

Professor of Judicial Studies, UCL: Director, UCL Jury Project

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 is 63.5%.

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 jury conviction rates on rape charges and how these compare with jury conviction rates for other offences. By

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, 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 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 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

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.

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

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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

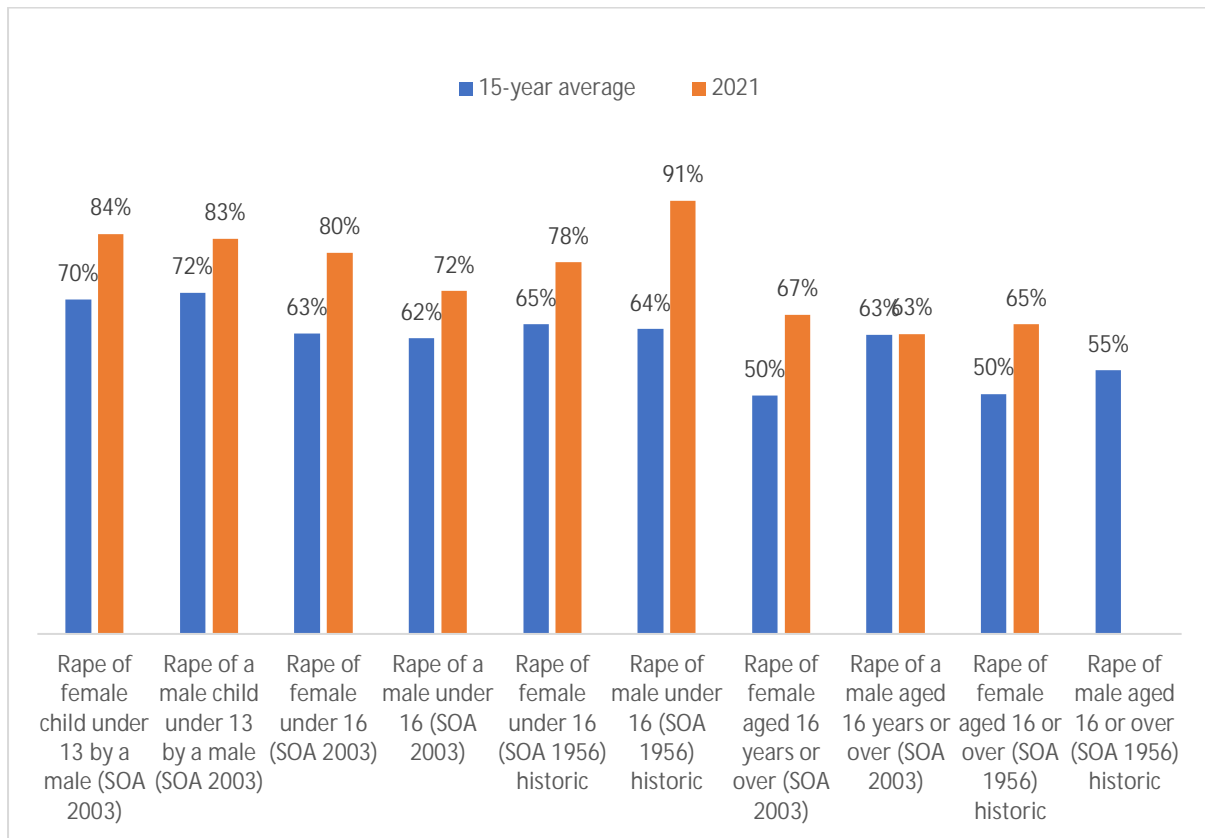
Despite the large fall in rape charges brought by the CPS after 2016, there has been a substantial increase in the number of jury verdicts returned on rape charges over the 15-year period of 2007–21 (Table 5 and Figure 5). In 2007 juries returned verdicts on 3,200 rape charges. In 2021 juries returned 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 7 out of the last 8 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).

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%	

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.

