

Juries, Rape and Sexual Offences in the Crown Court 2007–21¹

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Abstract

Over a decade ago, the Stern Review called for clarity around rape conviction rates. But today there remains no clear information on jury conviction rates in rape cases. Despite this, much continues to be claimed about jury decision-making in rape cases without data or research involving real juries. This article provides the first detailed analysis of all charges, pleas and outcomes in rape and other sexual offences in England and Wales from 2007 through 2021. It examines a dataset of over 5.6 million charges and all 68,863 jury verdicts by deliberation on rape charges in this 15-year period. It reveals that, contrary to popular belief, juries are more likely to convict than acquit defendants on rape charges. It also shows that this has been the case for the last 15 years, that the jury conviction rate for rape and all sexual offences has steadily increased over this time period and this is true for 10 different types of rape offences recorded in England and Wales. The analysis also shows that the precipitous fall in rape charging from 2018 was part of a systemic fall in all charging in this period; that rape offences have the highest not guilty plea rate of any offence; and that juries are not particularly more reluctant to convict young men for rape than older men. These findings have important implications not just for the Government's End to End Rape Review Action Plan and the current Law Commission review of sexual offence prosecutions. Knowing the truth about jury decision-making in rape cases is important for all complainants in rape cases, especially those complainants who may be reluctant to pursue a case through to trial because they incorrectly believe that juries are unwilling to convict in rape cases.

The need for clarity about rape prosecutions

The prosecution of rape and other sexual offences continues to be one of the most prominent issues in criminal justice policy in the UK. In the last five years alone the law and handling of rape and serious sexual offences has been the subject of official government reviews in all three UK jurisdictions (the End to End Rape

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Review in England and Wales,² Gillen Review in Northern Ireland³ and Dorian Review in Scotland⁴) as well as a Parliamentary inquiry by the Home Affairs Select Committee,⁵ HMCTS inspectorate investigations,⁶ a current Law Commission review⁷ and other policy developments.⁸ Given this extensive focus on the handling of sexual offences, and rape in particular, it is surprising that there is such a lack of clarity around the court statistics in this area, especially in relation to conviction rates. This is even more surprising given that, over a decade ago, Baroness Stern, in her independent review into the treatment of rape complaints by public authorities in England and Wales, called for public authorities to work together to provide clarity especially around rape conviction rates.⁹

This article aims to provide this clarity by presenting a detailed analysis of all charges, pleas and outcomes in rape and sexual offences in England and Wales over a 15-year period (2007–21). It focuses in particular on jury conviction rates. Jury decision-making in rape and sexual offences cases continues to be an area where much is claimed often with no evidence based on research with real juries.¹⁰ This is exacerbated by the fact that the outcomes of jury decisions by deliberation are not readily discernible from official Crown Court statistics.¹¹ To address this, the UCL Jury Project has been provided with data on all Crown Court charges from 2007 through 2021 by the Ministry of Justice (MoJ) and Her Majesty's Courts and Tribunals Service (HMCTS).¹² This has enabled a study of how all charges proceeded in rape and sexual offences cases in the Crown Court in England and Wales over the last 15 years, which is able to distinguish jury decision-making by

² Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (London: The Stationery Office, 2021), CP 437: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001417/end-to-end-rape-review-report-with-correction-slip.pdf.

³ Sir J. Gillen, *Gillen Review: Report on the law and procedures in serious sexual offences in NI* (Belfast: The Stationery Office, 2019). Accessed: <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni>.

⁴ Scottish Courts and Tribunals Service, *Improving the management of sexual offences case: Final Report from the Lord Justice Clerk's Review Group* (Edinburgh: The Stationery Office, 2021): <https://www.scoicourts.gov.uk/docs/default-source/default-document-library/reports-and-data/Improving-the-management-of-Sexual-Offence-Cases.pdf?sfvrsn=6>.

⁵ Home Affairs Select Committee, *Investigation and prosecution of rape, Eighth Report of Session 2021–22* (London: The Stationery Office, 2022): <https://publications.parliament.uk/pa/cm5802/cmselect/cmhaff/193/report.html>.

⁶ HMICFRS, *A joint thematic inspection of the police and Crown Prosecution Service's response to rape — Phase one: From report to police or CPS decision to take no further action* (London: The Stationery Office, 2021) and HMICFRS, *A joint thematic inspection of the police and Crown Prosecution Service's response to rape — Phase two: post charge* (London: The Stationery Office, 2022): <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-services-response-to-rape-phase-two-post-charge/>.

⁷ Law Commission, "Evidence in sexual offence prosecutions" (17 December 2021), [gov.uk, https://www.lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/](https://www.lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/).

⁸ See for instance: CPS, "CPS Rape Prosecution Policy", [cps.gov.uk](https://www.cps.gov.uk), <https://www.cps.gov.uk/legal-guidance/rape-prosecution-policy>.

⁹ *The Stern Review, A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales* (2010).

¹⁰ See for example: Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), CP 347; D. Willmott et al, "Jury Decision Making in Rape Trials: An Attitude Problem?" in D.A. Crighton and G.J. Towl, *Forensic Psychology* (Oxford: Wiley-Blackwell, 2021); F. Leverick, "What do we know about rape myths and juror decision making?" (2020) 24(3) *International Journal of Evidence and Proof*; S. Dinos et al, "A systematic review of juries' assessment of rape victims: Do rape myths impact on juror decision-making?" (2015) 43(1) *International Journal of Law, Crime and Justice*; L. Ellison and V. Munro "Reacting to rape: Exploring mock jurors' assessments of complainant credibility" (2009) 49 *British Journal of Criminology* 202.

¹¹ See Ministry of Justice, *Guide to criminal court statistics* (London: The Stationery Office, 2022) for the most recent explanation of how data are analysed in MoJ statistical reports on the Crown Court.

¹² Memorandum of Understanding between HMCTS, Secretary of State for Justice and Professor Cheryl Thomas (March 2020).

deliberation from all other case outcomes in the Crown Court.¹³ Through this, it is hoped that the clarity Baroness Stern called for over a decade ago about jury conviction rates in rape and sexual offences can be realised. Providing clarity about what actually happens in the Crown Court in rape cases is not simply a technical exercise without real-world implications. Complainants in rape cases deserve to know the truth about jury conviction rates for these offences. This knowledge can provide complainants with valuable information to inform their decisions about pursuing justice before a jury.

Background to the study

This article is a companion piece to the UCL Jury Project's study on serving jurors' attitudes to rape and sexual offences.¹⁴ Both pieces of research were commissioned by the judiciary following a Petition to Parliament in 2018 claiming juror bias against rape complainants and low conviction rates in rape cases.¹⁵ The petition called for all jurors in rape trials to complete compulsory training about rape myths on the basis that "jurors accept commonly held rape myths resulting in many incorrect not guilty verdicts"¹⁶ and that "Rape conviction in the UK is very low. Compared to other crimes conviction is 21% lower."¹⁷ The petition did not provide references to corroborate the statistic cited that the conviction rate in rape trials is 21% lower than other crimes. Previous analysis of all jury verdicts by deliberation in England and Wales had shown a very different picture: that juries convicted in rape cases more often than they acquitted, and that the jury conviction rate for rape was higher than it was for a number of other serious crimes such as attempted murder, GBH and threatening to kill.¹⁸ However, by 2018 that analysis of all actual jury verdicts in rape cases had not been updated for several years. In the intervening period, it was clear that there had been a very substantial fall in the number of rape charges brought against defendants in the Crown Court.¹⁹ What was not clear was how, if at all, this fall in the number of charging decisions had impacted jury conviction rates for rape.

The government's response to the petition to Parliament²⁰ explained that the President of the then Queen's Bench Division (Sir Brian Leveson), in his capacity as Head of Criminal Justice, had commissioned the UCL Jury Project to conduct research about and with actual juries.²¹ The first part of the research examined attitudes to rape and sexual offences held by serving jurors in England and Wales.²² The second part of the research, set out in this article, provides a detailed empirical analysis of all offences in the Crown Court from 2007–21, specifically examining

¹³ See C. Thomas, *Are Juries Fair?* (London: The Stationery Office, 2010), Ministry of Justice Research Series 1/10; and C. Thomas, "Ethnicity and the Fairness of Jury Trials in England and Wales 2006–2014" [2017] Crim. L.R.

¹⁴ Preliminary findings were published in C. Thomas "The 21st Century Jury: Contempt, Bias and the Impact of Jury Service" [2021] Crim. L.R. The second stage of this study of serving jurors' attitudes to rape and sexual offences and the impact of judicial directions on those attitudes is currently underway.

¹⁵ See <https://petition.parliament.uk/archived/petitions/209573>.

¹⁶ See <https://petition.parliament.uk/archived/petitions/209573>.

¹⁷ See <https://petition.parliament.uk/archived/petitions/209573>.

