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‘End-to-end’ Soteria pilot study: Findings and recommendations

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Executive Summary

1. **The study.** This pilot study is a first, explorative step towards a report-to-court, 'end-to-end' Soteria model for rape and serious sexual offences (RASSO). To date, the Soteria programme has focused on the report-to-charge ('pre-charge') stages of the criminal justice process. This pilot study maps aspects of the post-charge case journey and explores whether and how a Soteria approach might be applied here. The study was conducted in London in partnership with the Crown Prosecution Service (CPS) London, the Metropolitan Police Service (MPS) and criminal barristers from the independent Bar (the Bar). It draws on 25 case reviews that triangulate the accounts of the officer, CPS lawyer and prosecuting counsel in the case. To these we added six senior leader interviews across the CPS, His Majesty's Crown Prosecution Service Inspectorate (HMCPSI) and the Bar. We also designed and piloted barrister-delivered mock trial sessions for officers, which we observed and combined with a pre- and post-mock trial survey. We further piloted and observed a Soteria training course for barristers prosecuting and/or defending in RASSO cases, including a follow-up feedback survey of participants. The judiciary and victim experiences were out of scope for this study. The study is exploratory, with a small, London-based sample constructed through purposive and self-selecting sampling. This sampling approach allowed us to identify, map and trial a range of issues and potential solutions, and to generate hypotheses and policy ideas. It did not allow us to quantify how common the identified issues are, to generalise to other parts of the country, test hypotheses or rigorously evaluate the trialled interventions.

2. **The post-charge 'cliff-edge' in strategic focus: transparency, oversight and accountability.** The Soteria programme provides a sustained strategic focus and performance tracking regime for the pre-charge elements of the RASSO criminal justice process (e.g. the quality of the police investigation; CPS early advice, action plans and charging decisions). Comparatively little attention, however, has been focused on strategy, performance management, transparency or oversight of the 'post-charge' portion of the justice process. Topics in the post-charge space include the quality of CPS trial strategy and case file preparation; the management of disclosure processes and applications; the quality of instructions to counsel; the quality of the trial preparation including the Plea and Trial Preparation Hearing (PTPH); the use and quality of case conferences and the effectiveness of communication with counsel; support for the officer in the case (OIC) ahead of giving evidence about the investigation at trial; tracking of trial delays, rescheduling, ineffective trials and retrials; and effective feedback from trial back to the CPS and police. A clearly articulated post-charge Soteria strategy and implementation plan are missing.

3. **Practitioner views differ on whether Soteria is — and should be — reaching the courtroom.** Our data suggest that the Soteria approach was used by police and the CPS in the case review sample. Beyond the case review sample, our interview findings suggest that attitudes towards victims, rape myths and assumptions, and approaches to investigations, CPS decisions and counsel's trial strategy appear to depend on the individual practitioner, creating inconsistent approaches. Some interviewees felt Soteria has not yet reached into the courtroom. Other findings from our pilot study suggest that Soteria is, in fact, having an impact on the courts 'by stealth' because the Soteria

approach has become part of the fabric of the prosecution case, and because cases are now going to trial that, pre-Soteria, would have been highly unlikely to progress this far. Furthermore, some CPS lawyers appear to be taking a more assertive stance towards counsel's advice regarding indictments and disclosure applications, to preserve their Soteria-based decisions at trial stage. This shift has been noticed by some members of the Bar, but it is not necessarily being viewed as a positive development. A consistent view amongst barrister interviewees was that they are the experts on courtroom advocacy and specialists in the law as it is applied in court, maintaining that CPS reviewing lawyers typically have no courtroom experience and do not attend trials. We also captured scepticism towards Soteria and even 'anti-Soteria' sentiment at the Bar. Awareness-raising and 'myth-busting' alone may not necessarily remedy this: barristers who attended Soteria training evaluated it as intellectually interesting, but nonetheless not something they could — or would wish to — apply in their advocacy. The size and nature of our samples allow mapping of the range of perspectives surfaced in our data, but do not permit quantifying their respective prevalence.

4. **The Soteria programme must engage with, and learn from, counsel.** Whilst there was some CPS engagement with chambers and the Criminal Bar Association (CBA) when the CPS launched its Soteria National Operating Model (NOM) in 2023, this engagement appears to have dropped off since. There exists no national strategy for systematic, strategic and effective engagement with counsel. This appears essential to build knowledge about the police–CPS Soteria approach, to openly engage with concerns some barristers may have about Soteria, and to combat misconceptions about Soteria before they can take further hold. Further, the Soteria programme is currently not capitalising on barrister expertise. No systematic feedback or learning loops are in active use. Learning from trial is not systematically used to improve police investigations, the preparation of officers giving evidence about their investigative decisions, the quality of prosecution strategies, or the anticipation of defence counsel strategies. The CPS should systematically analyse the feedback it already collects through outcome reports and use it to drive improvement, and expand this to include the Bar in the Soteria learning and feedback setup.

5. **Police, CPS and counsel sometimes hold diverging views on key aspects of the same RASSO case.** Officers appeared to apply a different threshold to what they deemed necessary and proportionate in relation to victim-credibility-related third-party and digital material. Officer interviewees consistently appeared trauma-informed and victim-centred in the way they spoke about the impact of disclosure requests on victims, their awareness of victim rights and needs, and their commitment to rigorously applying the legal provisions in place to protect victims from unnecessary intrusion. Some CPS lawyers characterised this as officers not understanding the law on reasonable lines of enquiry. A small number of CPS interviewees felt that the pendulum had swung too far and officers were now leaving evidence gaps defence counsel could exploit. In other cases, the divergence emerged between police and CPS views on the one hand, and counsel's approach on the other. In several cases, officers and CPS lawyers felt that prosecuting counsel had tested victim credibility against assumptions and misconceptions about rape, rather than against the relevant evidence, and read digital material for what it revealed about the victim rather than the suspect.

6. **The CPS as linchpin, bottleneck and ultimate decision-maker.** The CPS is the owner of the prosecution case, and the ultimate decision-maker on whether and which charges to bring, and the prosecution position vis-à-vis defence counsel disclosure requests (e.g. regarding victim third-party and digital material). The CPS is also the linchpin of information flow between police, CPS and counsel. In practice, officers and barristers sometimes experienced the CPS as a bottleneck that slows down or stops timely and complete information flow. Interviewees, including CPS interviewees themselves, frequently described post-charge case management as reactive rather than directive. Instructions to counsel were repeatedly described as 'thin' or 'late', and the digital evidence strategy was left almost entirely to the police. However, there was some indication that this is changing. In some cases, the CPS pushed back on defence disclosure requests and applications that did not meet the relevance and proportionality thresholds. In others they resisted prosecution counsel's advice to drop or downgrade a sexual offence charge which involved controlling and coercive behaviour (CCB) charges where the CPS lawyer believed the full code test had been met.

7. **RASSO learning and development is uncoordinated across policing, the CPS, the Bar and the judiciary, each with its own arrangements**. RASSO officers in all police forces in England and Wales have received Soteria training. The CPS runs its own internal Soteria training. Barristers who wish to prosecute RASSO cases undertake some training (ranging from viewing online recordings to half-day and weekend events) delivered pro bono by volunteer senior barristers every four years, with no national curriculum or funding. No training is required when defending in RASSO cases. We piloted two interventions. The first, Soteria training for barristers, drew few attendees. Barristers who attended the training and completed the feedback survey found the course engaging and intellectually interesting, but of limited or no courtroom use. The findings further showed that the Soteria pilot training needs to be co-designed and co-led with barristers and tiered by barrister experience. The second intervention, mock-trial training sessions for officers, was delivered by barristers based on officer courtroom needs identified through an officer survey. The survey and our observation of the sessions revealed a gap in the police NOM, which currently lacks a court preparation element.

8. **Digital evidence remains one of the sharpest points of friction in the post-charge Soteria system.** In line with current legislation, CPS reviewing lawyers now routinely push back on disproportionate defence requests for victim phone downloads and third-party material. Officers, too, report resisting requests that appear to be unlawful, speculative digital trawls. This marks a significant shift from the norm of 'fishing expeditions' identified in the original Soteria research (2020–2021). This development causes friction: a minority of CPS interviewees felt officers have gone too far the other way in declining to pursue digital lines of enquiry that later left gaps in evidence the CPS lawyer believed defence counsel might exploit at trial.
   Digital material also continues to be scrutinised unevenly, with incomplete victim downloads sometimes used to question the victim's credibility. Digital learning and development remains inadequate for RASSO lawyers and many police officers, with underlying capacity pressures compounding the problem. Unmanageable CPS caseloads were also found to reduce lawyers' uptake of digital evidence training, leaving digital strategy development reliant on officers, many of whom have themselves been

given very little guidance on how best to do this. Finally, the absence, in some trials, of a case conference, together with underuse of the pre-trial preparation time, including the Plea and Trial Preparation Hearing (PTPH), can mean digital-evidence weaknesses are not addressed until the trial itself.

9. **RASSO cases with a controlling or coercive behaviour (CCB) context present a particular challenge.** One in three police-recorded rapes has a domestic abuse context, and these result in fewer rape charges and convictions than rape in any other relationship context.[1] Where there is evidence of a controlling or coercive behaviour context to a sexual offence, Soteria encourages charging it, so that this wider relationship context becomes part of the evidence heard at trial. Without that context, domestic abuse rapes can be difficult for anyone to understand, including juries.[2] We found opposition to this approach among counsel and, in the view of our interviewees, among the judiciary. A CCB count adds substantially to the case preparation and trial length, which is not recognised by the current fee structure. An additional CCB charge also requires the victim to expose a much greater part of their personal life at trial. The tangible return appears small in that CCB carries a much lower maximum tariff than RASSO offences, and typically runs concurrently, so it does not add to the overall sentence. Yet CCB could be seen as an 'underpinner': where CCB is not charged, the evidential window narrows to the incident itself, potentially decreasing the chances of a conviction on the sexual offence count(s). Although digital evidence often helps prove CCB, interviewees rarely attested to its usefulness, highlighting a lack of awareness of both digitally facilitated CCB and the potential of digital evidence to strengthen a CCB charge. Why that gap exists, and how combined CCB–RASSO charging works in practice, requires urgent further research. A review of the legislation may also be needed to establish how the benefits of a context-led prosecution might be retained while reducing the impact on trial length and the burden on the victim.

10. **Criminal justice practitioners believe that assumptions and misconceptions persist in jury decision-making.** Officers, CPS lawyers and barristers alike considered assumptions and misconceptions to be common amongst juries and, where an acquittal was unexpected, often felt that these were the decisive factor. This is a practitioner perception rather than direct evidence of jury reasoning. The finding illustrates the progress made within the police and the legal profession in readily identifying, and wishing to counter, the potential influence of assumptions and misconceptions. It also raises questions about the effectiveness of the current measures and legal frameworks in neutralising such potential bias in jury decision-making.