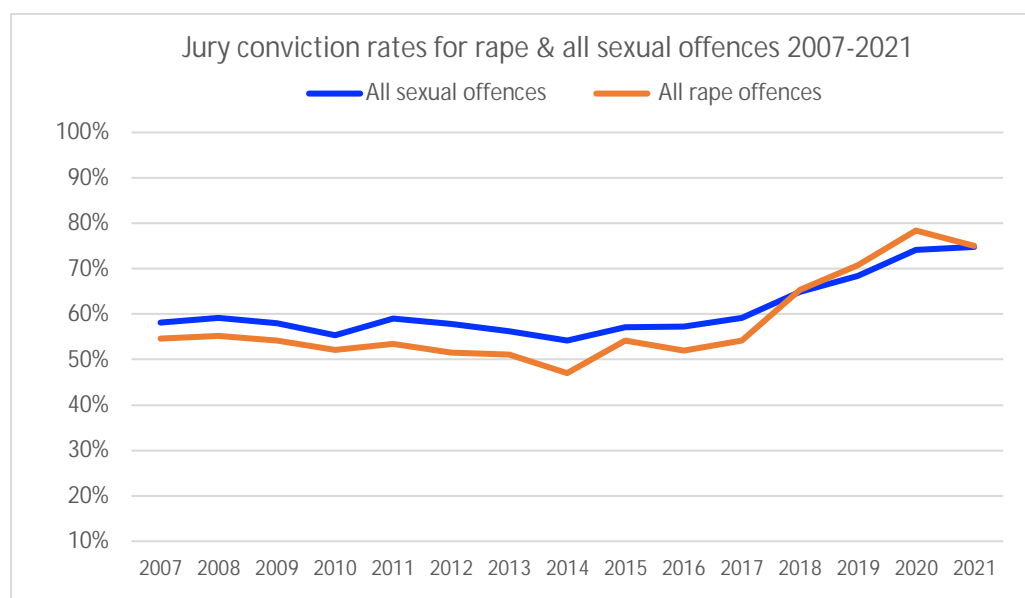
There is also no evidence that when juries deliberate on rape charges they have any tendency to “downgrade” rape charges, i.e. find the defendant guilty of alternative or lesser offences (Figure 12). It is extremely rare for juries to return verdicts of guilty to an alternative or lesser offence on rape 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.

An analysis of the jury conviction rate for each of the 10 individual types of rape offences



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

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.



It has been claimed in recent years that jurors in England and Wales are particularly reluctant to convict young men for rape⁶³. This is based on information provided by the CPS in 2018 about the age of defendants in rape prosecutions⁶⁴ and has led to suggestions that if young men are so rarely convicted of rape by juries then juries may need to be removed from rape cases in future⁶⁵. 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.

⁶³ A. Topping and C. Barr, "Revealed: less than a third of young men prosecuted for rape are convicted" (23 September 2018), *The Guardian*.

⁶⁴ CPS response to Freedom of Information Act 2000 request from Ann Coffey MP, 13 February 2019: <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5efaee5547c4eb43dbada9ff/1593503323197/10.175.pdf>

⁶⁵ Alexandra Topping, "Scrap juries in rape trials, Labour MP suggests" (21 November 2018) *The Guardian*.

being influenced by rape myths.⁷⁰ 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.⁷¹ 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 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.⁷² 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 then 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 rape complainants can manage to have 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.⁷³ There are numerous factors that may deter rape complainants from seeing their complaints through to a jury trial,⁷⁴ but as the End to End Rape Review acknowledged, the exact reasons for such withdrawals remain unknown.⁷⁵ 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.

⁷⁰ 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.

⁷¹ Lord Chancellor and Secretary of State for Justice, *The end-to-end rape review report on findings and actions* (2021), para.114.

⁷² Home Affairs Select Committee Witness Evidence, 7 July 2021, Q59.

⁷³ 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.i 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>.

⁷⁴ Qualitative research conducted for the End-to-