¹⁸ Thomas, *Are Juries Fair?* (2010), p.30.

¹⁹ See Home Affairs Select Committee Report, *Investigation and prosecution of rape, Eighth Report of Session 2021–22* (2022), paras 14–16.

²⁰ A written government response is required when a petition receives 10,000 signatures.

²¹ See <https://petition.parliament.uk/archived/petitions/209573>.

²² For initial findings see Thomas, "The 21st Century Jury: Contempt, Bias and the Impact of Jury Service" [2021] Crim. L.R.

jury conviction rates on rape charges and how these compare with jury conviction rates for other offences. By revealing the results of actual jury decision-making in rape cases in detail and over such an extended period of time, it provides evidence about the validity of claims made in the Petition to Parliament about juries and rape conviction rates. It also provides important context to the government's End to End Rape Review, the current review being conducted by the Law Commission on evidence in sexual offence prosecutions²³ and other important policy developments in Crown Court trials.²⁴

Confusion and lack of clarity on “conviction rates” for rape

In England and Wales discussion about “conviction rates” for rape lacks clarity, causes confusion and has been detrimental to public understanding of outcomes in rape cases. This observation was made more than a decade ago by the Stern Review,²⁵ the 2010 independent review into the treatment of rape complaints by public authorities in England and Wales conducted by Baroness Vivien Stern. Despite the Stern Review's recommendation for the Home Office and Ministry of Justice to work with the National Statistician to find a way of clarifying “conviction rates”, there remains no single approach to calculating a “rape conviction rate” in England and Wales.²⁶ For over a decade there have been four different ways that rape conviction rates are calculated and reported.

Approach 1: The attrition rate. This calculates a rape conviction rate as the proportion of rape complaints made to the police that end in conviction (whether by guilty plea or jury verdict). However, this is not really a “conviction” rate but an “attrition” rate, as it is heavily dependent on pre-charge decisions by the police. And because all criminal offences are not recorded and calculated in this way, it is not possible to compare such a rape attrition/conviction rate to similar rates for all other types of offences. In the past this rape “conviction” rate was usually estimated at around 6% and is the figure that has historically been used most often in public discourse about rape and conviction rates. More recent figures suggest the proportion of rape allegations made to police that end in some type of conviction has fallen even further to 1.3%.²⁷ As Baroness Stern pointed out in her 2010 Review:

“it is clear to us that the way the six percent figure has been able to dominate the public discourse on rape, without explanation, analysis and context, has been to the detriment of public understanding and other important outcomes for victims”.²⁸

²³ For the Law Commission project see: <https://www.lawcom.gov.uk/project/evidence-in-sexual-offence-prosecutions/>.

²⁴ This Crown Court analysis forms an important part of the evaluation of the impact of s.28 on juries being conducted by the UCL Jury Project: <https://www.nuffieldfoundation.org/project/juries-the-digital-courtroom-and-special-measures>.

²⁵ *The Stern Review* (2010), p.10.

²⁶ The ONS report, *Sexual offending: victimisation and the path through the criminal justice system* (13 December 2018) very helpfully mapped the route of rape allegations from original report to final outcome but acknowledged that there was no single approach to analysing conviction rates.

²⁷ Home Office, *Crime outcomes in England and Wales, year to September 2021: data tables* (27 January 2022), Table 2.2 as quoted in the Home Affairs Select Committee, *Investigation and prosecution of rape, Eighth Report of Session 2021–22* (2022), which noted caution that this figure did not include 32.5% of recorded rape allegations that had not yet been assigned an outcome.

²⁸ *Stern Review* (2010), p.10.

Approach 2: The Ministry of Justice approach. This calculates a rape conviction rate as the number of rape convictions in a year compared with the number of rape indictments in that same year.²⁹ In this approach, the indictments and convictions are not necessarily the same—if a charge on indictment was made in one year but the outcome was in another year this single charge is counted in two different year calculations. In addition, this approach only records one offence (what MoJ refers to as the “principal offence”) per defendant regardless of the number of charges against the defendant.³⁰ It also provides no means of identifying jury conviction rates as distinct from all convictions (which combine all guilty pleas as well as jury guilty verdicts).

*Approach 3: The CPS approach.*³¹ In the past the CPS calculated a rape conviction rate as the proportion of rape charges at court that produce any type of conviction and combined all convictions (all guilty pleas as well as jury guilty verdicts), so it could not provide reliable data on jury conviction rates. In its new quarterly performance statistics, the CPS defines “convictions after trial” as “The defendant pleads not guilty but is convicted ... by a jury after evidence is heard”.³² But it remains unclear how convictions are calculated (for instance where a defendant faces multiple charges, which is most often the case), what is counted as a conviction (any conviction or a conviction on the specific charge) or how other outcomes in jury trials are counted in these figures.

Today, instead of an agreed approach overseen by the National Statistician as recommended by the Stern Review, there is now even greater fragmentation on reporting of crime statistics in England and Wales than in 2010. The ONS provides reports on police recorded crime up to the point of charge.³³ The CPS publishes quarterly performance data that highlights rape prosecutions.³⁴ The Ministry of Justice publishes a plethora of material on a quarterly basis, including reports and data tables on criminal justice statistics³⁵ and more recently criminal justice system “dashboards” and quarterly “scorecards”³⁶ that provide headline statistics on what it calls “recorded adult rape offences” (see discussion later in this article on the lack of clarity around what are considered “rape offences”) but not for other specific offences. The Government publishes dashboards “to increase transparency, [and] increase understanding of the justice system”.³⁷ But it has not been possible to identify actual conviction rates by jury deliberation from any of these statistical

²⁹ See ONS, *Sexual offending: victimisation and the path through the criminal justice system* (13 December 2018), p.27.

³⁰ MoJ, *A Technical Guide to Criminal Justice Statistics Quarterly (CJSQ)* (London: The Stationery Office, 2022), states that “most content (unless specifically noted otherwise) is provided on a principal offence basis, i.e. with each defendant reported only against their principal offence”, p.12.

³¹ CPS outcomes are recorded on a defendant basis. <https://www.cps.gov.uk/publication/cps-data-summary-quarter-1-2022-2023>.

³² See CPS, “Understanding CPS data in CPS data summary Quarter 4 2021-2022”, [cps.gov.uk, https://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2021-2022](https://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2021-2022).

³³ See for instance, ONS, “Crime in England and Wales: year ending June 2022” (27 October 2022), [cps.gov.uk, https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2022](https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2022).

³⁴ See for instance CPS, *CPS data summary Quarter 4 2021-2022*, [cps.gov.uk, https://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2021-2022](https://www.cps.gov.uk/publication/cps-data-summary-quarter-4-2021-2022)

³⁵ For the latest see Ministry of Justice, “Criminal Justice System statistics quarterly: June 2022” (17 November 2022), [gov.uk, https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022](https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022).

³⁶ See “Criminal Justice System Delivery Data Dashboard”, [gov.uk, https://criminal-justice-delivery-data-dashboards.justice.gov.uk](https://criminal-justice-delivery-data-dashboards.justice.gov.uk).

³⁷ “Criminal Justice System Delivery Data Dashboard”, [gov.uk, https://criminal-justice-delivery-data-dashboards.justice.gov.uk](https://criminal-justice-delivery-data-dashboards.justice.gov.uk).

sources. The proliferation of various statistical bulletins, reports, dashboards and scorecards does not seem to have improved the level of clarity in official statistics on the outcomes of jury trials.

*Approach 4: The UCL Jury Project approach.*³⁸ This calculates a jury conviction rate for rape offences based on the number of rape charges where the jury deliberates and reaches a verdict of guilty on that specific rape charge. This is the only known analysis that calculates actual jury conviction rates for rape (or any other offence) in England and Wales. It is the only analysis that traces each charge through to its final outcome and is the only known charge-level analysis of jury decision-making. A charge-based approach is taken because juries reach verdicts on charges, not on “cases” or “defendants”. The only time a jury reaches a single verdict in a case or for a defendant is when a case only involves one defendant and one charge, and previous analysis of jury trials has shown that almost two-thirds (63%) of the time juries are asked to reach multiple verdicts for a single defendant.³⁹

Crown Court dataset 2007–21

This research has been conducted by analysing a dataset that includes every charge against every defendant in every Crown Court centre in England and Wales for the 15-year period from January 2007 through December 2021. The dataset includes just under 6 million charges (5,623,800). The analysis traces all charges through to plea and final outcome. The outcomes are analysed according to whether this was the result of jury deliberation or not (e.g. guilty pleas, directed verdicts or other post-plea outcomes). A jury conviction rate is calculated by the number of charges where a jury deliberates to reach a verdict and returns a guilty verdict on that charge. This and previous similar analyses by the UCL Jury Project⁴⁰ constitute the only statistics available on jury conviction rates in England and Wales. This is an ongoing analysis that began in the 2010 report *Are Juries Fair?*⁴¹ for the MoJ, continued in 2015 for the *Review of the Efficiency of the Criminal Courts* (Leveson Review)⁴² and in 2017 for the *Lammy Review*.⁴³ The dataset is drawn from CREST⁴⁴ and more recently from Xhibit and the Common Platform,⁴⁵ all of which are case reporting systems used in the Crown Court in this period. The dataset has been shared with the UCL Jury Project by the MoJ and HMCTS since 2008 to enable a long-term study of jury decision-making and jury trials in the Crown Court.⁴⁶

³⁸ Thomas, *Are Juries Fair?* (2010); Thomas, “Ethnicity and the Fairness of Jury Trials in England and Wales 2006-2014” [2017] Crim. L.R.