11. **Unsustainable caseloads and resourcing, and counter-productive barrister fee structures, are a significant obstacle to improving end-to-end RASSO prosecutions.** CPS lawyers are spread thin across unsustainable caseloads, with some CPS interviewees holding 80 to over 100 cases, roughly double pre-pandemic levels. In some cases, proactive case strategy preparation, timely disclosure of evidentiary materials to counsel, case conferences and communication with police and counsel all suffered as a result. Current barrister fee structures disincentivise timely case

[1] Stanko (2022).
[2] Hohl and Stanko (2024); Pullerits, Myhill and Wiener (2026).

preparation, written disclosure applications and effective preparation of the Plea and Trial Preparation Hearing (PTPH). Fees are paid only once a trial completes and are weighted heavily towards days in court rather than pre-trial written work. Adjusting resourcing and fee structures to incentivise pre-trial work is likely to increase early guilty pleas and proper consideration of disclosure applications. This would better safeguard victims against unnecessary intrusion and improve the quality of RASSO prosecutions. It may also prevent trial delays, reschedules and ineffective trials.

Introduction

Operation Soteria has transformed the police and CPS approach to RASSO. Operation Soteria Bluestone started as a police-academic collaborative programme in 2020, with the CPS commencing its Soteria work in alignment with policing in 2021. The aim of the programme was to improve the quality of RASSO investigations and prosecutions, and to increase procedural and outcome justice for victims and defendants.[3] Complementary police and CPS National Operating Models (NOMs) centre on the principles of suspect-focused, victim-centred and context-led approaches to investigations and victim engagement.[4] The programme has been credited with increasing the number of cases charged while reducing disproportionate intrusion into victims' personal lives and improving victim experience. The number of rape suspects charged by the CPS is now at a 20-year high.[5]

To date, no equivalent Soteria work has been undertaken to improve the quality of RASSO trials at court. The police and CPS NOMs (and the underlying Operation Soteria Bluestone research) focus on the pre-trial stages and currently do not include a dedicated trial-preparation component.[6] Cases investigated and charged under the Soteria model are now beginning to come to trial. Owing to the court backlog, it currently takes, on average (median), 330 days from report to charge, and on average (median) 367 days from the case being sent to court to its completion (472 days if the defendant is not remanded in custody, the norm in adult rape cases).[7] There is emerging concern that the Soteria approach may fall away once a case goes to trial because the courts are not part of the current Soteria transformation programme.[8] The aim of this pilot study is to make a first, explorative research step towards a potential post-charge (court) National Operating Model to complement the police and CPS models.

A note on terminology in this report. In the English criminal justice system, 'complainant' is the proper term, and the term 'victim' is only applied where there is a 'guilty' plea or verdict. This report has a wide audience that includes the public, victims and survivors. We therefore use the term 'victim' to also encompass complainants, consistent with the general convention followed in the Victims' Code of Practice, by the police, the CPS, and increasingly by senior members of the Bar when addressing a public audience via the media and during public appearances.

[3] College of Policing (2023).
[4] College of Policing (2023); CPS (2023a).
[5] CPS (2026a).
[6] Stanko, Crew and Laremore (2026); HMICFRS (2024).
[7] HM Government Criminal Justice Data Dashboard (2026), quarterly figures for adult rape, October to December 2025 (latest published figures), accessed 2 August 2026.
[8] The Guardian (2026).

Methodology

Research aims and design

This is a mixed-methods explorative study designed to create a starting point for a potential post-charge ('courts') RASSO NOM. It applied the collaborative, problem-solving action-research model developed through Operation Soteria Bluestone.[9] This pilot was conducted in London in partnership with the Metropolitan Police Service, CPS London and London-based barristers. Fieldwork ran from February to June 2026.

The study had the following research aims:

1. To map current practice in police, CPS and prosecuting counsel approaches to RASSO cases.

   Methods: Case studies of contemporary RASSO cases triangulating the perspectives of the officer, the CPS reviewing lawyer and prosecuting counsel in the same case. This was supplemented by secondary analysis of Pillar 6: digital forensic evidence and digital investigative strategies, to boost findings regarding the digital forensic elements of RASSO prosecutions from investigation to trial.

2. To explore routes to increasing prosecuting counsel's ability to capitalise on the Soteria approach of conducting a suspect-focused, victim-centred and context-led investigation by providing barristers with a training course closely aligned with the Soteria training undertaken by officers and CPS lawyers.

   Method: Soteria training designed and delivered by Patrick Tidmarsh (part of the Pillar 4 Learning and Development team that designed and delivered this training to the police), followed by a survey of participating barristers.

3. To improve partnership working, effective communication and learning through feedback between police, CPS, and prosecuting counsel.

   Methods:
   An online officer survey was conducted to elicit the issues/problems officers encounter in the witness box when giving evidence in a Soteria investigation. This was followed by barrister-delivered courtroom skills training for specialist RASSO officers, which was developed following analysis of the survey findings. The training included:

   - Mock evidence-in-chief and cross-examinations;
   - Explanations from counsel about how they view and approach cases; and
   - Explanations from counsel regarding the rationale for asking particular questions in examination and cross-examination.

[9] See Stanko (2022); Hohl and Stanko (2024).

The focus of this study is on police, CPS and counsel approaches to prosecutions. Victim experiences of the criminal justice process sit outside the scope of this pilot, and victims have not been interviewed as part of this study. The report therefore does not contain victim voices (see also Limitations). The study received ethics approval from the Department of Sociology and Criminology Ethics Committee, City St George's, University of London (ETH2526-0941).

Data and analysis

The study drew on multiple data sources, summarised in Table 1. We applied purposive sampling for RASSO case studies, stakeholder interviewees, survey participants and mock trial officer participants. Cases and participants were selected for their relevance to post-charge RASSO case handling and to surface a broad range of views and perspectives, rather than to achieve statistical representativeness.

Table 1. Overview of data sources

Data source	Detail	N =
Case studies	Charged RASSO cases reconstructed from case-linked interviews	25
Case-linked interviews: police	Officer(s) in the case / SOIT officers	16
Case-linked interviews: CPS	Reviewing lawyers	17
Case-linked interviews: counsel	Prosecuting barristers	4
Senior stakeholder interviews	3 CPS, 1 HMCPSI, 2 senior barristers	6
Mock trial observation	Mock trial sessions for specialist RASSO officers, Wood Green Crown Court	3 sessions (6–10 participants per session)
Officer online survey 1 (pre-mock trials)	RASSO officers: survey on difficulties faced during cross-examination	85
Officer online survey 2 (post-mock trials)	Post-session feedback from participating officers	7
Barrister training sessions	Soteria/'Whole Story' sessions for barristers	3 sessions (8–12 participants per session)
Barrister feedback survey	Post-session feedback from participating barristers	7

Secondary interview analysis (Soteria Y1 Pillar 6)	Interviews with RASSO and Criminal Investigation Department (CID) officers and digitally specialised officers/staff across three forces. Framework analysis was used to identify barriers, facilitators and innovative practices relating to the use of digital material in RASSO cases.	40
Secondary case analysis: case reviews (Soteria Y1 Pillar 6)	Review of RASSO cases involving digital material from 01.01.2018 to 01.01.2021 across a range of outcomes (charged, no further action (NFA) and victim withdrawal) and relationship classifications (stranger, domestic and acquaintance).	53

Case-linked interviews. Twenty-five charged RASSO cases were identified by the MPS and CPS London. Cases were purposively sampled by the MPS and CPS London for a recent verdict (between August 2025 and January 2026), and were purposively selected to include cases in which the police and the CPS believed they had followed the Soteria principles to produce a strong prosecution case, but the case resulted in an acquittal on all RASSO charges (n = 20), with a further five cases in which there was at least one guilty verdict on a RASSO charge (n = 5) for comparison. Two cases that resulted in guilty verdicts had involved a retrial after juries were initially unable to agree upon a verdict. This sample composition must be kept in mind when interpreting the findings, as it means the findings are likely to document problems encountered at trial more than good practice. Given the small, non-random sample, the study can surface issues encountered in real cases that recently went to trial, but does not permit causal claims or generalisations. The sampling approach also precludes quantification of the prevalence of issues. For this reason, the findings section does not state percentages or specify exact numbers of cases, to preclude figures being cited without this caveat.

Interviewee participants were recruited with the help of our research partners. The MPS invited the officer in the case (OIC) in the sampled cases on behalf of the research team, and CPS London replicated this approach with the reviewing CPS lawyer and prosecuting counsel in the sampled cases. Interview participation was voluntary. Triangulating interviews with officers, CPS lawyers and barristers who had acted in the same case allowed each case to be examined from investigation through to charge and then to the trial from the three different perspectives. Judges, defence counsel, parties in the case (e.g. defendants, victims and witnesses) and victim support workers were outside the scope of this pilot study.

Interviews followed a topic guide covering the interviewees' understanding of what occurred in the case, the police approach to the investigation and investigative decisions on relevant (or irrelevant) lines of enquiry, perceptions of the strength and relevance of the evidence available in the case (including any digital material), the CPS prosecution strategy, working with counsel, digital investigation and prosecution strategy and digital evidence disclosure, perceptions of the trial itself and the outcome of the trial. Interviews lasted between 30 and

75 minutes and were audio-recorded and auto-transcribed in MS Teams. Transcripts were then manually checked against the audio recording and corrected as required, anonymised and then initially coded using a coding frame derived from the interview guide. Codes and themes were refined and interpreted through recurring discussions between the researchers.

In some cases, not all parties involved in the case could be interviewed, either because they had changed role or left policing or the CPS, or because of a high rate of non-response to the barrister interview invitation. As a result, in only four cases were we able to capture the perspectives of police, CPS and trial counsel. In thirteen cases we were able to capture the perspectives of police and CPS (CPS lawyers do not attend court but did review the trial attendance notes from prosecuting counsel to be able to provide an informed perspective on the trial). A further eight included only one interview, which was with either the officer or the CPS reviewing lawyer in the case.

Senior stakeholder interviews. Six semi-structured interviews were conducted with strategic and policy stakeholders (three from the CPS, one from HMCPSI and two from the Bar) to elicit their perspectives on the current challenges in RASSO cases, the applicability of the Soteria method to the trial stage, and to situate the case-study findings within the wider policy, inspectorate and barrister practitioner context. Interviews took place on MS Teams and were auto-transcribed, manually checked, coded, anonymised and analysed as above.

Mock trial observation and the two officer surveys. This strand comprised barrister-led courtroom training for specialist RASSO officers, with the aim of uncovering issues with answering questions about a Soteria investigation when called as a witness at a trial, and deepening mutual understanding between officers and counsel of one another's roles. This data collection strand had three steps. First, a pre-mock trial online survey of 85 RASSO officers was used to elicit the difficulties officers report during cross-examination. These findings informed the design of the training and the findings in this report. Second, the research team observed three mock trial/cross-examination sessions delivered by barristers for RASSO officers at Wood Green Crown Court. Third, a post-session feedback survey of participating officers (n = 7) was employed to evaluate the training sessions, including the value of direct barrister input into officer training. Basic descriptive analyses were conducted for the closed questions, and open questions were used to provide detail, explanation and further context for the quantitative findings.

