

# Recording, reporting, and charge rates for rape in England and Wales

Briefing 2

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Operation  
Soteria  
Bluestone

CHILD & WOMAN  
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This briefing shares the results of research investigating the real scale and nature of rape reporting to and recording by the police, as well as the charge rate, in England and Wales.

It is part of the large-scale, UK Government funded *Operation Soteria Bluestone* which aims to improve police investigations of rape and other sexual offences.

Research over the past four decades has shown that the vast majority of rape cases recorded by police do not progress beyond the police investigation<sup>2</sup>. Whilst the numbers of recorded rapes have followed a relatively constant upward trajectory for many years, the increases have intensified in the past decade. At the same time, charges and prosecutions have ‘plummeted’<sup>3</sup>, leading to searching questions about why rape investigations are failing, with some asking whether rape has been effectively ‘decriminalised’<sup>4</sup>.

This is the context for *Operation Soteria Bluestone*, launched by the Home Office in June 2021 with the aim of ‘transforming’ rape investigations.

This briefing is part of a series outlining what we have learnt. It outlines new key findings on the reporting, recording, and charging of rape and other serious sexual offences from analysis of Home Office Crime Outcomes open data and in-depth research into over 750 rape cases across four police forces, closed by police using the Home Office outcome codes of 14, 15, and 16

These codes are used for cases that are closed without further action because of evidential difficulties—Outcome 14 (no named suspect) and Outcome 16 (named suspect)—and where these difficulties include the victim-survivor not supporting an investigation.

Outcome 15 is where the victim-survivor supports action and wants the suspect charged, but police determine that evidential difficulties prevent them from taking further action. For full details of the project and its findings, please see the Year One report available online<sup>5</sup>.

# Key Findings



## 1

The number of police recorded rapes has increased fourfold over the last decade, but this does not mean that either more rape is happening or more victim-survivors are seeking an investigation.

There have been marked increases in police recorded rape offences, nationally and in all of the pathfinder forces, over the past decade, although the scale of the increase has varied. However, the Crime Survey England and Wales estimates that there has been relative stability in the prevalence of rape over the same period<sup>6</sup>. We explore this apparent conundrum in this briefing.

## 2 Changing crime recording practices have played a major role in the increase in recorded rapes.

Crime recording practices were changed in 2014, in part to decrease the practice of ‘no criming’ and to ensure that all rapes were formally recorded. This accounts for much—though not all—of the increase in recording over the last decade.

Though well-intentioned, these changes to crime recording are having significant unintended consequences for victim-survivors, data integrity, police workload and wider policing culture.

Changes include:

- ▶ one crime per victim/suspect combination;<sup>7</sup>
- ▶ recording of all third-party reports by professionals and parents/carers of young victims or vulnerable adults even where these have been made without the knowledge or consent of the victim;
- ▶ ending of the 72-hour latitude period between a crime being disclosed and it being recorded;
- ▶ the need for additional verifiable information to no crime, making it virtually impossible to remove a rape record once it’s been crimed, even when someone is clear that they have not been sexually assaulted.



## 3 Significant numbers of recorded rapes are created *without* a victim-survivor reporting a rape or seeking an investigation.

There is a public narrative of the criminal justice system failing victim-survivors who want action. While this is true in a proportion of cases, the scale is being amplified through current recording practices where third-party reports and what we call ‘telling not reporting’ (see also *Briefing 3: Reasons rape cases are closed by the police*) make up a significant proportion of police recorded rapes. Telling not reporting refers to contexts where someone discloses sexual violence to the police but had no intention of reporting: for example, in response to domestic violence risk assessment questions, or to explain why they are in distress.

This means many victim-survivors are finding themselves involved in a police investigation they did not seek, which may result in further harm. We found evidence that crimes a victim was reporting (e.g. domestic abuse offences) were de-prioritised, since rape is the more serious crime for police.

## 4

Though brought in to improve the police response to victim-survivors, the current bar for no-criming is too high and is having unintended consequences.