³⁹ See Thomas, *Are Juries Fair?* (2010), p.34 and Technical Annex 12.

⁴⁰ See Thomas, *Are Juries Fair?* (2010); Thomas, “Ethnicity and the Fairness of Jury Trials in England and Wales 2006-2014” [2017] Crim. L.R.

⁴¹ Thomas, *Are Juries Fair?* (2010).

⁴² The Rt Hon Sir B. Leveson, *Review of Efficiency of Criminal Proceedings* (London: The Stationery Office, 2015).

⁴³ *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*, Ministry of Justice (London: The Stationery Office, 2017).

⁴⁴ CREST stands for CRown court Electronic Support system.

⁴⁵ Xhibit replaced CREST in 2019 as part of the Crown Court reforms. Both Xhibit and Common Platform are case management systems that contain information about the incidences and dates of major events as each case progresses in the Crown Court.

⁴⁶ As a fully anonymised dataset where appropriate permissions have been obtained and it is not possible to identify individuals from the information provided, this analysis did not require registration with the UCL Data Protection Office or formal ethical review. See: <https://ethics.grad.ucl.ac.uk/exemptions.php>.

The lack of clarity about the nature of the offence of rape in England and Wales

As well as a lack of clarity around conviction rates, there is also a lack of clarity about the nature of the offence of rape in England and Wales in both official statistics and other reporting. When rape is recorded in the Crown Court, it is done not just based on whether the offence is “contemporary” (charged under s.1 or s.5 of the Sexual Offences Act 2003) or “historic” (charged under s.1 of the Sexual Offences Act 1956). It is also based on the age and gender of the complainant.⁴⁷ This means there are, at a minimum, 10 separate ways of recording the rape offences on which defendants are charged.⁴⁸ As far as can be determined, the Government’s End to End Rape Review⁴⁹ addressed only 1 of the 10 main types of recorded rape offences in England and Wales: rape of a female aged 16 years or over prosecuted under the Sexual Offences Act 2003.⁵⁰ An examination of all rape charges in the 15-year period 2007–21 shows that this means the majority of rapes were excluded from the Review. As Table 1 shows, the single offence of rape against a female 16 or over (contemporary offences charged under the Sexual Offences Act 2003) accounts for just over one-third (34.7%) of all rape charges in the period 2007–21.

Rape Offence	Relevant Act	% of all rape charges 2007–21
Rape of a female aged 16 years or over	Sexual Offences Act 2003	34.7%
Rape of female under 16	Sexual Offences Act 1956	18.9%
Rape of a female child under 13 by a male	Sexual Offences Act 2003	15.9%
Rape of a female under 16	Sexual Offences Act 2003	12.9%
Rape of female aged 16 or over	Sexual Offences Act 1956	9.8%
Rape of a male child under 13 by a male	Sexual Offences Act 2003	3.9%
Rape of male under 16	Sexual Offences Act 1956	1.5%
Rape of a male under 16	Sexual Offences Act 2003	1.2%
Rape of a male aged 16 years or over	Sexual Offences Act 2003	0.9%
Rape of male aged 16 or over	Sexual Offences Act 1956	0.3%

Table 1: Distribution of charges for rape offences in England and Wales 2007–21

While most rape charges in this period were for rape offences involving female complainants (92.4%), almost half of all rape charges in this period (47.5%) were for offences against females under 16 (Figure 1).

⁴⁷ When a charge of rape of a child (male or female) under 13 (SOA 2003 s.5) is recorded in the Crown Court it is specifically phrased as being committed “by a male”.

⁴⁸ There are also 16 further ways that rape-related offences are recorded in the Crown Court: covering attempted rape, aiding/abetting rape and conspiring to commit rape for most of the 10 main rape descriptors, making a total of 26 different ways that rape offences are recorded in England and Wales.

⁴⁹ There is no single document that constitutes the government’s 2021 “Rape Review”. It is made up of six individual documents: A report on findings and actions, as well as five appendices. See: <https://www.gov.uk/government/publications/end-to-end-rape-review-report-on-findings-and-actions>.

⁵⁰ It has not been possible to determine from any of the Rape Review’s six documents which specific types of rape offences were within the scope of the Rape Review. Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021) states that the Review looked at “what is happening in cases of adult rape and serious sexual offences being charged, prosecuted and convicted in England and Wales” (para 1). *Appendix E: Statistical Analysis* states that it considered “adult recorded rape offences” (para 2.2) but does not indicate whether this includes rape offences under the Sexual Offences Act 1956 as well as the Sexual Offences Act 2003 or whether it includes adult male complainants as well as adult female complainants.

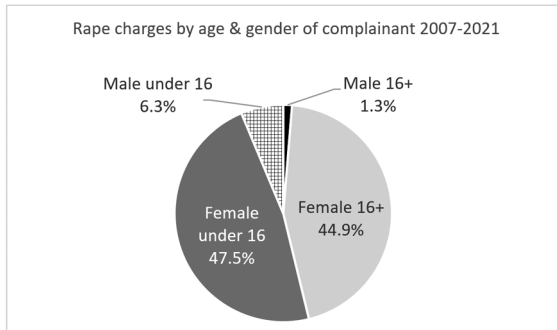


Figure 1: Rape charges by complainant age and gender

Charges made on complaints of historic rape (charged under the Sexual Offences Act 1956) made up just under a third of all rape charges (30.5%) in the last 15 years (Figure 2).

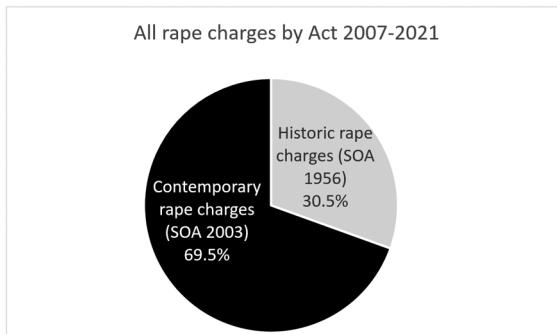


Figure 2: Historic and contemporary rape charges

The Home Affairs Select Committee, in its recent inquiry into rape prosecutions, took a mixed approach to rape statistics, looking “primarily at adult rape offences; where data on the different rape offences are presented together, however, we use that wider data.”⁵¹ The statistics the Committee provided at the start of its report on the outcomes of rape allegations up to the point of charge are a rare instance of an official report that provides data on rape offences broken down by the age of the complainant (although not by complainant gender).⁵² This approach is not followed through in the remainder of the report when post-charge outcomes are considered, although it may be that the Committee simply did not have access to this level of data. This article examines all of the 10 main types of rape offences and calculates jury conviction rates for each of these 10 as well as for all 10 combined.

⁵¹ Home Affairs Select Committee, *Investigation and prosecution of rape, Eighth Report of Session 2021–22* (2022), p.7, para.7.

⁵² Home Affairs Select Committee, *Investigation and prosecution of rape, Eighth Report of Session 2021–22* (2022), Figure 2: “Outcomes of rape offences by offence description England and Wales, 2020/21”, p.10.

Charges in the Crown Court 2007–21

The Government’s 2021 End to End Rape Review is based on the premise that there has been an unprecedented change in charging levels for rape since 2016 in England and Wales. However, an analysis of all charges in the Crown Court in the 15-year period 2007–21 reveals a more nuanced picture (Table 2). What is clear is that while 2016 represented the highwater mark for rape prosecutions in England and Wales, there have been large changes in charging levels for rape throughout the 15-year period and that fluctuations in charging levels are not unique to rape offences. Instead, these fluctuations in rape charges reflect wider fluctuations in charging levels each year over the 15-year period not just for all sexual offences but for all offences.

Table 2 provides a breakdown of all charges, all sexual offence charges and all rape charges dealt with in the Crown Court over the period 2007–21. This shows that 2008 was the year with the lowest number of charges for all offences and for all sexual offences; and 2008 and 2020 were the years with the lowest number of rape charges. The highest number of charges for all offences combined occurred in 2015, and the highest number of sexual offences charges and rape charges occurred in 2016.