Barrister training, feedback and observation. This strand piloted how the Soteria approach might be taught to prosecuting barristers. Dr Patrick Tidmarsh designed and delivered the training programme divided into three 90-minute, in-person training sessions. The training programme was closely modelled on the police Soteria training. The training was evaluated through a feedback survey of participating barristers (n = 7), supplemented by the research team's structured observation of, and reflection on, the sessions.

Digital evidence workstream. A dedicated workstream on digital evidence comprised re-analysis of existing Operation Soteria data. The data drawn from Operation Soteria Pillar 6 included 40 qualitative interviews with RASSO and CID officers, alongside force digital specialists, who were both officers and police staff, from three of the Soteria Pathfinder forces. The dataset also comprised 53 case reviews spanning a three-year period (January 2018 to January 2021), representing a range of case outcomes (charged, NFA and victim withdrawal) and relationship classifications (stranger, domestic and acquaintance). The case review sample was drawn from the same three police forces as the interview data.

Interview data drawn from Pillar 6 of Operation Soteria was analysed using framework analysis, while the case reviews underwent comparative analysis to examine differences across case outcomes and processes. As part of the analysis we recorded the case summary, the types of digital material sought, the stated rationale for extraction, the recording of any less intrusive considerations, the rank of the authorising officer, and whether a digital strategy was mentioned or recorded.

Limitations

The study is qualitative and exploratory. The study was designed to map approaches to prosecutions across police, CPS and counsel, with victims' experiences of the criminal justice system outside the scope of this study. Victim experiences need dedicated consideration through a study design that includes victim voices. Some of the initially planned research components could not be delivered. The initial research design included observation of a small number of police–CPS–counsel case conferences, supplemented by participants completing short reflective surveys on whether their case strategy changed as a result, in order to assess whether such conferences would strengthen alignment between police, CPS and prosecuting counsel and improve the quality of prosecutions. The project timescale proved too short to overcome the practical and data-sharing challenges involved in such observations of live cases. The initial research design further included a quasi-randomised trial designed to test whether providing barristers with Soteria training had a measurable impact on their pre-charge advice, case conference discussions and/or prosecution approach at trial, and on the case outcome, case timeliness and the quality of the investigation and prosecution. We were unable to complete this element of the research due to the short project timeframe.

Due to the purposive sampling approach outlined above, the findings in this study must be treated as descriptive. The case sample is also weighted towards acquittals, with 20 of the 25 cases resulting in an acquittal and five in at least one guilty RASSO verdict. This was intentional (as set out above) but it means there are more findings on challenges and difficulties than findings on good practice. Further, the pilot study took place in London and has yet to be replicated in other regions. The study did not include the judiciary or defence counsel; hence their views are not captured.

Findings

1. The post-charge 'cliff-edge'

There is a clear regime of Key Performance Indicators (KPIs) and tight quality assurance regarding the quality and timeliness of pre-charge activity, such as the quality and timeliness of Early Advice, CPS action plans and charging decisions. This was confirmed across CPS interviews and is also evidenced in HMCPSI inspection reports.[10] CPS and HMCPSI interviewees were unanimous that there was comparatively less attention, fewer KPIs and less quality assurance for post-charge CPS case work and timeliness. The HMCPSI interviewee stated that while a post-charge Soteria inspection had been planned, it has not taken place due to feasibility issues — the court backlog and resulting long delay in Soteria-

[10] HMCPSI (2022a); HMCPSI (2022b).

investigated/charged cases going to trial have meant that Soteria-investigated and -charged cases are only just beginning to reach the courtroom.

Whilst HMCPSI is yet to carry out a RASSO-specific post-charge inspection, some elements of post-charge case management are covered by other inspections. HMCPSI London North and London South baseline assessments (both published in 2022) examined 20 RASSO files.[11] These 2022 inspection reports suggest that pre-charge reviews were often simply copied into post-charge reviews, which, where the original was poor, carried the defect forward. Instructions to trial advocates met the expected standard in only 6.3% and 10.5% of sample cases, respectively, with neither CPS London area routinely setting out acceptable pleas. The national composite assessment report shows this is not a London-specific problem, with similar issues identified in other CPS areas across England and Wales.[12]

The sparsity of post-charge inspection does not mean scrutiny or quality control post charge within the CPS is absent. CPS senior leader interviewees all stated that there were strict, routine internal processes at case level. The quality of post-charge case file reviews and trial preparation is checked as part of routine supervision when problems emerge (CPS Senior Leader Interviews 1, 2 and 3). At an organisational level, though, KPIs and the CPS NOM were oriented towards pre-charge improvements:

> *"It was a gap at the time [we set up Soteria] and probably remains one now"*
>
> — CPS Senior Leader Interview 1

The independent research report commissioned by the CPS at the start of its Soteria journey did include a section on post-charge case progression and trial readiness, as well as on the working relationship between the CPS and barristers. In this report, King, Munro and Young Andrade (2024) found that CPS reviewing lawyers tended to define a well-prepared case in administrative terms (e.g. being organised, no actions outstanding, evidentiary material served on time) rather than in terms of the quality of trial strategy articulation as required by CPS legal guidance. Barristers interviewed for the King et al. (ibid.) study confirmed that a trial strategy was frequently absent when they had been instructed and left to them to devise, some taking the view that this was because CPS reviewing lawyers lacked sufficient trial experience to develop one. The report also corroborates the HMCPSI's earlier findings of substantial non-compliance with the requirement to hold a case conference in every RASSO case. Further, the report found that reviewing lawyers received no feedback on how the strategy was actually run at trial, relying on notes from paralegal staff who were given little specialist RASSO training. The report calls for courtroom attendance by CPS lawyers to close that learning loop.[13]

Our 2026 interviews with CPS reviewing lawyers, senior CPS leaders and barristers suggested that these post-charge issues have remained unchanged since the introduction of the CPS NOM. All senior CPS interviewees expressed a view that expanding Soteria to post-charge processes, and into the courtroom, was necessary, but that this would require significant further work:

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[11] The fieldwork underpinning these inspection reports was carried out during the Covid-19 pandemic and this may have affected the findings. However, it is the best evidence there is, since there has been no RASSO post-charge inspection since, with RASSO having been excluded from subsequent recent area assessments.

[12] HMCPSI (2023).

[13] King, Munro and Young Andrade (2024).

"It's not just post-charge, but what happens at court. I think there's more work for us to do… How do we get this procedure to embed in the courts, with the bar, with the judiciary, and also — what's our lawyers' role in what's going on at court, because they're not really at court? So there's a piece of work for us to do, which is that sort of 'Soteria at court', which we're starting to discuss with policing. We will need to engage with the judiciary more on some of this. It is very challenging, and it's challenging because of the huge backlogs in the Crown Court — that's a massive focus for the judges — but it's something we definitely need to [address]."

— CPS Senior Leader Interview 1

2. Soteria across the criminal justice system

The Soteria approach is embedded within policing and the CPS

Evidence from our findings suggests that the Soteria approach is embedding within the MPS and CPS. Within our sample, we found clear evidence of an investigative and prosecutorial shift within policing and the CPS compared to the 2020–2021 baseline Soteria research, and findings from the 2021 Rape Review.[14] Based on our interviews with officers and CPS reviewing lawyers, in most cases in our sample there was good alignment between the two on the understanding of sexual offences, the approach to assumptions and misconceptions, a strength-based approach to charging decisions, and compliance with the legislation limiting victim third-party material, sexual history and unnecessary digital evidence disclosure.

This was borne out in RASSO officer and CPS reviewing lawyer language when discussing victims and suspects: the way potential assumptions and misconceptions were dealt with head-on, the deployment of understanding of trauma and victim reactions, and consideration of victim rights, wishes and needs. Officers and CPS reviewing lawyers consistently referred to suspect-focused/suspect-centric approaches to investigation and prosecution decisions, and victim-centred/victim-focused approaches to victim rights and needs. This is consistent with the shift in official policing and CPS publications,[15] in public statements by senior leaders[16] and in oral evidence given to the Commons Justice Committee by the Director of Public Prosecutions, Stephen Parkinson.[17] It is also consistent with the rise in the volume of rape cases referred to the CPS for charging decisions, with recent figures showing that the CPS now charges 79% of the rape-flagged cases referred to it, and that the number of rape-flagged suspects charged has reached a 20-year high.[18] The conviction rate has held broadly steady even when charge volumes rose sharply[19] following the implementation of the police and CPS RASSO NOMs.

One CPS senior leader suggested that this shows the CPS is not simply charging weaker cases, and that if the rest of the justice system (the courts) had transformed similarly, conviction rates would now be higher:

"What's interesting is, despite the fact that charges have increased significantly over the period, broadly the conviction rate has remained static, because before there was

[14] Stanko (2022); HM Government (2021).
[15] CPS (2024a); Stanko, Crew and Laremore (2026).
[16] Stanko, Crew and Laremore (2026); CPS (2026b); CPS (2026c).
[17] Justice Committee (2026).
[18] CPS (2026a).
[19] CPS (2026d).

that concern that we were just charging. [The rate has] dropped slightly, but if you're looking at a longer period, what you haven't seen is it come off a cliff, and [we're not] just charging cases that aren't going anywhere. But I still think that if the rest of the system had done what policing and the CPS had done, we would be in a different place with the conviction rate."

— CPS Senior Leader Interview 1

Perspective 1: Soteria has not reached the courtroom

Our interviews and surveys found that the majority of officers and CPS lawyers felt this cultural shift has not extended into the courtroom — specifically how counsel run trial strategies and how judges handle cases at trial. One CPS interviewee commented:

"I don't think Operation Soteria has filtered out to the courts in any way, shape or form, quite frankly. I don't think judges are aware of it."

— CPS Interview 9

Similarly, police survey respondents asked for training on how to communicate Soteria principles to the courts, because:

"it really doesn't seem as though barristers or judges have any idea about how we investigate and specifically how we [now] treat victims in RASSO offences."

— Police officer survey response

All CPS senior leader interviewees confirmed that when Soteria launched, regional CPS areas engaged with local chambers, but conceded that this engagement may have dropped off, and was always at a much lower level than the engagement with police forces and CPS RASSO units:

"it's clearly not had the sort of impact that it's had on policing and CPS"

— CPS Senior Leader Interview 3

Police and CPS were offered a comprehensive, sustained programme of webinars, learning events and written documents which comprised the NOM, and *"there was a real conversation with [police and CPS] practitioners along the way, and that was as important as the eventual destination"* (ibid.).

This finding is not surprising given the Soteria programme has not, to date, included the judiciary or the Bar. Transmitting the Soteria approach to counsel currently relies on CPS instructions to counsel within individual cases, and the hope that prosecuting counsel can capitalise on the improvements that have been made to the police investigation and CPS file preparation without being expressly informed of the underlying changes in practice.

Perspective 2: Soteria is reaching the courtroom — by stealth

The interviews produced some evidence that the Bar is noticing a shift in the CPS approach. Asked generally about challenges in RASSO cases, one interviewee observed:

"There used to be much more weight given to the advice of the trial counsel, who's the barrister. So I think that's one of the big challenges — the barrister who's conducting the trial has much more of a feel of the case generally; when they're at court, they're prepared, they're ready, they know the challenges within the case… and that's not

always being followed by the CPS, or increasingly it's not followed, and it used to be followed much more. So, I think that's one of the key challenges."