Scrutiny of crime recording by HMICFRS,<sup>8</sup> especially of rape in relation to the overuse of ‘no crime’ decisions and under-recording rape and other serious sexual offences was undoubtedly needed. However, the inspection regime has made Force Crime Registrars highly risk averse and consequently reluctant to authorise ‘no crime’ decisions. The current requirement of ‘additional verifiable information’ is, in reality, near impossible to fulfil and instead of requesting a crime cancellation, officers are assigning different, often victim-based, outcomes to these cases.

This is increasing the numbers closed under Outcomes 14 and 16 and accentuating the view that it is the reluctance of victims that prevents cases proceeding.

## 5

The timescale for a rape charge to move through to completion has doubled in the last decade.

Between 2010 and 2019, the median time for rape prosecutions to progress from offence to completion doubled from around 400 days to 800 days (with average values roughly four times as long), while for all offences over the same period the median rose from around 130 to around 160 days (with averages around one fifth longer).<sup>9</sup> This is a much greater increase than for other offences. The impact of the COVID-19 pandemic on public services means that these timescales are likely to be even greater for cases recorded in 2020 and after.

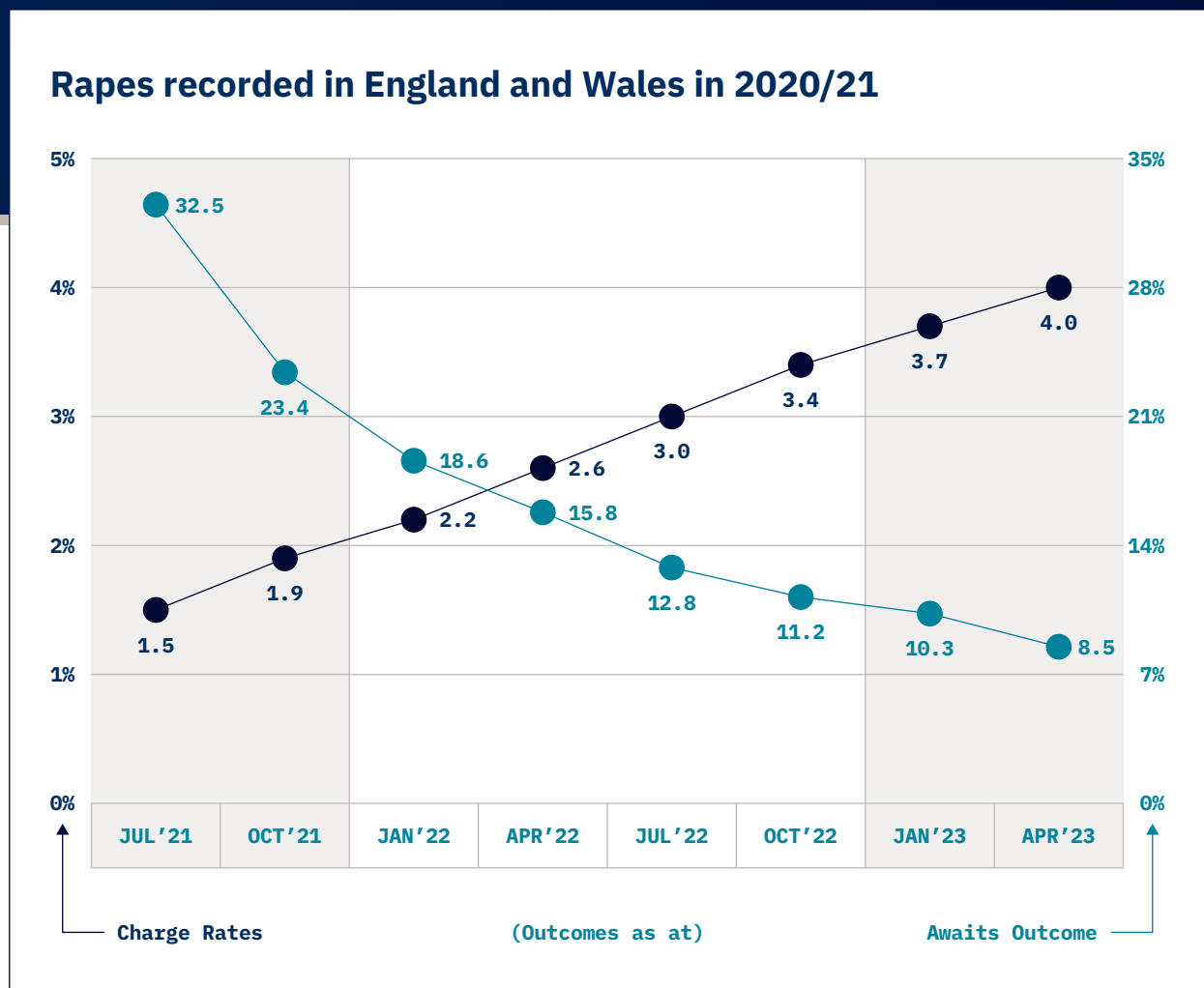
## 6

The length of the CJS process means that charges can take several years to achieve, which affects annual charge rate calculations.

Elongated CJS timescales mean that a proportion of rapes recorded in a given year may not be finalised until several years later, with charges typically taking the longest to be reached of all crime outcomes.

This means that the charge rate in any given year changes when you look over time, as cases finally reach the point where decisions to charge are made. As an example, for rape cases recorded in 2020/21, the charge rate rose steadily from 1.5 per cent in July 2021 to 4.0 per cent in April 2023, at which point the proportion of rapes still awaiting an outcome was still 8.5 per cent (*see Figure 1, page 13*). Though a charge rate of 4% is still extremely concerning, it is higher and more accurate than the historic low of 1.5% which has been widely reported.<sup>10</sup>

Figure 1 Charge rates increase over subsequent years



Source: Home Office Crime Outcomes Open Data

## 7

## Charge rates are influenced by suspect-victim relationship.

In the Soteria pathfinder force datasets, charge rates vary systematically by suspect-victim relationship type. For example, charge rates for ‘stranger 1’<sup>11</sup> and familial offences are higher than for cases involving current/former intimate partners or friends and acquaintances.