Table 2 also reveals that, in comparison to the charging level 15 years earlier in 2007, the charging levels in 2021 were 34% lower for all offences, 8.5% higher for all sexual offences and 9% higher for all rape offences.

Year	All charges	% change from previous year	All sexual offence charges	% change from previous year	All rape charges	% change from previous year
2007	396,256		41,207		8,348	
2008	287,726	-27%	28,144	-32%	5,532	-34%
2009	444,655	+55%	43,282	+54%	8,748	+58%
2010	476,584	+7%	47,095	+9%	10,109	+16%
2011	408,680	-14%	48,401	+3%	9,336	-8%
2012	401,029	-2%	47,350	-2%	9,436	+1%
2013	412,445	+3%	47,045	-1%	9,274	-2%
2014	418,572	+1.5%	52,258	+11%	10,635	+15%
2015	480,881	+15%	62,780	+20%	12,592	+18%
2016	409,475	-15%	65,700	+5%	13,407	+6%
2017	410,715	+ 0.3%	63,520	-3%	12,508	-7%
2018	351,114	-14%	50,873	-20%	9,254	-26%
2019	270,257	-23%	39,490	-22%	8,161	-12%
2020	193,959	-28%	36,325	-8%	5,130	-37%
2021	261,453	+35%	44,722	+23%	9,126	+78%
Totals	5,623,800		718,192		141,596	
Average per year	374,920		47,879		9,440	
Change from 2007 to 2021	-134,803	-34%	+3515	+8.5%	+778	+9%

Table 2: Fluctuations in the number of charges in the Crown Court 2007–21

It is clear that fluctuations in charging levels in recent years are not unique to rape cases. Across the 15-year period, increases or decreases in rape charges in particular and sexual offences overall reflect similar increases and decreases in the total number of charges in the Crown Court for all offences. Figures 3 and 4 show that the precipitous fall in rape charging from 2018 was part of a systemic fall in all charging in this period.

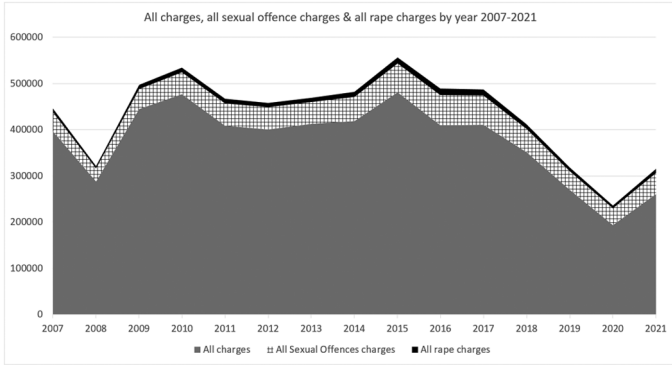


Figure 3: Fluctuations in charging levels 2007–21

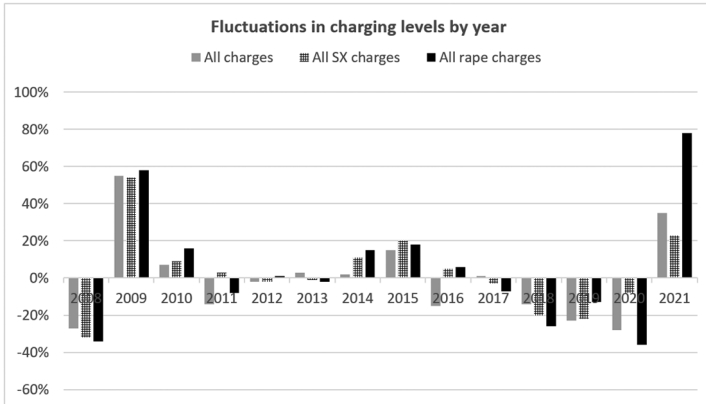


Figure 4: Fluctuations in charging levels by offence type 2007–2021

Scale of rape and sexual offence charges in the Crown Court

Out of the over 5.6 million charges in the Crown Court in the period 2007–21, there were 718,192 sexual offence charges of which 141,596 were rape charges. This means that sexual offences made up 12.8% of all charges dealt with in the Crown Court 2007–21, and rape charges made up 2.5% of all charges dealt with in the Crown Court 2007–21 (Figure 4). In relation to all sexual offences in the Crown Court, rape charges made up 19.7% of all sexual offence charges in the period 2007–21 (Figure 5).

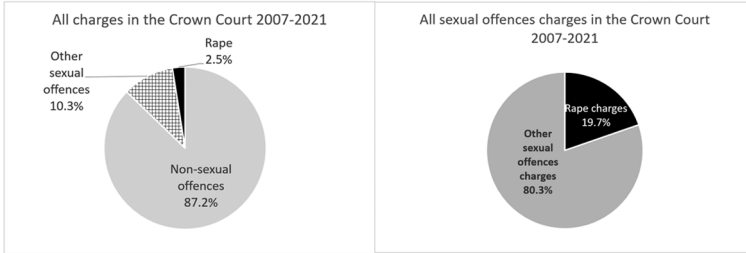


Figure 5: Rape, sexual offences and non-sexual offences charges 2007–21

As Table 3 below shows, rape charges as a proportion of all charges and as a proportion of all sexual offence charges have remained relatively stable over the 15-year period. Rape charges have consistently comprised between 2% and 3% of all charges each year and between 19% and 20% of all sexual offence charges each year from 2007–21 (the one exception being 2020 when rape charges fell to 14% of all sexual offence charges but remained at 3% of all charges).

Year	All charges in the Crown Court	All sexual offence charges in the Crown Court		All rape charges in the Crown Court		
	number	number	% of all charges	number	% of all charges	% of all sexual offence charges
2007	396,256	41,207	10.40%	8,348	2.11%	20.25%
2008	287,726	28,144	9.78%	5,532	1.92%	19.66%
2009	444,655	43,282	9.73%	8,748	1.97%	20.21%
2010	476,584	47,095	9.88%	10,109	2.12%	21.47%
2011	408,680	48,401	11.84%	9,336	2.28%	19.29%
2012	401,029	47,350	11.81%	9,436	2.35%	19.93%
2013	412,445	47,045	11.41%	9,274	2.25%	19.71%
2014	418,572	52,258	12.48%	10,635	2.54%	20.35%
2015	480,881	62,780	13.05%	12,592	2.62%	20.06%
2016	409,475	65,700	16.04%	13,407	3.27%	20.41%
2017	410,715	63,520	15.46%	12,508	3.05%	19.69%
2018	351,114	50,873	14.48%	9,254	2.64%	18.19%
2019	270,256	39,490	14.61%	8,161	3.02%	20.66%
2020	193,959	36,325	18.73%	5,130	2.64%	14.12%
2021	261,453	44,722	17.10%	9,126	3.49%	20.40%
Totals	5,623,800	718,192		141,596		
Averages	374,920	47,879	12.77%	9,440	2.51%	19.71%

Table 3: Scope of rape prosecutions in relation to sexual offences and all offences

Figure 6 shows that the proportion of all rape charges that are for historic rape allegations with female complainants are falling and that the proportions of contemporary rape charges with female complainants of all ages are increasing.

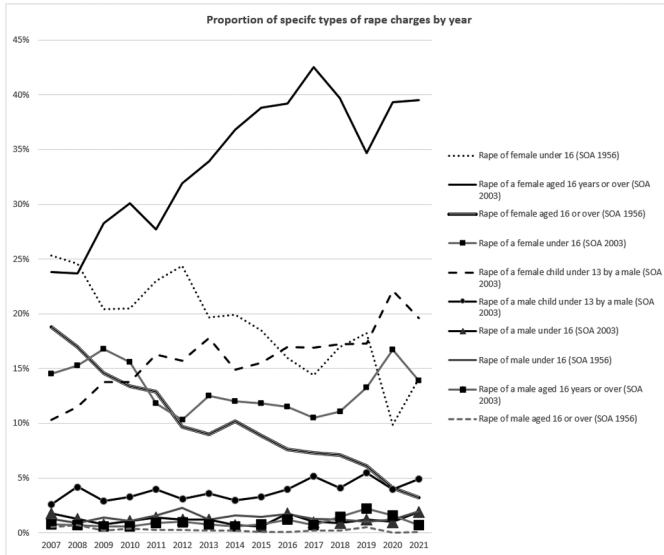


Figure 6: Proportion of charges for 10 rape offences by year

Pleas on rape charges in the Crown Court 2007–21

The Crown Court dataset includes information about pleas for each of the individual 5.6 million charges in the 15-year period. This has enabled an examination of how often pleas are taken on rape charges; what the pleas are; the extent to which these plea rates have fluctuated over the 15 years; and how not guilty plea rates for rape offences compare with not guilty plea rates for sexual offences in general and for other offence types. These findings are the result of tracking every individual charge through to a plea.⁵³

Over the 15-year period 2007–21, an increasing proportion of pleas were taken on rape charges (Table 4), with 88% of charges resulting in a plea in 2007 rising to 92% in 2021 (with a 15-year average of 90%).