— Senior Barrister Interview 1

Pressed on how the CPS relationship has changed, the interviewee elaborated on the tension between specialist advocacy expertise and CPS case ownership:

"I think there's a tension here, because from the bar's perspective, the barristers are the specialists who are conducting these cases — the specialists in the law, the specialists in trials, the specialists in the advocacy."

"It certainly used to be that the working relationship with the CPS was that the lawyer would listen and give weight to the barrister's opinion. And I think that's the tension which has developed. And we see it specifically in RASSO cases."

"If it was flipped the other way around, which seems to be the way it's being approached, the CPS lawyer generally will not have had any experience of prosecuting a rape trial in court. So even if you just approach it from the logic of the barrister hearing from the CPS what will happen in court with that sort of evidence — of course it should be the other way around, where the barrister is able to advise. And similarly with the police: the police are in court, they've seen many cases; their opinion should carry weight as well."

— Senior Barrister Interview 1

The interviewee stressed this was not a "power struggle", and that the officer in the case and the victim must be content with any change of direction before counsel's advice is taken forward; the core point was that the barrister holds specialist legal and trial knowledge that CPS lawyers, who do not attend trial, are lacking.

CPS senior leader interviews corroborated that this shift is intentional, and in fact the route the CPS has identified for bringing the Soteria approach into the courtroom:

"Counsel will sometimes say that they don't even want the CPS to turn their mind to case strategy, because that's their business — that's their expertise, and they'll be the ones to decide it. Whereas we would absolutely want to ensure that a case strategy, which is very much built around the suspect-centred approach, with a clear understanding of the victim at the centre of it — we would want that to translate into what then happens in court… So we don't want prosecuting counsel to ask us, why didn't you get the full phone download? We want them to understand from the outset that we have narrowed our lines of inquiry for very good, principled reasons. So that was the focus of the post-charge bit within our operating model. It didn't really expand any beyond that."

— CPS Senior Leader Interview 3

Approaches to victim third-party and digital material disclosure requests

Digital evidence and third-party material (TPM) requests emerged as a particularly contested issue and illustrative of the 'Soteria by stealth' perspective. Police interviewees, but also CPS lawyers, frequently perceived defence disclosure requests as disproportionate, including requests for medical, school and social services records, counselling notes and extensive victim phone downloads and social media trawls. Our findings suggest that CPS reviewing lawyers are now routinely, and seemingly successfully, pushing back on defence

counsel disclosure requests and applications for adducing disclosed material into evidence, suggesting a potential shift in approach in line with Soteria principles, and a move from the Soteria baseline research that found that 'fishing expeditions' for victim third-party material and digital material were the norm.[20]

> *"They [defence counsel] are not automatically entitled to the full [phone] download. And it often becomes a source of conflict between defence and the CPS."*
>
> — CPS Interview 2

A small number of officers felt the burden of resisting disproportionate requests for digital material tends to fall to them rather than to the CPS. Officers were careful not to speculatively seize third-party and digital material from victims unless they believed it strictly necessary and proportionate to do so. Officers seemed acutely aware of the profound impacts such requests may have on victim mental health, and willingness and ability to stay with the criminal justice process:

> *"I tend to have to push back. I've not seen many instances where defence files for something and CPS push back. It usually comes to me first, at which point I push back and CPS goes, oh, I see your point, push back."*
>
> — Police Interview 1

> *"She has said that I can download her phone, but I'm just not doing it because it's just not relevant… I'm just not putting her through that because then she's going to be on a ward without a phone, it's just not happening."*
>
> — Police Interview, Case 21

> *"Because we were following Soteria principles quite strongly, we didn't elect to download her phone."*
>
> — Police Interview, Case 2

There were also a small number of CPS interviews which suggested that the 'pendulum may have swung too far' with officers now not pursuing directly relevant lines of enquiry and collecting victim third-party and digital material when it should be collected, potentially creating delays and issues closer to or at trial:

> *"Police now won't interrogate complainants' phones."*
>
> — CPS Interview 7

> *"Police won't ask for the phone and they'll just… ask the complainant to send some screenshots. So a complainant will send the most damning screenshots… and then defence will say, well, you're cherry picking. And that's… a reasonable line of argument from the defence."*
>
> — CPS Interview 7

Our case interviews also included cases in which officers accepted that extensive victim third-party and digital disclosure was "*right and necessary for a fair trial*" (Case 5). Overall, however, it appeared that police, CPS and counsel frequently had differing views on what was relevant, what was proportionate and what could and should be adduced into evidence at trial. Where differing views emerged in the case interviews, officers would appear to apply

[20] See Hohl and Stanko (2024).

a different threshold to what was necessary and proportionate, often having kept the impact on the victim's mental health and risk of withdrawal in mind. For some CPS lawyers, the problem simply boiled down to officers not being lawyers and not having a full grasp of the law:

> *"Most police just don't understand the law around disclosure… A lot of officers don't understand really basic things about reasonable lines of inquiry."*
>
> — CPS Interview 7

In contrast to Perspective 1 (above), these findings suggest that in some cases, Soteria appears to reach into the courtroom through the CPS (and police officers) being more assertive towards counsel to ensure their suspect-centric and victim-focused approach remains intact and is not undone as the case moves towards trial.

Perspective 3: Scepticism towards Soteria

A number of participants suggested scepticism towards the Soteria programme amongst some members of the Bar. Some of this appeared to be based on assumptions and misconceptions about the Soteria programme itself. This was most clearly articulated in a barrister training feedback survey response:

> *"There is deep suspicion and concern at the Criminal Bar about this whole project. This seems to be an anti-defendant academic bias attempt to reshape the CJS [Criminal Justice System]. The last Rape review [2021 End-to-end Rape Review] by government was utterly hopeless, moved as it was by the "victims" lobby. It was prompted by "we are not convicting enough rapists"; which fails to have at its forefront of thinking the presumption of innocence, interferes with current law, CPIA [the Criminal Procedure and Investigations Act 1996], police investigation in a fair way and promotes "deceitful" policing practice in terms of disclosure…What Soteria does is to evade critical investigation. Soteria, properly challenged in court, as it will be, is the wrong direction… Not all rape cases are the same, different types need different approaches. The police must never have a starting point of "we believe the complainant". Thereby goes unfair, usually failed investigations. This is a clash of ideologies that is looked forward to as court confrontations arise due to growing anti Soteria sentiment"*
>
> — Barrister Soteria training feedback survey respondent 6

This response reflects a range of misunderstandings. Operation Soteria has not changed current law or disclosure rules. It seems that Soteria has become conflated with separate recent clarifications of the disclosure test by the Attorney General,[21] and with legislative changes affecting requests for, and extraction of information from, digital devices[22] and third-party material.[23] Soteria and the police Authorised Professional Practice for Investigations (APP) require officers to explore counter-intuitive behaviours from the outset, to test their evidence and thinking, and to follow all relevant lines of enquiry both towards and away from

[21] Attorney General's Office (2024).
[22] Police, Crime, Sentencing and Courts Act 2022, Part 2, Chapter 3.
[23] Victims and Prisoners Act 2024, s.28, inserting Chapter 3A into Part 2 of the Police, Crime, Sentencing and Courts Act 2022. See also Home Office (2026).

the suspect (suspect-focused investigations).[24] The NOM does require police and the CPS to be victim-centred, in that it asks them to keep victims' rights, wishes and needs at the forefront of their minds when engaging with victims and witnesses, and when making decisions that affect them. There is a risk that misconceptions about Soteria may grow amongst the Bar without intervention to correct these.

Misconceptions were not limited to the Bar. Some police and CPS interviewees also conflated recent legal clarifications with Operation Soteria, perhaps because they coincided with the launch of the NOMs, and reflect the same approach to upholding victims' rights. Several officer interviewees mentioned Soteria when deciding whether to download a victim's phone, and one CPS interviewee argued against what they characterised as Soteria's approach to digital devices:

> *"So, I know it flies somewhat in the face of Soteria, but my preference from an evidential basis would be for the police to make a proper inquiry into the complainant's phone and to be warned, to warn complainants, that if they are not surrendering their phones, that it may cause evidential problems and it could even result in a trial collapsing or an acquittal which is unmerited."*
>
> — CPS Interview 7

However, most interviewees and barrister survey respondents, including senior barristers, welcomed efforts to improve RASSO investigations and prosecution quality, while noting that Soteria's limited engagement with the Bar has meant missed opportunities to draw on barrister expertise and buy-in. One senior barrister said:

> *"There's not been any proactive engagement on specifically Soteria with the Bar Council. They might have been more proactive with the CBA [Criminal Bar Association]. The composition of Soteria at one point didn't actually include barristers within it… if you don't actually include the people who are the practitioners — who are prosecuting the cases and defending in the cases — then it's quite hard to also bring them along."*
>
> *"People who work in RASSO cases will certainly have heard of it, and they will be informed as to the changes, particularly with the police and the CPS — but I'm not sure it's landing as making any particular difference to what already occurs in court."*
>
> — Senior Barrister Interview 1

Perspective 4: It all depends on who you get

A pervasive theme was inconsistency and variation between individual officers, CPS lawyers and barristers. While this theme is broader than the question of whether, and how, Soteria may be reaching all parts of the justice system, it is perhaps most fitting to add as a fourth perspective here.

When asked about other criminal justice professionals, all practitioners acknowledged that the quality of work and interpretation of what is best practice (Soteria or not) varied between individuals. For example, when discussing CPS requests for third-party material about the

[24] See Hohl and Stanko (2024).

victim, Police Interview 1 noted that it "*comes down to the lawyer more than the CPS level",* and later added:

> *"I'd say 65% [of reviewing lawyers] are supportive and are generally quite good and will make reasonable requests after charge… It's that unfortunate 35% that everyone's very vocal about."*
>
> — Police Interview 1

Inconsistencies were most apparent in the case reviews, where a change of CPS lawyer assigned to a case altered the approach taken. In Case 24, the officer in the case highlighted that when the reviewing lawyer went on annual leave, the covering lawyer tried to "shut it [the case] down", compelling the officer to argue that his/her case needed to be kept open until the original lawyer returned (Police Interview 5). Similarly, in Case 27, the officer described the contrasting approaches of two CPS reviewing lawyers involved:

> *"She [charging lawyer] was amazing… and then after that it was just like hell on earth for [complainant]… It was very much like CPS trying to find things about her that she must have, like, consented. Like, she was just drunk… she was kissing him, so she must have enticed him [even though she appeared unconscious in the videos]."*
>
> — Police Interview 2

Senior leaders also recognised this inconsistency between CPS lawyers in adopting a Soteria approach, and described steps taken to address it through training and supervision, with one manager noting:

> *"We keep running training sessions… so we're still pushing"*
>
> — CPS Interview 14

Similar variation emerged in the re-analysis of original Soteria data on digital knowledge. Although conducted four years ago, before Soteria's implementation in the police and CPS, these interviews highlighted inconsistencies in awareness of how digital evidence could be presented and interpreted, which fed through to trial:

> *"Our Detectives don't really get what the options are… They don't necessarily know what the options are nor how to interpret it. And then they inform barristers, barristers inform courts, and then from that point anything that we say can often be misinterpreted or misconstrued."*
>
> — Soteria Pillar 6 Police Interview (re-analysed)

Inconsistencies were also noted between barristers, judges and even Crown Courts. One case review contrasted the first prosecuting counsel:

> *"very old-fashioned, very very pompous"*, with the second, instructed a few weeks before trial: *"honestly unreal… very victim focused, very victim sensitive"*
>
> — Police Interview 2

Officer and barrister interviewees also described judges as varying in their approach to intervention at trial, disclosure rulings (CPS Interview 9), and confidence in adjudicating RASSO cases. Others felt it *"always comes down to the particular court that they're in"* (Police Interview 15). Views on specific Crown Court centres also varied between officers

and barristers, which interviewees attributed to differences in the jury pool between catchment areas.

