



Disclosure ref: 2 Sent: 15th January 2019

Freedom of Information Act 2000 Request

The number of cases that have been dropped by the CPS over a failure to disclose evidence for the 2017-18 financial year.

Request

In a previous FoI response supplied to me, you provided a table showing the number of cases in that had been dropped by the CPS over a failure to disclose evidence.

Could you now supply a similar table but for the 2017-18 financial year? In addition of those cases that were discontinued due to a failure to disclose evidence could you state how many were cases where the main charge against a defendant was a sexual offence, and could you provide a breakdown of those sexual offences.

EG: If there were 10 cases dropped due to a failure to disclose evidence where the principal case was a sexual offence then the answer would be 10 and then I'd hope for a breakdown of those offences. So this might be 6x rape, 4x sexual assault.

Response

You have requested "cases in that had been dropped by the CPS over a failure to disclose evidence". We have interpreted this as a request for data on cases in which the prosecution has not met its obligations to disclose material that might assist the defence or undermine the prosecution. The attached table of data we have provided (plus caveats) includes cases where the CPS or police have not met their disclosure obligations, or were unable to do so, and this directly led to a prosecution being stopped. This metric takes a narrow definition of disclosure, and requires disclosure to have been the primary reason for the case being stopped.

You have also asked for data pertaining to the number of non-conviction 'disclosure failures' outcomes where the main charge was a Sexual Offence and the breakdown. The number of non-conviction 'disclosure failures' outcomes where the principal offence category was Sexual Offences amount to 22. The CPS is withholding the breakdown of these offences under section 40(2) of the FOI Act to protect the identity of those it relates to. Please see the attached section 17 notice which explains this exemption in detail.



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