⁵³ This contrasts with official government statistics on pleas in the Crown Court, where guilty plea rates are calculated as the number of defendants pleading guilty *to all counts* as a proportion of those with a plea. See “National statistics, Criminal court statistics quarterly: April to June 2022” (29 September 2022).

Year	Rape charges	Pleas taken on rape charges	
	Number	Number	% of Charges
2007	8,348	7,347	88.01%
2008	5,532	4,856	87.78%
2009	8,748	7,734	88.40%
2010	10,109	8,935	88.38%
2011	9,336	8,136	87.14%
2012	9,436	8,117	86.02%
2013	9,274	8,401	90.58%
2014	10,635	9,567	89.95%
2015	12,592	11,373	90.31%
2016	13,407	12,325	91.92%
2017	12,508	11,611	92.82%
2018	9,254	8,777	94.85%
2019	8,161	7,500	91.90%
2020	5,130	4,647	90.58%
2021	9,126	8,359	91.59%
Total	141,596	127,685	
Average			90.17%

Table 4: All pleas taken on rape charges 2007–21

It was possible to examine in more detail the 13,811 rape charges that did not result in a plea (9.7% of all rape charges in the 15-year period). In just over half of these charges (59%), the reason recorded for no plea being taken was that the indictment was stayed.⁵⁴ The remainder of the rape charges that did not produce a plea and where the reason was known were: 17% due to the indictment being quashed;⁵⁵ 5% where the indictment was joined to another indictment; 5% where the prosecution did not proceed with the case; 3% because the defendant was unfit to plead; 2% because the defendant was deceased and 1% where the charge was ordered to lie on file⁵⁶ (Figure 7).

⁵⁴ Stayed are stopped proceedings. This can be done for a number of reasons including where one indictment is preferred over another or less often for abuse of process.

⁵⁵ Quashed charges are set aside as if they never existed.

⁵⁶ This usually occurs when a defendant is charged with multiple offences, found guilty or acquitted on some charges and the remainder stay on file and cannot be reopened without leave of the Court of Appeal.

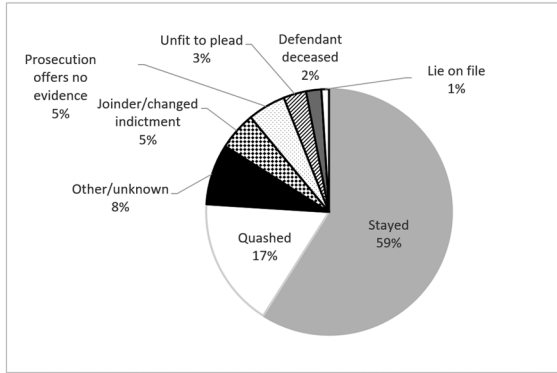


Figure 7: Reasons for no plea taken on all rape charges 2007-21

Not guilty pleas

From 2007-21, the not guilty plea rate on rape charges has remained consistently very high: 82% in 2007 rising to 91% in 2021, with an average over the 15-year period of 84.5%.

Year	Guilty pleas		Not Guilty pleas	
	Number	% of pleas taken	Number	% of pleas taken
2007	1,327	18.06%	6,020	81.94%
2008	887	18.27%	3,969	81.73%
2009	1,351	17.46%	6,383	82.54%
2010	1,609	18.00%	7,326	82.00%
2011	1,390	17.08%	6,746	82.92%
2012	1,551	19.10%	6,566	80.90%
2013	1,413	16.81%	6,988	83.19%
2014	1,377	14.39%	8,190	85.61%
2015	1,688	14.84%	9,685	85.16%
2016	1,836	14.90%	10,489	85.10%
2017	1,770	15.24%	9,841	84.76%
2018	1,332	15.18%	7,445	84.82%
2019	750	10.00%	6,750	89.97%
2020	725	15.60%	3,922	84.25%
2021	743	8.89%	7,616	91.06%
Total	19,749		107,936	
Average		15.47%		84.52%

When compared with other offence types,⁵⁷ it is clear that rape charges result in a uniquely high not guilty plea rate (85%); one that is far higher than for all other offence types (Figure 8). The next highest not guilty plea rate after rape is for homicide-related offences (68%). The not guilty plea rate for rape offences is also far higher than the not guilty plea rate for sexual offences in general, which at 44% is almost half the not guilty plea rate for rape offences.

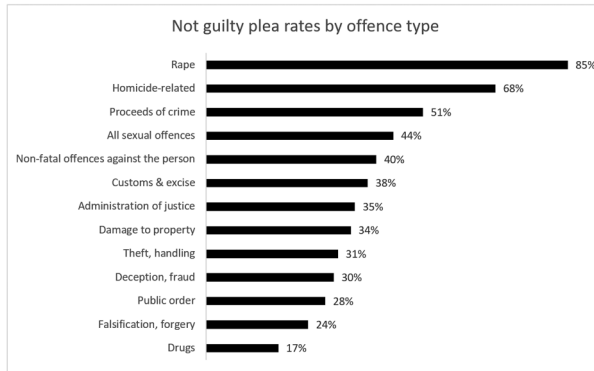


Figure 8: Rape not guilty plea rate compared with rates for other offences (2007–21)

Jury decision-making in rape cases 2007–21

The Crown Court dataset includes information about the specific outcomes for each not guilty plea on the 5.6 million charges, i.e. those charges that potentially could be decided by a jury verdict by deliberation. This section provides a detailed analysis of jury decision-making in the 15-year period 2007–21. It examines (1) the scale of jury verdicts by deliberation in relation to rape charges and how this has fluctuated over 15 years; (2) the outcomes by jury deliberation on rape charges (jury conviction rates) each year and any fluctuations in these jury conviction rates over the 15 years; (3) a breakdown by year of jury conviction rates for the 10 different type of rape offences; (4) how jury conviction rates for rape offences compare with jury conviction rates for all other offences and for all other sexual offences; and (5) jury conviction rates in adult female rape cases based on the age of the defendant.

Scale of jury verdicts by deliberation in rape cases

The 141,596 rape charges dealt with in the Crown Court in the period 2007–21 resulted in 68,863 jury verdicts by deliberation. This means juries deliberated on just under half (48.6%) of all rape charges brought in the 15-year period.

⁵⁷ The most recent published government statistics on guilty plea rates reported a guilty plea rate of 66% among defendants dealt with in all “for trial” cases at the Crown Court. “National statistics, Criminal court statistics quarterly: April to June 2022” (29 September 2022). But because plea rates vary considerably by offence this aggregate figure has limited value. <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2022/criminal-court-statistics-quarterly-april-to-june-2022--2#further-information-on-criminal-courts-data>.

While rape charges made up only 2.5% of all charges in the Crown Court over the 15-year period, jury verdicts by deliberation on rape charges made up 8.5% of all jury verdicts returned in the Crown Court in the same period (Figure 6). This is not surprising given the extremely high not guilty plea rate for rape offences shown above. It also reflects a similar pattern with sexual offences overall; where sexual offences comprised in total only 12.8% of all charges in the 15-year period but comprised 33.8% of all jury verdicts by deliberation in the same period (Figure 9).

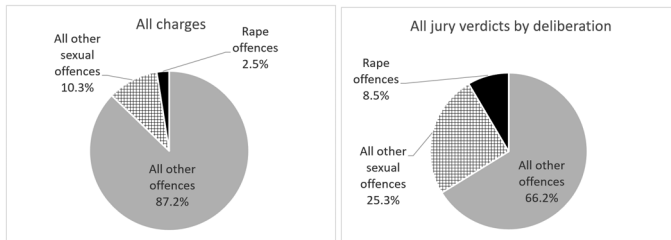


Figure 9: Scale of jury verdicts by deliberation in rape cases 2007–21

Changes in the number of jury verdicts in rape cases 2007–21

Despite the large fall in rape charges brought by the CPS after 2016, there has been a substantial increase in the number of jury verdicts returned on rape charges over the 15-year period of 2007–21 (Table 5 and Figure 5). In 2007 juries returned verdicts on 3,200 rape charges. In 2021 juries returned verdicts in 5,616 rape charges. This is a 75% increase in jury verdicts on rape charges since 2007. The highest number of jury verdicts returned on rape charges in any one year was in 2016 with 7,153 verdicts; the lowest number of jury verdicts on rape charges was in 2008 with 2,084 jury verdicts by deliberation. The average number of jury verdicts per year on rape charges in the 15-year period was 4,590. For seven out of the last eight years, the number of jury verdicts returned on rape charges has been above this average (the only exception was 2020 when jury trials were severely restricted due to the pandemic).