In sum, much depends on the officer, CPS lawyer, barrister, judge and jury in a case, with handovers between officers or CPS lawyers, or a change of counsel, adding complexity and increasing the risk of a disengaged approach. Given the non-random sample, the data cannot quantify how prevalent particular approaches or issues are — they merely map the range of perspectives apparent in our London-based study.

3. The CPS as the linchpin

Actively managing vs. 'babysitting' cases

In law, the CPS has a duty to take over the progression of cases after charge. In the case-linked interviews, we found that in many cases, the approach post charge is reactive (responding to requests from counsel or police) — passively '*holding'* cases rather than actively leading them (see Perspectives 1–4 above on there being a variety of views).

In case interviews, numerous CPS reviewing lawyers could not recall details of a case in their own caseload (all of which had a recent court outcome) and relied heavily on the case notes to answer interview questions. Some expressly remarked that the high caseloads make it difficult to hold any one case in mind.

Cases where the CPS reviewing lawyer changed, especially post-charge, were reported as sometimes being passively held rather than actively managed. Several interviewees said that inheriting a case post-charge left them less on top of its details and consequently less likely to actively manage it or take decisions that alter the course of the case. The threshold for dropping or changing charges appeared correspondingly high in these instances. As one CPS interviewee put it:

> *"I had to just babysit it so I really don't know more than what I've read. I couldn't take the view to drop it because it's just not how it's done in the CPS…If someone has reviewed it thoroughly, made a considered decision and charged it, unless something else pops up that… sort of undermines the whole case, you just run with it."*
>
> — CPS Interview, Case 15

Trial counsel appeared to often be left to manage trial strategy, with the CPS reduced to…

> *"…a bit of a middleman just going back and forth [between us and counsel]"*
>
> — Police Interview 1

This was particularly true of digital-evidence strategy: CPS reviewing lawyers relied heavily, and sometimes entirely, on the police for digital material and decisions, rarely questioning or suggesting digital lines of enquiry themselves. The CPS's role appeared largely limited to passing evidentiary material between police and counsel, rather than actively directing the digital strategy.

In one case review (Case 14), the officer was frustrated that a piece of digital evidence was excluded from court without explanation. In the officer's view, the material would have shown that the defendant was lying about a medical condition, which was central to his defence.

The officer felt that the CPS should either have included it in the trial strategy or explained why the officer was wrong to think it relevant and admissible.

Some barrister interviewees said the CPS was relatively absent in managing counsel ahead of trial, and not altogether unwelcome. They felt they had the trial expertise to "*knock the case into shape*" and described CPS lawyers as lacking trial experience and court craft, echoing the view that barristers see themselves as the specialists in trials and the law. A number of CPS interviewees corroborated this *"hands off"* post-charge approach, describing their role as "*responding to*" issues raised by counsel, confirming a broadly reactive picture.

Particularly passive approaches were observed when the CPS responsible lawyer was absent, and the on-call duty lawyer was required to step in during or on the eve of a trial. A senior barrister observed:

> *"[Duty lawyers] are often reluctant to make decisions on anything. They often require an email setting out in detail what is required and why, due to their unfamiliarity with the case. It can be very time consuming and arduous to get any outcome. Many such lawyers have a risk averse mindset of "what's the safest thing I can do without laying myself open to possible future criticism? This is no way to run a case."*
>
> — Senior Barrister Interview 2

In contrast, in other case interviews, the officers and/or barrister praised the CPS reviewing lawyer in the case for "*being proactive and involved*" and as *"a top reviewing lawyer"* (Barrister Interview, Case 9), demonstrating engaged ownership and "*a real grip"* of the issues in the case, careful and thorough case preparation, including multiple reviews post-charge as new issues emerged, and fast and effective communication.

Communication between police, CPS and counsel

Trial preparation requires close working between the police, CPS and trial counsel, and clear communication between them is likely to improve the quality of the prosecution. The case interviews show examples of both excellent working relationships and of communication breakdown. The CPS sits at the centre of this tripartite relationship. The case file interviews, along with discussion during the barrister-delivered mock trial training for officers, reveal that when the CPS is perceived by some as non-responsive, slow or passive, officers and barristers alike see this as detrimental to the prosecution case. Officers and prosecuting barristers spoke about this, on occasion, having led them to bypass the CPS altogether, and communicate directly.

> *"I just felt that the counsel was just more communicative and explained every step… and it wasn't until I really spoke to the actual counsel that, like, the reason why we need this [disclosure or particular additional piece of evidence] is because of this…"*
>
> — Police Interview 11

Officers and barristers consistently felt that direct communication between them was helpful, avoided delays and served the interests of the prosecution. During the mock-trial training for police officers, we observed extensive discussion between police and the barristers delivering the training about this issue. Police participants raised recurring frustrations about not being invited to case conferences by the CPS, and about being unable to contact prosecuting counsel directly because the CPS had redacted their contact details or told them

not to. Barristers, in turn, noted that direct communication with officers was helpful and time-saving to them, and that officers often passed on helpful evidentiary material that the CPS had not shared.

Some barrister interviewees suggested that the disjointed IT infrastructure is causing communication and document flow problems and creates the perceived need for direct police-counsel communication. The IT system used to share files and communications between the police and the CPS is separate from the IT system used to share files and communications between the CPS and counsel. Counsel cannot access the police–CPS system, and vice versa. Officers may therefore believe that material they have uploaded is visible to counsel when it is not. However, most officers and counsel appear to be cognisant of the disconnect between the systems. On this account, direct contact between officers and counsel operates in part as a workaround for the absence of a shared system.

Case conferences involving the officer, CPS reviewing lawyer and prosecuting counsel ahead of trial were almost universally acknowledged as useful, permitting direct police-barrister communication with the CPS present, and offering, in principle, an ideal route to effective three-way communication. Yet, they rarely take place.

> *"I've never had anybody ask me, have you had a case conference?… it makes sense to me to have one… but I've never been asked… and I can't tell you where the policy for it is."*
>
> — CPS Interview 12

The value of such conferences, or of seeking prosecuting counsel's advice early, became apparent in the mock trial sessions barristers provided to officers. These sessions made clear that defence counsel's lines of attack were almost entirely predictable to prosecuting counsel from the outset, particularly where they turned on an apparent police failure to obtain specific evidentiary material (e.g. toxicology reports, medical assessments of victim injuries, CCTV or doorbell footage, or witness interviews). Prosecuting counsel might be better placed to refute these points, and police to gather further supporting evidence or remedy errors and omissions in the investigation if they are surfaced at the case conference rather than only once the trial is under way. There is typically a lengthy period between charge and trial which could be effectively used to seek counsel's advice, for example, via a case conference, and act on it.

Interviewees consistently said case conferences tend to only happen in very complex cases, and that this is due to the high workloads of all involved and difficulties in coordinating diaries between officer shift work and court hours:

> *"Unfortunately we are so busy. It is rare that we have a meeting where we get, I'm just going to be honest, we leave it… This gentleman who did the trial is grade 4 and a safe pair of hands so I left it entirely up to him. We had no discussion about it."*
>
> — CPS Interview 5

A police officer gave a similar impression of the dynamics in case conferences when they do occur:

> *"[The barrister] might have gone through the file like the day before or two days before. And then they might ask you a few questions about evidence… And then it's basically the reviewing lawyer asking the barrister 'Are we all right?' Like, 'are we ready for*

trial?' And a barrister probably just goes 'yes', either because they haven't reviewed all the material or because they don't understand what has and what hasn't been disclosed. And then you're just sort of like, sometimes you're asked for opinions, sometimes you're not really, you're not really spoken to, to be honest."

— Police Interview 10

CPS as a safeguard

Senior CPS interviewees defended the policy that all police–barrister communication should be routed through, or directly involve, the CPS reviewing lawyer. The argument is one of case ownership and legal responsibility rather than protocol for its own sake. For two of the CPS senior leaders, direct officer–barrister contact was not a harmless efficiency, but the route by which unreviewed investigative material re-enters a charged case:

"There's the communication going outside the chain, through us… [officers and counsel speak directly] — there are direct WhatsApps, direct emails, things… and that shouldn't happen. I can understand when you're at trial, literally in the courtroom, but it does then lead to officers going off and getting further disclosure, going to get third party [material], when we would say that's not a reasonable line of inquiry, and it shouldn't have been — it should come through, because we're still the owners of the case […] and we're responsible. I'm responsible for all those cases."

— CPS Senior Leader Interview 2

The same interviewee illustrated the risks concretely. A third-party disclosure request was actioned by an officer on counsel's instruction, on the (mistaken) understanding that a judge had ordered it; the CPS only found out when the organisation holding the material made contact directly:

"The officer was told and just went and did it. And counsel had sort of given the impression that there was a judge's order to get it. So I had a quick conference and asked the officer to stop… Can I ask why? Is there a judge's order? And it turned out there wasn't — it was a just-in-case situation… So that's the first thing: we're asking for things unnecessarily, and counsel hasn't got a rationale."

— CPS Senior Leader Interview 2

The interviewee linked this to inexperience on both sides, and to a reluctance among officers to question counsel. High turnover in the MPS and at CPS London means that, in their account, both organisations are repeatedly starting again with staff who lack the confidence to challenge counsel:

"We're in a difficulty, I think, with officers now — more junior officers not questioning what's being asked of them, right, because they don't have that experience. And they're bad enough with [our] lawyers, but when counsel tells them to do something, they just literally run off and do it without any thought at all, as if counsel were some greater being and their decisions right."

— CPS Senior Leader Interview 2

The interviewee anticipated and rejected the most frequently offered practical justification for going direct, namely that the CPS cannot be reached, pointing out there are always two duty

lawyers, as well as a duty District Crown Prosecutor, all with contact numbers available (though barrister interviewees suggested these are difficult to find in practice, and one suggested they should routinely be included in 'out of office' automatic replies as a straightforward remedy). CPS interviewees more broadly dismissed the efficiency and time-pressure justifications for direct counsel-police contact, arguing that prosecutors would prioritise any urgent conversation on the eve of trial. One CPS senior leader cautioned "against the suggestion that when it gets to post-charge, we can just have a bit of a free-for-all, and whatever the barrister thinks they need, they can just do that" (CPS Senior Leader Interview 1). This stands in direct contradiction to the personal experiences shared by several barrister participants, suggesting diverging opinions on the matter between the CPS and counsel.

