



Disclosure Ref: 6 sent 27.3

Freedom of Information Act 2000 Request

CPS policy regarding prosecution of rape cases

Request

Please can I request any data you may have on the approach you take to prosecuting rape trials?

IE from reading literature I understand there are two ways to approach the prosecuting decision, these being 1) the bookmakers method (the strength of the case being considered is gauged by comparison to the success rate of previous cases of similar evidential strength) or 2) the merits based approach (not using the success / failure of previous cases of similar evidential strength to discourage the decision to go to trial on any current case being considered)

I understand the merits based approach has become more prominent since around 2009.

Do you have absolute figures and /or ratios of the mix of trials that have proceeded to trial using the bookmakers and the merits based approach from 2009 to present day (or any date range you may have)?

Electronic format ie reply by EMail would be fine thanks.

Is there any quantitative / qualitative (including anecdotal) that the merits based approach to prosecuting is more effective at securing a rape conviction than the bookmakers method?

Is the evidential threshold test you apply for a trial to proceed lower for the merits based approach than it is for the bookmakers method?

If you do not hold the data I request please could you inform me who does.

Also I am happy to pay for you to retrieve this data if it eases financial burden.

Your request was clarified on 7 March 2018 as follows:

Can I phrase my question (still a request for information) in another way please:



1) Can you confirm that the CPS definition of a realistic prospect of conviction is still "more likely than not to convict" ie greater than 50% chance of conviction?

2) Is this the case in rape trials as well, ie a rape trial will not proceed unless the prosecutor forms the objective opinion that there is a greater than 50% chance the trial will succeed?

Response

The Crown Prosecution Service (CPS) does not follow a 'merits-based' or a 'bookmakers' approach to the prosecution of rape cases. We apply the Full Code Test contained in the Code for Crown Prosecutors. Please click on the link below to access this Code:

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

The evidential test is the same for all cases and is as follows:

"An objective, impartial and reasonable jury or bench of Magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged."

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