Jury verdicts by deliberation on rape charges				
Year	Number	% of all rape charges	% of all pleas taken on rape charges	% of all not guilty pleas on rape charges
2007	3,200	38.33%	43.56%	53.16%
2008	2,084	37.67%	42.91%	52.50%
2009	3,517	40.20%	45.47%	55.09%
2010	3,670	36.30%	41.07%	50.09%
2011	3,913	41.91%	48.09%	58.00%
2012	4,031	42.71%	49.66%	61.39%
2013	4,551	49.07%	54.17%	65.12%
2014	5,342	50.23%	55.83%	65.22%
2015	6,701	53.21%	58.92%	69.18%
2016	7,153	53.35%	58.03%	68.19%
2017	6,546	52.33%	56.38%	66.52%
2018	5,127	55.40%	58.41%	68.86%
2019	4,709	57.70%	62.79%	69.78%
2020	2,703	52.69%	58.17%	69.04%
2021	5,616	61.54%	67.18%	73.78%
Total	68,863			
15-year average	4,590	48.67%	53.93%	63.92%

Table 5: Jury verdicts as proportion of all rape charges, pleas and not guilty pleas

Fluctuations in the number of jury verdicts returned on rape charges closely mirror fluctuations in the number of jury verdicts returned on all sexual offence charges, even though jury rape verdicts make up only a small proportion of all jury verdicts in sexual offence charges (Figure 10).

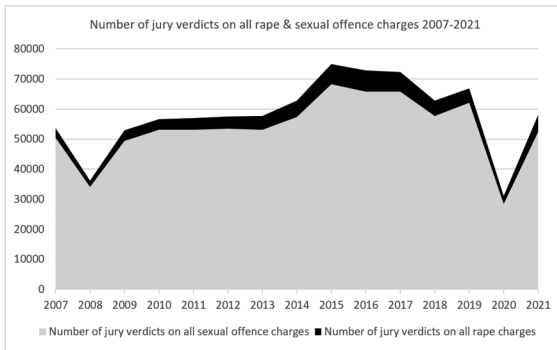


Figure 10: Number of jury verdicts by deliberation on rape and sexual offence charges by year

Jury conviction rates in rape cases

With the exception of 2014, the jury conviction rate for rape offences has been over 50% in every year in the 15-year period of 2007–21 (See Table 6). This means that juries are more likely to convict than acquit defendants on rape charges, and

this has consistently been the case for the last 15 years. The jury conviction rate has increased substantially in this 15-year period. In 2021 the jury conviction rate on rape charges was 75%, which is 20% higher than it was in 2007 (55%).⁵⁸

Fluctuations in jury conviction rates for rape offences

Given the wide range of variables involved in criminal cases, some fluctuation in jury conviction rates each year is to be expected. It would be highly unusual if there was no fluctuation at all from year to year (for jury conviction rates in rape or any other offence). The important point is whether there are any discernible trends in conviction rates over an extended period of time. Over the 15-year period, the jury conviction rate for rape offences has increased (Figure 11). For much of the 15-year period the jury conviction rate on rape charges remained in the region of 52–55% per annum. It is only since 2018 that a marked increase in the conviction rate has occurred. This initially coincided with a drop in the number of rape charges juries deliberated on in period 2018–20. But the higher jury conviction rate continued in 2021 when the number of rape verdicts increased very substantially to pre-2018 levels (Table 6). The increasing jury conviction rate in rape has come at the same time as a rising number of rape and sexual offences reported to the police.⁵⁹

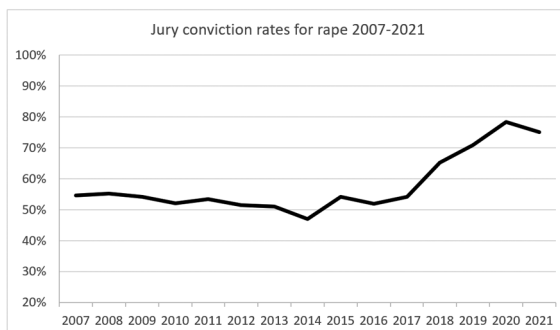


Figure 11: Jury conviction rate for rape offences 2007–21

⁵⁸This finding conflicts with a statement on the Rape Crisis website that “Despite high rates of rape and an increase in reporting in recent years, charging and conviction rates [emphasis added] remain among the lowest since records began.” See “Statistics about sexual violence and abuse”, Rape Crisis, <https://rapecrisis.org.uk/get-informed/statistics-sexual-violence/>.

The website says: “With so many myths surrounding rape, sexual assault and other forms of sexual violence and abuse, it can sometimes be hard to know what to believe. Here are some key statistics from trusted sources showing the scale of the problem in England and Wales.” The link to “trusted sources” contains some useful statistics, but unfortunately it does not include any statistical sources for the claim that conviction rates in rape remain amongst the lowest since records began. See: https://rcew.fra1.cdn.digitaloceanspaces.com/media/documents/Statistics_about_sexual_violence_and_abuse_-_sources_RCEW.pdf.

⁵⁹ONS, “Crime in England and Wales: year ending June 2022” (27 October 2022), [cps.gov.uk](https://www.cps.gov.uk), Figure 8: Police recorded rape and sexual offences were the highest on record in the year ending June 2022 (England and Wales quarterly data from January 2010 to June 2022).

Outcomes on rape charges by jury deliberation				
Year	% Guilty	% Not Guilty	% Hung Jury	No. of verdicts by jury deliberation for rape offences
2007	54.67%	44.07%	1.26%	3,188
2008	55.20%	43.89%	0.91%	2,078
2009	54.13%	44.63%	1.22%	3,497
2010	52.12%	46.32%	1.55%	3,655
2011	53.48%	45.87%	1.10%	3,887
2012	51.50%	47.40%	1.10%	4,014
2013	51.04%	48.00%	0.94%	4,537
2014	47.01%	51.58%	1.29%	5,313
2015	54.11%	44.85%	1.03%	6,690
2016	51.95%	47.25%	0.80%	7,149
2017	54.23%	44.88%	0.89%	6,540
2018	65.27%	34.26%	0.47%	5,118
2019	70.84%	27.88%	1.28%	4,709
2020	78.40%	21.05%	0.55%	2,703
2021	75.09%	24.45%	0.46%	5,616
15-year total				68,853
15-year average	57.52%	41.52%	0.96%	

Table 6: Outcomes by jury deliberations on rape charges 2007–21

Hung juries, retrials and other jury verdicts in rape cases

The incidents of juries being unable to reach a verdict (hung juries) on rape charges have remained extremely low over the 15-year period. On average over the period, juries were unable to agree a verdict in less than 1% of all jury verdicts on rape charges (Table 7). This shows that hung juries in rape cases are extremely rare (as they are for all offences⁶⁰). Retrials on rape charges are also rare, with only 1.33% of all jury verdicts by deliberation on rape charges involving retrials. Where defendants are retried on rape charges, juries are almost twice as likely to convict than acquit on those rape charges. Retrials on rape charges resulted in convictions 64.7% of the time and acquittals 35.3% of the time.

There is also no evidence that when juries deliberate on rape charges they have any tendency to “downgrade” rape charges, i.e. find the defendant guilty of alternative or lesser offences (Figure 12). It is extremely rare for juries to return verdicts of guilty to an alternative or lesser offence on rape charges. In the 15-year period 2007–21, juries only returned guilty verdicts to alternative offences on 0.19% of rape charges and returned guilty verdicts on lesser charges on 0.11% of all rape charges (amounting in total to only 0.3% of all jury verdicts on rape charges). When juries did return a guilty verdict for a lesser or alternative offence on rape charges, these were guilty verdicts for other serious sexual offences, usually attempted rape or sexual assault.

⁶⁰ The average hung jury rate for all offences combined in the period 2007–21 was 0.7%.

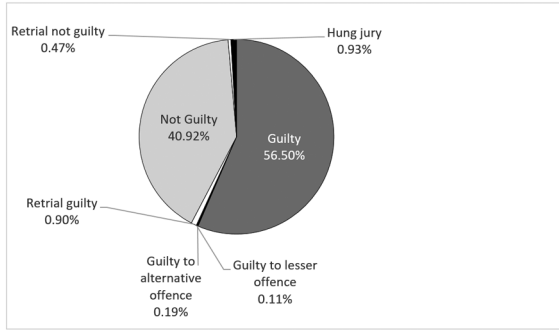


Figure 12: Types of jury verdicts on rape charges

Jury conviction rates for rape compared with other offences

When all criminal offences deliberated on by a jury are combined, the average rate of conviction is 64%. However, this is not a very helpful statistic because it conceals the fact that jury conviction rates vary substantially by one key factor: the offence.⁶¹ This means the jury conviction rate for rape needs to be seen in relation to the jury conviction rate for other offences. As Figure 13 shows, the highest jury conviction rates are for making indecent photographs of children (89%), death by dangerous driving (85%), drug possession with intent to supply (84%), murder (76%), handling stolen goods (73%). The lowest jury conviction rates are for threatening to kill (33%⁶²), attempted murder (47%), manslaughter and GBH (48%); for all of those offences a jury is more likely to acquit than convict. Over the 15-year period the jury conviction rate in rape was 58%, meaning juries were more likely to convict than acquit on rape charges in this period.