Plea and trial preparation hearings

The plea and trial preparation hearing (PTPH) is the hearing at which the defendant is formally called upon to enter a plea to the charges on the indictment. Practice Direction 5.2.8 of the Criminal Practice Directions 2023 states that, if at the PTPH the defendant pleads not guilty, then the court should 'identify the issues in the case and give appropriate directions for an effective trial'. More detailed guiding principles governing the PTPH, and the process to be followed regarding case management, are set out in the Better Case Management Revival Handbook.[25] In essence, where a not guilty plea is entered, the court sets the timetable and gives the directions that the prosecution and the defence must follow as they prepare the case for trial. At the PTPH the identification of the issues for trial is brief. Disclosure and admissibility are not ordinarily resolved at this hearing, because the full prosecution case has not yet been served and no defence statement has been filed. The substantial legal arguments are therefore commonly, and deliberately, deferred so that they are argued by trial counsel and determined by the trial judge on the full evidence.

Despite the above, the timetable set at the PTPH nonetheless shapes what can be resolved before trial, and where that timetable is set or enforced loosely, late disclosure and admissibility applications become more likely. Anecdotally, barristers have shared that if an application for disclosure comes late it is more likely to succeed. This is because the later that an application is made, the more likely it is that refusing the application might jeopardise the trial, and everyone in the courtroom, including the victim, has an interest in the trial proceeding. To the best of our knowledge, there exists no academic research, inspectorate report or other published review of how PTPHs are run in practice, and whether improving their use could improve RASSO trials.

Two further issues were raised by our interviewees in relation to the PTPH: relating firstly to the experience of the barristers who conduct the hearings, and secondly to the fee structure and how the barrister who appears at the PTPH gets paid. On experience, when asked about PTPHs, CPS and barrister interviewees consistently reported that the PTPH is typically attended by junior, stand-in counsel rather than by trial counsel.

> *"baby barristers doing the interim hearings […] they are too scared to be pushy and to argue back [to the Defence]… you know, 'it's not my case'… you kind of get that feeling that they haven't really argued back"*

[25] Judiciary of England and Wales (2024).

— CPS Interview 2

While it is our understanding that it is standard practice right the way across the system, i.e. not solely in RASSO cases, that trial counsel does not attend the PTPH, it is our position that just because this is the way that the system has always operated, it does not necessarily mean that it is the most effective utilisation of the window of case management opportunity offered by the PTPH.

Furthermore, barrister interviewees were unequivocal that it is partly the fee structure that disincentivises trial counsel from getting involved in the PTPH:

> *"It's been expressed through every legal aid review that if you actually pay at the front loading rather than having the keeping this system as it is, then you've got many, many benefits and identifiable within those or that you are more likely to be retaining the same barrister on that case because they've done the preparation and also the case could even resolve in a different way earlier on."*
>
> — Senior Barrister Interview 1

The same interviewee also identified a second, compounding problem in relation to applications under section 41 of the Youth Justice and Criminal Evidence Act 1999 (evidence or cross-examination about complainants' sexual behaviour). Requests for permission to make these applications have to be made in writing and served on all parties in advance of any hearing under rule 22.4 of the Criminal Procedure Rules 2025, and this interviewee suggested that this requirement together with the existing fee structures can operate as a further disincentive for early resolution.

> *"There also needs to be payment for the written application. So there's no payment for written applications. And so therefore, section 41 will be left to trial counsel… There's been different efforts to make sure you have trial counsel at PTPH… an incentive is if you're properly paid at PTPH, you would get trial counsel there much more, much more readily."*
>
> — Senior Barrister Interview 1

Practice Direction 6.3.29 of the Criminal Practice Directions 2023 states that any applications in relation to cross-examination about complainants' sexual behaviour must be made 'promptly, and responses submitted in time for the judge to rule on the application at the Ground Rules Hearing'. A late section 41 application is therefore a breach of procedure rather than a matter of preference. On this account, section 41 (sexual history) applications should be made in writing and in advance, but

> *"we do see that this does happen, that there's an attempt orally or the written [section 41] applications on the day of the trial, which contravenes the Criminal Procedure Rules".*
>
> — Senior Barrister Interview 1

As a result, *"Criminal Procedure Rules are probably observed in the breach quite often"*.

The same interviewee further noted a constraint that no fee reform would remove: whether a section 41 application can be resolved early depends on what the prosecution has served, so late service by the prosecution forecloses early resolution regardless of counsel's

incentives. The same gap applies to bad character applications, which the report addresses elsewhere as a potential route for admitting relevant context:

> *"There's no payment for bad character skeleton arguments. They can be very complex, they take a lot of time… it didn't used to be [the case] — this has developed with the legislation that's been introduced, and the Criminal Procedure Rules [now] require these arguments to be made in writing, but there's never been any payment alongside. That needs to be addressed."*
>
> — Senior Barrister Interview 1

They proposed this as an achievable reform within the existing fee scheme rather than as an argument for a further review:

> *"What you can do with the existing system has put money into paying for the written work that's now required — on bad character, on section 41. Those are clear examples, and that in itself will incentivise preparation"*
>
> — Senior Barrister Interview 1

The CPS Graduated Fee Scheme provides a separate fixed fee for the preparation and drafting of each bad character or hearsay application, currently £58, together with a separate payment for the consideration of unused material.[26] There is no equivalent fee for a section 41 application, and the fixed fee makes no allowance for the complexity of the written argument in a given case, so the substance of the point stands even though written applications are not wholly unremunerated.

The CPS recognises the problem, and the potential it holds for stopping late disclosure applications in RASSO trials, reducing ineffective trials and trial delays, but has no workstream addressing it.

> *"Now, we're not doing anything specifically on PTPHs, but it's a really good point that you raise. What I would say about the fee structure […] how can you incentivise the fee structure so that actually we get the disclosure done right, so we're not revisiting that."*
>
> — CPS Senior Leader Interview 1

One CPS senior interviewee noted substantial general work on PTPH and Crown Court efficiency is underway within the CPS, on the rationale that *"if you grip the case from the very start, then it is far less likely to then become… problematic in one way or another, further down the line",* but did not identify a RASSO-specific workstream.

No interviewee had proactively raised the PTPH, with views emerging only once prompted by the interviewer. That may indicate that the hearing is not considered relevant to the topic of our study. Experienced practitioners seem resistant to the idea that the PTPH could be a useful point at which issues around disclosure and admissibility could be better progressed. Regardless, there appears to be a missed opportunity in pre-trial engagement between the parties, the setting and enforcement of a realistic stage timetable at the PTPH, and

[26] CPS (2023b), Annex 4. The bad character and hearsay application fee was introduced in February 2020 at £50 and is currently £58.

prosecution serving evidence early enough for disclosure and admissibility questions to be resolved in advance rather than on the day of trial.

4. Tackling assumptions and misconceptions

Officer and CPS lawyer interviewees were acutely aware of the assumptions and misconceptions commonly held about rape and sexual assault and actively sought to refute them. Within our small sample, this element of the Soteria approach appears well-embedded in police and CPS approaches to RASSO cases. All case reviews in this sample contained one, and often several, factors earlier research found to significantly increase the risk of police or CPS dropping a case, such as victim drug or alcohol intoxication, mental health problems, neurodiversity, prior consensual sex with the suspect(s), social services and care involvement, "risky behaviours", or delayed reporting.[27] Yet in our sample, police and CPS proceeded with these cases.

The barrister interviews similarly evidenced prosecuting counsel actively countering assumptions and misconceptions anticipated or raised at trial.

In Case 5, trial counsel actively neutralised the credibility attack on the victim:

> *"whenever he would question V or talk about V to the jury, it was very much in the sense of… it's natural for you not to remember, you're an alcoholic who was being raped… He was explaining it as if it wasn't an issue, as if the jury should naturally see that this is likely to happen to someone in V's circumstances."*
>
> — Case Review Interview, Case 5

In Case 10, retrial counsel offered an evidence-led rather than victim-led strategy, adding further video evidence and showing "the difference between her consenting to take photos and the videos/photos of the offences." The officer credited this approach with securing the conviction.

Counsel's own account complicates the picture. One barrister described their winning strategy in he-said/she-said cases in terms that are themselves credibility-centric:

> *"you know, like, why would she lie? Why would she lie about this?"*
>
> — Barrister Interview 2

This suggests that in word-against-word cases counsel may see victim credibility as structurally unavoidable as the battleground, rather than as a choice. A similar logic appeared in the CPS interviews, where foregrounding the victim's weaknesses was described, and defended, as good practice:

> *"get them out of the way in your opening statement. Yes, there's undermining material… air all our weaknesses at the beginning"*
>
> — CPS Interview 2

Overall, the picture is of real distance travelled since the initial Soteria work, but of assumptions and misconceptions persisting in courtrooms and still requiring active combatting, a persistence that itself suggests defence counsel continue to rely on them, and that all involved still operate on the assumption that juries may be influenced by them;

[27] Hohl and Stanko (2015).

otherwise prosecuting counsel, police and CPS would not need to expend such effort countering them.

In other cases, officers and CPS lawyers felt counsel did not share their trauma-informed approach to assumptions, misconceptions and victim credibility, instead following the "*traditional approach*" (CPS Interview 14) of judging credibility against common myths rather than all relevant evidence. In Case 2, the CPS interviewee noted the barrister's adverse outcome form focused entirely on victim credibility. In Case 27, the officer felt prosecuting counsel judged the victim for drinking and flirting before the defendant secretly filmed himself penetrating her; and that prosecuting counsel did not challenge defence counsel when the video was unexpectedly shown again in cross-examination, which the officer felt should have been challenged (Police Interview 2).

Where officers had used a suspect-focused Soteria approach to collecting evidence of offending behaviour, they frequently felt trial counsel failed to build on this, not pursuing lines of questioning about alleged grooming behaviours, and failing to challenge defence narratives relying on assumptions and misconceptions.

Digital material scrutiny was likewise perceived as victim-credibility-focused rather than exploring all relevant evidence, specifically the defendant's behaviour. Officers gave examples of suspects declining to provide their phone without this being viewed as suspicious, while incomplete victim digital material was often used to question the victim's credibility (e.g. Case 14), reinforcing a pervasive sense that while policing and the CPS were implementing a Soteria approach, counsel's approach remained unchanged.

