



Sir Bob Neill MP
Chair of the Justice Select Committee
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14 July 2021

Dear Sir Bob,

I am writing to you following my appearance before the Committee on 15 June, during which I was asked for figures relating to pre-charge bail and suspects released under investigation. I would like to offer my sincere thanks for inviting me. I am always grateful to be given the opportunity to address members of the Committee and I was particularly pleased to outline some of the progress we have made over the past year under very difficult circumstances.

During the session, James Daly MP asked how many suspects are currently released under investigation having been arrested for rape and how many ongoing cases involving a suspect released under investigation have received input from the CPS.

The police may be able to assist the Committee with these questions, but I am afraid the CPS does not hold information on the number of suspects released under investigation. As you will be aware, in most cases, suspects can only be detained for 24 hours without charge. If further enquiries are required before a charging decision can be made, the police must decide whether the suspect is remanded in custody or released on bail or under investigation. That is a decision for the police to make and, because only some of those cases will be referred to the CPS, we do not know how many cases involve suspects released under investigation either overall or for specific offences. It has always been the case that it is for the police to investigate and to recognise where there is the potential for satisfying the Full Code Test. Under the Director's Guidance on Charging (known as DG6, published at the same time as the Attorney General's Guidelines on Disclosure), it is for the police to decide whether or not to submit a case to us for early advice or a charging decision. Where this is done, our case management system does not currently record whether a suspect has been released under investigation or on bail and we are therefore also unable to advise how many of these involve suspects released under investigation.

Unfortunately, I am also unable to refer you to nationally published police data. Her Majesty's Inspectorate of Constabulary noted in its recent report on this issue that there is no accurate information on release under investigation. I understand that the Home Office is now working with the NPCC to put in place various data collection processes, which the CPS is supporting.

Further to my appearance in June, I would like to take this opportunity to highlight our new National Framework for Independent Sexual Violence Advisors that was published alongside the cross-government end-to-end rape review on 17 June. The review, to which the CPS contributed, found that all criminal justice system agencies need to do better in investigating and prosecuting rape. The



reasons for the decline in charges are complex. However, this does not mean we accept the current disparity between reported sexual offences and cases reaching court, and this review provides an unprecedented opportunity for all of us to work together to drive up the number of prosecutions while maintaining the necessary standards required by DG6 and the Attorney General's Guidelines on Disclosure.

The CPS did not simply wait for the report's outcome to set this work in motion. The new framework, which sets minimum standards for the support of rape and sexual violence victims, is the product of extensive stakeholder engagement and feedback. It will enhance the way in which the police and CPS work with ISVAs and other support services across the criminal justice system. As I outlined in my evidence, it forms part of an extensive programme to narrow the prosecution gap. I would be very happy to share updates with you and the Committee as work on these important issues continue.

Finally, I reiterate my thanks for the Committee's time and their scrutiny of our work. Please do let me know if there is anything further I can do to assist you.

Yours ever,

A handwritten signature in blue ink that reads "Max Hill". The signature is written in a cursive, slightly slanted style.

MAX HILL QC
DIRECTOR OF PUBLIC PROSECUTIONS