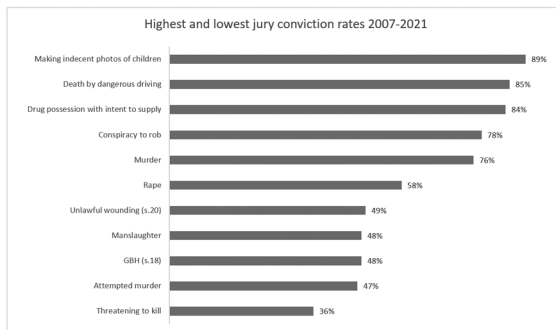


Figure 13: Highest and lowest jury conviction rates by deliberation

Jury conviction rates 2007–21 for each of the 10 rape offences

An analysis of the jury conviction rate for each of the 10 individual types of rape offences recorded in the Crown Court over the period 2007–21 (Table 8 and Figure

⁶¹ This has been known since 2010 when it was reported in “Are Juries Fair”?

⁶² The CPS recognises the difficulty of achieving convictions on this offence (s.16 of the Offences Against the Person Act 1861): “This can be a difficult offence to prove, and it should be reserved for the more serious cases.” See CPS, “CPS guidance on Offences against the person, incorporating the charging standard” (27 June 2022), [cps.gov.uk, https://www.cps.gov.uk/legal-guidance/offences-against-person-incorporating-charging-standard](https://www.cps.gov.uk/legal-guidance/offences-against-person-incorporating-charging-standard).

14) shows that the jury conviction rate for rape varies according to the particular type of rape offence, but that juries are more likely to convict than acquit a defendant for all 10 rape different types of rape offences. Over the 15-year period the jury conviction rate has increased substantially for each of the 10 rape offences. The one exception is the historic offence of rape of a male aged 16 or over charged under s.1 of the Sexual Offences Act 1956; but the extreme variability in the conviction rate by year for this type of offence reflects the very small number of jury verdicts returned each year for this offence.

Year	Rape of female child under 13 by a male (SOA 2003)	Rape of a male child under 13 by a male (SOA 2003)	Rape of female under 16 (SOA 2003)	Rape of a male under 16 (SOA 2003)	Rape of female under 16 (SOA 1956) historic	Rape of male under 16 (SOA 1956) historic	Rape of female aged 16 years or over (SOA 2003)	Rape of a male aged 16 years or over (SOA 2003)	Rape of female aged 16 or over (SOA 1956) historic	Rape of male aged 16 or over (SOA 1956) historic
2007	56.02%	75.00%	57.01%	55.56%	68.22%	68.29%	43.20%	63.16%	48.34%	100.00%
2008	68.11%	73.13%	47.53%	31.81%	64.46%	60.87%	50.17%	30.00%	47.94%	46.15%
2009	67.91%	55.00%	56.27%	56.52%	66.83%	78.37%	42.16%	56.52%	46.82%	28.57%
2010	60.96%	81.00%	57.20%	53.12%	65.87%	71.87%	35.91%	23.68%	51.00%	62.06%
2011	66.06%	69.56%	52.97%	83.92%	63.91%	61.40%	40.69%	36.58%	47.27%	0.00%
2012	59.14%	50.00%	50.00%	59.37%	62.53%	54.54%	46.20%	42.85%	34.69%	84.61%
2013	61.13%	66.38%	52.29%	84.21%	60.16%	66.03%	39.59%	55.88%	54.20%	41.00%
2014	57.71%	62.01%	50.19%	41.17%	51.56%	56.96%	38.55%	58.06%	48.20%	100.00%
2015	60.97%	68.50%	57.58%	59.45%	62.39%	53.57%	46.77%	64.15%	52.70%	42.85%
2016	69.55%	66.84%	54.66%	50.72%	58.58%	54.70%	43.89%	56.10%	40.63%	83.33%
2017	60.81%	68.24%	59.73%	64.41%	58.49%	61.25%	48.26%	58.33%	54.24%	20.00%
2018	75.30%	72.33%	75.58%	52.54%	67.11%	36.54%	58.01%	67.84%	65.56%	---
2019	78.46%	73.26%	82.20%	67.74%	74.96%	72.22%	63.16%	80.45%	58.39%	0.00%
2020	83.95%	86.51%	85.16%	93.33%	81.94%	70.00%	71.55%	92.45%	68.91%	0.00%
2021	83.61%	83.08%	80.20%	72.37%	78.02%	91.38%	67.25%	62.75%	64.85%	---
No. verdicts 2007–21	9,183	2,166	8,192	631	13,149	872	26,741	749	6,853	158
15-year average conviction rate 2007–21	70.20%	71.64%	63.15%	62.10%	65.06%	64.01%	50.05%	62.86%	50.40%	55.41%

Table 8: Jury conviction rates for each individual rape offence 2007–21

Jury conviction rates for individual rape offences also show that juries do not consistently treat female complainants more harshly than male complainants in rape cases. Some of the highest jury conviction rates are in rape cases with female complainants (rape of a female under 16 and under 13 on both contemporary and historic charges) and some of the lowest jury conviction rates are in cases with male complainants (rape of a male 16 or over on both contemporary charges and historic charges). As the focus of the Government End to End Rape Review was apparently on the one type of offence of rape of a female aged 16 years or over charged under the Sexual Offences Act 2003, it is worth noting that the most recent annual jury conviction rate for that offence is 67% (Figure 14).

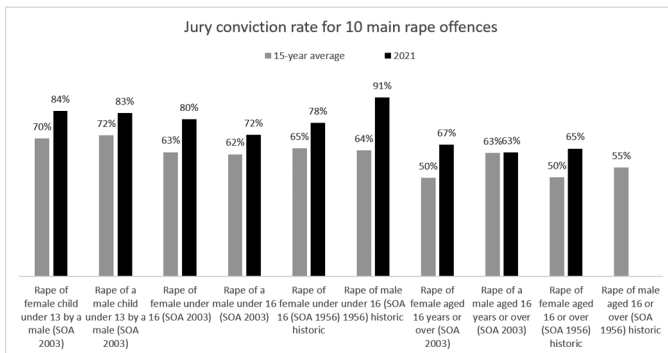


Figure 14: Jury conviction rate for each type of rape offence: 15-year average and most recent year⁶³

Jury conviction rates for rape offences compared with all sexual offences 2007–21

Looking at all sexual offences over the 15-year period 2007–21, it is clear that the jury conviction rate for all sexual offences has followed a similar pattern to jury conviction rates for all rape offences (Figure 15). The jury conviction rate for all sexual offences has steadily increased, with a jury conviction rate of 58% in 2007 increasing to 75% in 2021. This shows a consistent pattern over 15 years of juries convicting more often than acquitting defendants in sexual offences cases.

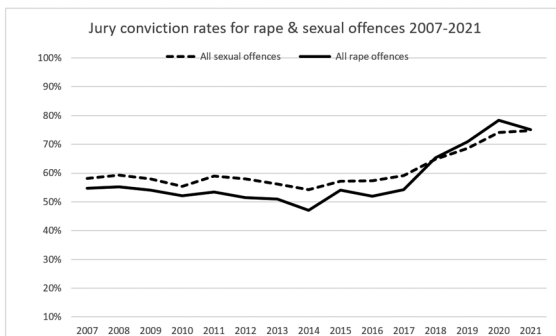


Figure 15: Jury conviction rates for rape and all sexual offences 2007–21

Relevance of defendant age to jury verdicts in rape cases

It has been claimed in recent years that jurors in England and Wales are particularly reluctant to convict young men for rape.⁶⁴ This is based on information provided by the CPS in 2018 about the age of defendants in rape prosecutions⁶⁵ and has led to suggestions that if young men are so rarely convicted of rape by juries then

⁶³ There were no jury verdicts for rape of a male 16 or over under Sexual Offences Act 1956 in 2021.

⁶⁴ A. Topping and C. Barr, “Revealed: less than a third of young men prosecuted for rape are convicted” (23 September 2018), *The Guardian*.

⁶⁵ CPS response to Freedom of Information Act 2000 request from Ann Coffey MP, 13 February 2019: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5efaae5547c4eb43dbada9ff/1593503323197/10.175.pdf>

juries may need to be removed from rape cases in future.⁶⁶ This was said in relation to rape charges involving adult female complainants that were not historic allegations.