This theme was most pronounced regarding juries, seen by officers, CPS lawyers and barristers alike as a decisive factor especially when a verdict was unexpected (recalling the purposive sampling: 20 of the 25 sampled cases resulted in acquittal):

> *"the judgement of women's behaviour remains as it always has been… especially in scenarios… where it's some sort of social event and there's drinking involved… the cases you're going to have difficulty with are the ones… It's the relationship cases, it's the friends cases, those types of cases, some familial cases as well… that cause the difficulties."*
>
> — CPS Interview 9

> *"Juries, of course, you know, are stacked full of myths and stereotypes…What juries like is the classic, there's a woman walking home at night, it's dark, someone drags her off the street and attacks her. That's what juries like. And anything other than that… things start getting more difficult…Sometimes juries will like a defendant and they've got a bit of doubt and they don't want to destroy that young man's life"*
>
> — CPS Interview 7

> *"The naivety around people going into these cases is quite disturbing. I think there's quite a lot of sort of victim blaming that goes on… we're not watching the video, we're watching the jury and you can just see them recoil… It's quite disturbing. I think they would really benefit from a little bit of training."*
>
> — Police Interview 10

> *"The bigger problem with misconceptions is it's still entrenched in juries rather than within the CPS."*

— Barrister Interview 3

The case reviews show the same pattern in verdicts that defied apparently strong cases, including one the officer rated among the strongest Video-Recorded Interviews (VRIs) they had seen:

> *"The only bit that was shocking about it was the verdict… You can never trust a jury. You can never trust a jury trial, you absolutely can't."*
>
> — Police Interview, Case 2

Jury notes offer one of the few windows into how juries reason. One barrister described notes suggesting a misunderstanding of the standard of proof:

> *"I've had jury notes, which are those rare chances to find out how juries think, where juries are saying things like… how can we be sure? Because there's two people saying different things. And anyway, how can you be sure because it's supposed to be 100%? It's like, no, it's not supposed to be 100%."*
>
> — Barrister Interview 2

How evidence is presented to juries is a related concern, particularly for digital and communications material:

> *"You've got to also be aware if it's gonna go to Crown Court, into a jury. Juries aren't experts on communications data and things like that, and it needs to be in a very simple format basically that you can provide to them and they can read along with it and they will understand it."*
>
> — Soteria Pillar 6 Police Interview (re-analysed)

One barrister suggested that the judicial directions on assumptions and misconceptions matter greatly. They felt that the judge should be giving these directions before the prosecution opening speech, so that the jury hears the evidence with those directions in mind. They felt that if giving these directions was deferred to the end of the trial it would be too late to counter the potential bias of assumptions and misconceptions in the jury, as the evidence has already been absorbed. The interviewee further raised that there is no established route by which prosecuting counsel can raise a failure of the judge to give the directions properly.

Taken together, these findings suggest the Soteria approach to assumptions and misconceptions has largely embedded within policing and the CPS, and there were also multiple examples of prosecuting counsel actively countering them at trial. Interviewees across all three professions located the remaining problem in the jury, identifying it as decisive precisely in the case types — non-stranger, intoxication and relationship cases — that make up the majority of RASSO prosecutions. Our sample cannot establish how often this occurs, and these accounts are practitioner perceptions rather than direct observation. They are however consistent with the substantial body of research from England and Scotland evidencing that rape myths persist in jury decision-making, with mock jury studies finding both that pre-trial myth acceptance predicts individual verdict preferences and that such beliefs surface and are actively deployed during jury deliberations.[28]

[28] See, for example, Willmott and Woodhams (2026); Ormston et al. (2019); Leverick (2020).

5. RASSO cases with a coercive-controlling context

Charging controlling or coercive behaviour (CCB) alongside RASSO

Context-led investigations and prosecutions are core Soteria principles.[29] The most important context to consider is typically the relationship context in which the sexual offending is taking place. In England and Wales, one in three police-recorded rapes has a domestic abuse context, and Soteria research found that in almost all of these, coercive control was present.[30] The NOM encourages officers to explore potential lines of enquiry around coercive control, and where appropriate, for the CPS to charge controlling or coercive behaviour (CCB) alongside the sexual offence(s). The rationale is that unless a jury is told about the coercive or controlling context in which the alleged sexual offending took place, a jury cannot adequately understand and evaluate the sexual offending evidence put before them.[31] In particular, giving the jury the opportunity to make a finding on CCB informs their understanding of the nature of the relationship, and thus their decisions on consent.

Despite these advantages of a CCB charge, we found resistance to the charge amongst barristers and the judiciary. From the barrister perspective, there is no doubt that a CCB count on the indictment significantly adds to the trial preparation and adds several days or even weeks to the length of the trial. This extra time does not result in any further financial payment for the trial counsel: we deal with the difficulties with the existing fee structure in the section on the PTPH above. Furthermore, a CCB charge alongside a serious sexual offence charge will typically not add to the sentence length if the defendant is convicted. One barrister, for example, said to us in the context of a discussion about Case 12:

> *"We all hate them… absolutely hate them because they are just… so much effort, really for so little… certain in outcome. As long as he got convicted of the rape… he was going to get a decent sentence. And controlling coercive behaviour would have just involved an awful lot of time"*
>
> — Barrister Interview 2

We come back to the case that was under discussion in this Barrister Interview 2 in more detail, below. Suffice to say here that in that particular case, the CCB did not get charged alongside the rape. This meant that there was evidence of coercive control obtained by the police that was not put to the jury, and the first trial resulted in a hung jury. In other words, the defendant did not, initially, get convicted of the rape. A second trial was needed, which in addition to being gruelling for the victim, would have been time-consuming and expensive. The barrister in Barrister Interview 2 is quite correct to point out that a successful CCB conviction does not add much to judicial sentencing options in the presence of a rape conviction. It is possible, however, that not charging the CCB is a false economy — if it impedes, as is likely in this particular case, the prosecution's ability to secure convictions for the rape.

Another potential disadvantage of a CCB charge is that it requires the prosecution to prove that the victim suffered harm, and this can require victims to give additional evidence on

[29] College of Policing (2023).
[30] Stanko (2022).
[31] Pullerits, Myhill and Wiener (2026).

sensitive matters in court. In the case reviews, there was one example where the police felt that the victim's exposure was increased at trial due to the CCB charge:

> *"that… dragged into the trial all these conversations around her suffering from OCD, from having suicidal ideation… that made the experience a lot harder for her… the result of the CPS… pushing for an extra charge of controlling and coercive behaviour, which the police didn't think was strong enough."*
>
> — Police Interview, Case 23

We accept and are concerned that giving evidence in a rape trial is a gruelling ordeal for victims, but we feel that giving evidence in a rape trial which ends in a not guilty verdict could be a worse outcome (for the complainant) than giving the additional evidence of harm required by a CCB charge. It is interesting to note the approach taken by the Domestic Abuse (Scotland) Act 2018 in this regard, which has made it possible to prosecute coercive control and domestic rape without any requirement for the victim to give evidence of harm. We return to this in our recommendations section, below.

Resistance to CCB charging is not confined to counsel. A senior CPS leader described how a lack of judicial understanding of the dynamics of an abusive relationship meant that the judiciary could be resistant to the idea of charging CCB. This senior CPS leader explained that improved understanding of abusive power dynamics within policing and the CPS is now exposing a gap as the rest of the system struggles to catch up:

> *"In a way, the more sophisticated we become — the fact that we never used to have coercive and controlling behaviour [as an offence], the more we understand the dynamics of intimate relationships and how they can prevail in a particular context — I think the more resistance there is to this… the more we get that, the more we've still got a section of the [legal] profession who don't really understand it — so the gap gets wider, if that makes sense? They're almost like: if there's an assault, or something very tangible, go after that; don't complicate it with concepts the juries won't understand. And you think, well, they probably do understand it, because some of them are probably victims of it."*
>
> — CPS Senior Leader Interview 1

We comment in more detail on learning and development in section 6, below. It is likely that the lack of a consistent approach across policing, the CPS, the Bar and the judiciary is contributing to the 'gap' in knowledge identified in CPS Senior Leader Interview 1. We come back to this in our recommendations section, below.

Despite this improved CPS and policing understanding of domestic abuse, in other cases, there appeared to have been a lack of curiosity about the alleged offending when the rape occurred in a domestic context. Not only did this result in missed opportunities to explore CCB charges, but we found that other opportunities to present the jury with relevant contextual evidence were being missed. The potential underuse of CCB may, in some cases, be linked to a lack of legal curiosity in relation to the difference between the all-important constructs of 'submission' vis-à-vis 'consent'. In addition to this lack of creative thinking, we found a potential underuse of the Criminal Justice Act 2003 section 101 defendant 'bad character' gateway provisions as an alternative route to getting critical contextual evidence in front of a jury. Taken together, the lack of coercive-control-informed legal thinking, the lack of creativity with regard to the limitations on what evidence is

considered ‘relevant’ and the underuse of the Criminal Justice Act provisions are likely to be impeding the implementation of the ‘context-led’ principle as part of the prosecution trial strategy.

Relevant evidence from a trial strategy perspective is evidence that is relevant to the alleged facts of the offence(s) with which the suspect is charged, and police lines of enquiry are directed accordingly. To find a defendant guilty of rape, a jury must be sure that the complainant was not consenting to sex, and also that the defendant lacked a reasonable belief in the complainant’s consent at the time of the penetrative act. Consent itself is defined as agreement by choice, where there is freedom and capacity to make that choice. Case law has established that ‘submission’ is not ‘consent’. The difference between submission and consent, especially in the context of an ongoing coercive relationship, can be a difficult one for juries to unpick.

In contrast, the CCB offence takes place where a defendant has repeatedly or continuously engaged in behaviour that is controlling or coercive in a relationship. This greatly extends the evidential window by making any evidence that demonstrates the controlling behaviour of the defendant at any point in the relationship immediately relevant and admissible at trial. The disadvantage, as we explained above, is that hearing this contextual evidence, which in some cases relates to extensive abuse that has taken place over many years, can add time to the length of the trial. The advantage, however, is that this evidence allows juries to appropriately contextualise the defendant’s behaviour and mindset at the time of the rape.

Case 12, mentioned above in relation to barrister resistance to CCB charges, is also a case in which we obtained the perspectives of the police, the CPS and trial counsel. Here, the ‘incident’ of rape that was charged took place against a backdrop of ten years of controlling and abusive behaviour. The suspect was charged with rape but not with CCB. When we asked the officer in the case why the CCB had not been charged, he said, “*they thought that because we had the assault charges anyway, and the more serious rape charges, that that was enough… the CPS lawyer was like, let’s just go with what we’ve got*” (Police Interview 10).

The CPS reviewing lawyer confirmed that this was the case, and the trial counsel explained that he supported that CPS reviewing lawyer’s decision. Initially, as noted above, trial counsel explained that he did not like CCB charges because he felt that they were a distraction, and that they did not greatly increase the sentencing options on conviction. When we asked about the usefulness of the CCB charge for introducing context that helps the jury navigate the submission/consent distinction, he conceded that:

> *“no, maybe I should just go back slightly for what I’ve just said… yes, I can see the point. Sometimes in a rape case, a sexual case, it’s perhaps you can be tempted just to focus too much of what happened on, you know, the last day of their relationship, when obviously the bad thing happened, and maybe you need sometimes you obviously need the run up to that, especially if it’s not just they, as they rarely are you know, he put me down and raped me sort of case. In a submission case, you are quite right, you have to have something on that.”*
>
> — Barrister Interview 2 (Case 12)

The difficulty with focusing on “*the last day of their relationship, when obviously the bad thing happened*” is that the jury lose *“the run up to that”* and, as a result, find it hard to be sure that

the defendant knew that the victim was not consenting to sex. As this barrister explained, *"in a submission case, … you have to have something on that"*.