This is partly due to a larger proportion of third-party reports unsupported from the outset and ‘telling not reporting’ cases involving known perpetrators, which automatically lower the charge rate for known perpetrators by inflating the denominator it is calculated by. Other issues here are the complex reasons why victims may not want or intend police action. There are also systematic differences in how the law on consent is understood and applied by police in cases involving suspects who are known to the victim (*see Briefing 3: Reasons for case closure in rape cases*).

# Implications



# 1 Home Office crime recording codes and NCRS guidance are having unintended consequences when applied to rape.

Our analysis suggests that current rape recording practices are having a range of unintended consequences. Though crime recording has an important role in registering the extent of crime, there are implications for data integrity especially when comparing reporting and charge rates over longer timescales.

There are additional harms for victim-survivors of unsought and unwanted investigations, and an impact on policing culture in relation to victims being seen as ‘unwilling’, ‘obstructive’ and ‘reluctant’ (see *Briefing Three: Reasons rape investigations are closed*). Finally, there are clear workload implications for police of having to undertake investigations where it is clear from the outset that there are limited, if any, lines of enquiry.



## 2 — Changed recording practices are a major part of why the charge rate has declined.

Increased recording and falling charge rates need to be properly contextualised. With the changes in crime recording practices, a proportion of rapes that are recorded today would not have been 10 years ago. This means the denominator for charge rate calculations is not comparable to those in previous decades.

This is not to say that there is no problem with the charge rate for rape cases. There are still a range of problems with how the CJS responds to rape that urgently need to be addressed (*see Briefing Three: Reasons rape investigations are closed*).

### 3 — Current recording practices are making it impossible to establish the true number of victims who are withdrawing from a report they made to the police with the intention of having it investigated.

We currently do not know how many victim-survivors are losing support for a previously supported investigation. Nor do we know the real charge rate for rape cases that were reported by victim-survivors.

We need a way of recording ‘telling not reporting’ and third-party reports unsupported from the outset so we can better understand what is happening with attrition and the reasons victims are being pushed out of the investigation process.