In examining whether data on jury verdicts from 2007–21 support this claim, it is helpful to look first at how often juries reach verdicts in cases of rape against an adult female where the defendant is under 25 years of age. Over the 15-year period, jury verdicts on adult female rape charges under the Sexual Offences Act 2003 where the defendant is under 25 made up a minority (20%) of jury verdicts (Figure 16). Almost all defendants (80%) in these cases throughout the 15-year period have been 25 or older.

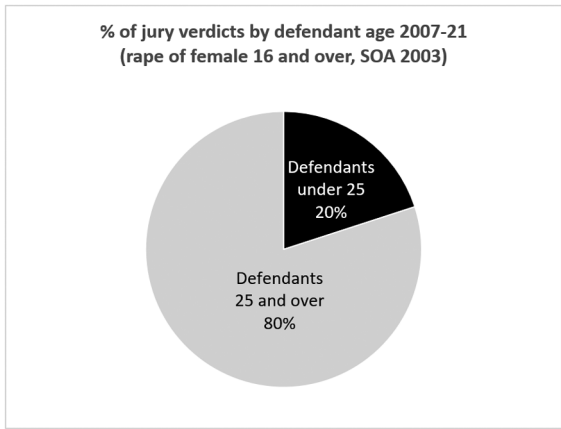


Figure 16: % jury verdicts by defendant age in adult female rape cases

An analysis of every single jury verdict on charges of rape against a female 16 and over under SOA 2003 in the 15-year period 2007–21 (26,741 jury verdicts) does not support the claim that juries have been consistently less willing to convict young male defendants compared with older male defendants in rape cases in England and Wales. Figure 17 shows a much more nuanced picture: that there is no consistent pattern of jury verdicts being lowest in rape cases involving an adult female complainant where the defendant is a male under 25. In 7 out of the past 15 years, the lowest jury conviction rate in adult female rape cases was for defendants in an age group *over* 25 years of age. And in recent years, the analysis shows that juries are more likely to convict than acquit a defendant in adult female rape cases for defendants that are both under and over 25 years of age.

⁶⁶ Alexandra Topping, “Scrap juries in rape trials, Labour MP suggests” (21 November 2018) *The Guardian*.

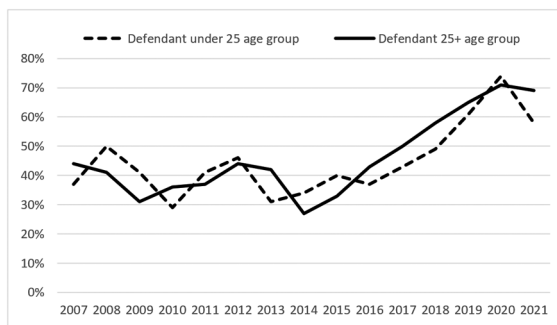


Figure 17: Jury conviction rates in adult female rape cases by age of male defendant

Implications of the analysis

The analysis presented here has addressed the confusion over rape conviction rates, the complexity of charging in rape cases in England and Wales and how all rape charges have progressed through the Crown Court each year over the 15-year period 2007–21. It has shown that jury outcomes are different for different types of rape offences, but that when juries are asked to deliberate to reach a verdict they are more likely to convict than acquit on all different types of rape charges. This has implications for the claims made in the 2018 petition to Parliament, the 2021 End to End Rape Review, the Law Commission’s current review and perhaps most importantly for complainants in rape cases.

The Government’s End to End Rape Review did not set out a similar statistical basis for its Review. It did not clarify how rape is charged in England and Wales, the confusion over rape conviction rates or which of the 10 types of rape offences were encompassed by the Review’s statistics.⁶⁷ This is unfortunate because such a grounding in the reality of what has happened in the Crown Court over the last 15 years is relevant to the success of the ambitions set out in the Review’s Action Plan. For example, one of the Review’s main ambitions is that “more cases get to court, and more convictions are delivered, with an initial ambition of returning to 2016 levels.”⁶⁸ The findings presented here show that 2016 was not just an unprecedented, highwater mark for the volume of charges and outcomes for rape offences in the Crown Court. It was an unprecedented, highwater mark over the 15-year period for charges and outcomes *for all offences* in the Crown Court, and that there was also a rapid fall in charges for all offences in subsequent years. This indicates that the decline in rape prosecutions that occurred after 2016 is part of a much wider systemic problem affecting the volume of prosecutions in the Crown Court in general. Unfortunately, without this longer-term analysis those wider problems were not acknowledged by the Review or taken into consideration in its Action Plan.

⁶⁷ The Review states that: “Whilst the Review’s remit is limited to adult cases, which for the purposes of this review refers to individuals aged 16 and over, many of the findings will be relevant to sexual offence cases more widely”. Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), fn.10.

⁶⁸ Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), para.25

Instead of a clear analysis of charging, pleas and outcomes in rape cases in England and Wales, the End to End Rape Review focussed on limited qualitative research that explored what different stakeholders and participants in the criminal justice system *think* happens in the investigation and prosecution of rape cases.⁶⁹ Perceptions of what happens in rape cases, while valuable, cannot be a substitute for what is empirically known about how the criminal justice system actually operates in rape cases. An Action Plan based on what is *perceived* to happen in rape cases, not empirical evidence of what actually does happen, is likely to lead to policies that will struggle to be effective. For example, the Action Plan calls for an increased number of early guilty pleas in rape cases.⁷⁰ An analysis of all rape charges and pleas in the Crown Court from 2007–2021 has shown, not only that rape has the highest not guilty plea rate of any type of offence (85%), but that this has been the case consistently for the last 15 years. This provides important context for understanding how realistic it may be to expect a swift or substantial change in guilty pleas on rape charges.

While the End to End Rape Review did not set out any empirical information about jury verdicts in the Crown Court in England and Wales, it nevertheless suggested that juries were being influenced by rape myths.⁷¹ Even though there was no research with real juries in England and Wales to substantiate this claim, the Review recommended that the issue of how rape myths are addressed in the court process be examined by the Law Commission.⁷² It is hoped that the Law Commission will consider carefully the detailed analysis presented here of all charges, pleas and jury verdicts in rape and sexual offences in the Crown Court in England and Wales over the 15-year period 2007–21. What is clear from this analysis is that when all rape charges are put to juries to deliberate on in England and Wales, juries convict defendants of rape more often than they acquit them, this has consistently been the case for 15 years, and the jury rape conviction rate is increasing alongside an increase in prosecutions. These are findings that are not consistent with a widespread belief amongst serving jurors in false assumptions about rape and rape complainants.

It has been suggested that such clarity about jury conviction rates in rape cases is of little interest for complainants in rape cases.⁷³ But the truth about the decisions that juries reach on rape charges provides important information for complainants in rape and other serious sexual offence cases, including those who may be reluctant to continue with a case against a defendant through to trial. It is clear that rape complainants receive few positive outcomes at the police and prosecution decision-making stages. But it is also clear from an analysis of every jury verdict on rape charges over the last 15 years that, if complainants can manage to have

⁶⁹ R. George and S. Ferguson, *Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales: Research Report* (London: The Stationery Office, 2021), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/994817/rape-review-research-report.pdf.

⁷⁰ Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), para.25.

⁷¹ The Review states that “A significant number of studies have found that juries are affected by rape myths”. Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), para 113. But the Review does not explain that none of these studies were conducted with any actual juries in England and Wales.

⁷² Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), para.114.

⁷³ Home Affairs Select Committee Witness Evidence, 7 July 2021, Q59.

their allegations presented to a jury, they are more likely to secure convictions than acquittals.

We also know that the majority of rape complainants end up withdrawing from investigations and prosecutions.⁷⁴ There are numerous factors that may deter rape complainants from seeing their complaints through to a jury trial,⁷⁵ although as the End to End Rape Review acknowledged, the exact reasons for such withdrawals remain unknown.⁷⁶ This means we do not know the extent to which rape complainants who withdraw from prosecutions are influenced by a false belief that jury conviction rates for rape are low. But it can be of no benefit for complainants in rape cases to incorrectly believe they have little prospect of securing a guilty verdict if their complaint is brought before a jury.

⁷⁴ The End-to-End Rape Review reported that one in two rape complainants withdraw from investigations. Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), pp.1 and 5. The 2021 London Rape Review found that 65% of rape cases ended in a victim withdrawing from pursuing justice. See: <https://www.london.gov.uk/publications/london-rape-review-2021-update>.

⁷⁵ Qualitative research conducted for the End-to-End Rape Review explored 17 possible reasons, but these did not include complainants' lack of confidence in juries. George and Ferguson, *Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales* (2021), Appendices A-C, Table B4. "Perceived reasons for victim withdrawal by survey participant group". Annex B: Supplementary Survey and Qualitative Data.

⁷⁶ George and Ferguson, *Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales* (2021), Appendices A-C. Annex B, p.11.