women and Girls (VAWG) Reports that include data on rape prosecutions. Please click on the link below to gain access to the 2016 to 2017 Report:

<https://www.cps.gov.uk/publication/cps-violence-against-women-and-girls-crime-report-2016-2017-data>

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