# Recommendations



- 1 For accuracy, the words *‘rape recorded by the police’* rather than *‘rape reported to the police’* should be used by politicians, policymakers, journalists, and others when referring to national and local crime statistics.
- 2 Police forces, inspectorates, and researchers need to be clear that rape cases closed under outcomes 14 and 16 do not simply equate to victim withdrawal and may be more representative of recording practices in any given force area.
- 3 Police forces and inspectorates should ensure clear recording of when and why victim-survivors withdraw from an investigation that they initially supported.
- 4 Police forces should use subcodes and a regular review process to better understand why cases designated 14 and 16 are not proceeding.
- 5 The current Home Office Counting Rules need to be revised to enable *‘telling not reporting’* and *‘third-party’* cases to be easily identifiable in crime returns.

- 6 The rules on no criming need to be revised, whilst still requiring some level of evidence that a crime did not take place.
- 7 Future charge rates should be published by calculating both the total number of rape offences recorded by the police and a separate charge rate calculated after removing rape cases where there was never any support from the victim-survivor for an investigation. This would enable comparisons with previous decades.
- 8 Charge rates should be calculated and published by suspect-victim relationship types that are standardised and consistently recorded to allow meaningful comparisons to be made between areas and over time. This will help mitigate the ways in which differences in the relationship profile of recorded rape cases between forces or over time may be influencing differences in overall charge rates.
- 9 Rape charge rates should be presented longitudinally (that is, showing how they accumulate over time) alongside the proportion of cases remaining open (that is, still awaiting an outcome).

# Endnotes

## Briefing 2

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- 2 Harris, J. and Grace, S. (1999). *A Question of Evidence? Investigating and Prosecuting Rape in the 1990s*. Home Office Research Study 196. London: Home Office; Kelly, L., Lovett, J. and Regan, L. (2005). *A Gap or a Chasm? Attrition in Reported Rape Cases*. Home Office Research Study 276. London: Home Office; Feist, A., Ashe, J., Lawrence, J., McPhee, D. and Wilson, R. (2007). *Investigating and Detecting Offences of Rape*. Project Report. Home Office: London; Hohl, K. and Stanko, B. (2015). Complaints of Rape and the Criminal Justice System: Fresh Evidence on the Attrition Problem in England and Wales. *European Journal of Criminology*, 12(3): 324–341; Murphy, A., Hine, B., Yesberg, J., Wunsch, D. and Charleton, B. (2021). Lessons from London: a contemporary examination of the factors affecting attrition among rape complaints. *Psychology, Crime & Law*, 28(1): 82-114.
- 3 HM Government. (2021). *The end-to-end rape review report on findings and actions*. Available online at: <https://www.gov.uk/government/publications/end-to-end-rape-review-report-on-findings-and-actions>.
- 4 Centre for Women’s Justice, End Violence Against Women coalition, Imkaan, and Rape Crisis England & Wales. (2020). *The Decriminalisation of Rape: Why the justice system is failing rape survivors and what needs to change*, <https://www.centreforwomensjustice.org.uk/s/Decriminalisation-of-Rape-Report-CWJ-EVAW-IMKAAN-RCEW-NOV-2020.pdf>.
- 5 Operation Soteria Bluestone Year One Report [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1128688/E02836356\\_Operation\\_Soteria\\_Y1\\_report\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128688/E02836356_Operation_Soteria_Y1_report_Accessible.pdf)
- 6 ONS. (2021). *Sexual offences prevalence and trends, England and Wales: year ending March 2020*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesprevalenceandtrendsenglandandwales/yearendingmarch2020>.
- 7 For example, in a multiple perpetrator rape a crime record will be created for each suspect, resulting in multiple records for the same rape.
- 8 His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services.
- 9 Lovett, J., Hales, G., Kelly, L., Khan, A., Hardiman, M. and Trott, L., 2022. What can we learn from Police data about timeliness in rape and serious sexual offence investigations in England and Wales?. *International Criminology*, 2(3), pp.286-298.
- 10 For example in Bowcott, O. & Barr, C. (2019) ‘Just 1.5% of all rape cases lead to charge or summons, data reveals,’ *The Guardian*, <https://www.theguardian.com/law/2019/jul/26/rape-cases-charge-summons-prosecutions-victims-england-wales>.
- 11 Stranger 1 refers to cases where there was no contact between the parties before the sexual violence.



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