At trial, the defendant denied the rape and argued that he was a *"good husband*", that the victim had consented to sex, and that he reasonably believed she was consenting. A video-recorded interview explaining the defendant's ten years' history of coercively controlling abuse was never passed to counsel because it was not deemed relevant to the rape incident, and was therefore not in front of the jury. This is a good example of the narrowing of the evidential window that occurs if the rape is charged but the CCB is not. This first trial resulted in a hung jury — trial counsel told us that he was "*flabbergasted*" that the first jury did not "get" that the defendant was a "*nasty piece of work"* (Barrister Interview 2).

After the second trial, which ended in a rape conviction, the trial counsel told us that the critical evidence was a series of text messages on the victim's phone showing the brutality of the defendant's coercively controlling behaviour. The OIC told us that those text messages had not been initially passed to the trial counsel by the CPS, as '*I don't think the reviewing lawyer thought that they were worthy and hadn't disclosed them*' (Police Interview 10). At the last minute the OIC drew the trial counsel's attention to them. Case 12, then, is an example of where arguably the jury needed to understand the context in order to be sure of the rape. Had there been a CCB count on the indictment — ideally ahead of the sexual offences count on the indictment (one counsel pointed out to us that it is probable that juries make their decisions in the order of the offences on the indictment) — then the first trial might have resulted in a conviction.

As outlined above, in the absence of a CCB charge, the evidential window is narrowed to the facts that relate to the incident of rape. In cases where the CCB is not charged, however, it is still possible (although much more difficult) to make an application to the judge for evidence of the defendant's previous misconduct to be admitted as evidence via the Criminal Justice Act 2003 'bad character' gateway provisions. There are difficulties with this route (one of the reasons we recommend charging the CCB alongside, which reduces reliance on the bad character gateway provisions). Recovery of past evidence can be time-consuming for officers, and is not always possible. It is open to judges to conclude that such unproven 'bad character' allegations are a distraction from the main issues and so should not be admissible.

If the 'bad character' evidence is held to be admissible, the same rules of evidence and standard of proof have to be met as for the offences charged, and counter-allegations made by the defendant about the relationship may become admissible in response. Even where the previous matter resulted in a conviction, the circumstances of that offence must be proved unless they are formally admitted, and defendants have little incentive to make such admissions. Nevertheless, in cases where the CCB has not been charged alongside and there is evidence of previous abuse in the relationship that could potentially provide the jury with relevant context for the rape, it is important that these gateway provisions are properly understood by officers and appropriately utilised by the CPS.

For example, in Case 14 the defendant had previous allegations of domestic abuse and sexual offences, but the decision was taken not to make these the subject of a bad character application, because none of the allegations had resulted in a charge at the time. Section 112 of the Criminal Justice Act 2003 defines the sort of misconduct that can be the subject of a bad character application as "the commission of an offence [i.e. a previous conviction] *or*

other reprehensible behaviour". Previous domestic abuse and sexual offending would be 'other reprehensible behaviour', and possibly admissible via gateways (c) and/or (d) (important explanatory evidence (Criminal Justice Act 2003, s.101(1)(c)); evidence relevant to an important matter in issue (Criminal Justice Act 2003, s.101(1)(d))). Indeed, a CPS manager highlighted that exactly such allegations could still lead to a successful bad character application:

> "*I regularly encourage my lawyers, even though it's not charged, it is still something that you can introduce"*
>
> — CPS Interview, Case 14

Taken together, these findings point to a need to emphasise the advantages of the NOM approach of charging CCB alongside sexual offences as a means of adducing critical contextual domestic abuse evidence into domestic rape trials. They also suggest there is a need for improved CPS creativity and police confidence around the use of the Criminal Justice Act 2003 bad character gateways as a way of introducing that contextual evidence in the absence of such a CCB charge. Evidence from the Bar and the judiciary also suggests, however, that there are difficulties with the practical implementation of the CCB legislation, and that the utilisation of the 'bad character' gateways is not straightforward.

There is a need for a further review to consider how these might be overcome: such a review may consider increasing the current maximum sentence of imprisonment for the CCB offence. This maximum is currently five years, while the equivalent stalking and harassment legislation (Protection from Harassment Act 1997 as amended), for example, has a maximum sentence of ten years. Such a review could also usefully consider how the Domestic Abuse (Scotland) Act 2018 has successfully combined coercive control and sexual offending in the context of domestic abuse in the one statute (maximum sentence of fourteen years), and has absolved the complainant of the need to give evidence on the harm she has suffered, something which our data suggest is difficult for complainants. This might point the way to the future of domestic abuse law reform in England and Wales.[32]

Digital evidence in RASSO cases with a domestic abuse context

Interviewees highlighted the possibilities digital evidence now offers investigations aimed at evidencing controlling or coercive behaviour (CCB). Section 76 of the Serious Crime Act 2015 requires proof of a repeated or continuous pattern of behaviour for a CCB conviction. Call logs, messages, location data, financial account access, spyware, tracking devices and smart home device data all provide exactly this: an objective, time-stamped record that corroborates the frequency, escalation and context of controlling conduct, which can be persuasive both in charging a suspect and in presenting the case at court. Crucially, this evidence does not rely on recollection, nor is it one person's word against another's. It is simply evidence, which should be routinely collected by officers, used to inform CPS charging decisions, and then relied upon by barristers at court. It capitalises on the widening of the evidential window that is offered by the CCB charge and provides evidence that helps the jury understand that he would have known that she was not consenting to sex. Presenting evidence in this way may also assist in minimising the trauma many victims experience when giving evidence at court.

[32] Criminal Justice Committee, Scottish Parliament (2023).

However, technology-facilitated control is often invisible unless specifically investigated. Officers therefore need to establish whether technology is being used to facilitate CCB, and prosecutors need to routinely request an officer's digital strategy aimed at evidencing this behaviour. Officers and prosecutors should treat digital evidence in RASSO cases involving CCB as a standard line of enquiry. Such an approach must resist the temptation of a 'fishing expedition' for potential digital material without clear, reasonable lines of enquiry. A digital strategy directed at evidencing the suspect's controlling behaviour must be built with the proportionality requirements governing complainant material firmly in view, rather than treated as a reason to relax them.

RASSO cases with an intoxication context

We found similar potential missed opportunities in relation to the use of available evidence to support the prosecution case in the context of intoxication. In Case 5, evidence of the victim's intoxication (e.g. CCTV showing her unsteady on her feet and showing hours of drinking) and her inability to recall events in interview were both used to strengthen the prosecution argument that she lacked capacity and the defendants lacked reasonable belief:

> *"I felt we could prove through the CCTV, through her evidence, that she clearly couldn't have consented and that he couldn't have had reasonable belief in consent*"
>
> — CPS Interview, Case 5

The officer in the case also noted that the trial narrative did not focus on whether the victim was unconscious at the exact moment of the sex acts, because she was "*either unconscious or, you know, very close to it"* (Police Interview, Case 5), so they argued that capacity remained unlikely. This case resulted in a conviction for both defendants.

In contrast, two cases with similar evidence available did not attempt to use intoxication as contextual information for the prosecution case. For example, Case 24 also featured a victim with alcohol dependency, who again was shown on CCTV drinking high volumes over several hours and appearing progressively more intoxicated in footage. She began *'staggering'* and '*swaying'* (Police Interview, Case 24) and needed help to walk by the time the defendant led her back to her hotel room (CPS Interview, Case 24). There was also deleted video on the defendant's phone of the victim unconscious in bed, although the OIC, reviewing lawyer and trial counsel all had different recollections of whether the video was taken during an active sex act or just afterwards.

When discussing their perceptions of how the intoxication evidence was used at trial, the CPS lawyer said that jury misconceptions likely interplayed with sexual history evidence because the victim had propositioned two hotel workers whilst drunk on a different occasion. The trial counsel said they did argue that "h*e targeted this woman… because she's an alcoholic and drunk*" but felt the case should have been dropped. They also had no recollection of any videos and so did not think there had been discussion of whether the victim was in and out of consciousness (Barrister Interview, Case 24).

Another case, Case 15, also featured a combination of CCTV and witness testimony about the extensive alcohol intake and intoxication of a young victim. The victim stated that she left a park with a man she had met that afternoon to continue drinking at a nearby squat, but he

then raped her. When asked whether the victim's intoxication was explored in relation to capacity to consent, the CPS lawyer said:

> *"She didn't say 'I blacked out'. What we normally get is I've taken on so much alcohol that I can remember patches… And you have to say, well, I can't recall: acquitted… So the [first] lawyer asked for the toxicology, the tests to be done to see whether she was so inebriated that she couldn't give consent. It was refused by the police, okay, because they don't do tests for voluntary intoxication was the reason… I can see the lawyer tried concertedly to try and get… It seemed as if she [complainant], because she said distinctively, she didn't say 'I lost consciousness' or 'the next thing I knew I woke up', that sort of thing. She said, I was dragged by my wrist upstairs. Yeah. Right. So they're saying drunken consent is still consent…"*
>
> — CPS Interview, Case 15

While our research did not examine the case files themselves and is not able to make definitive claims about relevance, this comment suggests that there may be some barriers to developing trial narratives about alcohol, capacity to consent and what steps a defendant took to ascertain reasonable belief in consent in light of the victim's severe intoxication.

6. Cross-system learning and development

A lack of transparency and alignment

At present, there is no consistent approach to RASSO learning and development ('training') across policing, the CPS, the Bar and the judiciary. All police forces in England and Wales are receiving Soteria training.[33] The CPS runs its own internal RASSO training. Barristers must be "RASSO ticketed" as part of the application to join the CPS RASSO panel, which in turn is a prerequisite to being instructed by the CPS to prosecute in RASSO cases. RASSO ticketing can take the form of a half-day, full day or weekend event, and in some areas, of online training (i.e. great variation between regional circuits). The training needs to be attended when joining the RASSO panel and then refreshed every four years to retain the RASSO ticket. The training is run, pro bono, by volunteer senior barristers in each regional circuit, as the training is unfunded. The CPS sets a list of broad topics that must be covered, but there is no national curriculum to specify the content. There is no transparency, oversight and accountability regarding the quality of the content and its delivery.[34] To the best of our knowledge, there exists no evaluation of the effectiveness of this training.
Judges sitting in serious sexual offences trials must be 'sex-ticketed', too, and receive refresher ('continuation') Serious Sexual Offences training by the Judicial College every three years.[35]

In sum, there is no transparency, coordination or accountability for RASSO training across policing, the CPS, the Bar and the judiciary.

Piloting Soteria training for barristers

[33] Stanko, Crew and Laremore (2026).
[34] Lead author personal correspondence with senior barristers running RASSO ticketing training. See also CPS (2020); CPS (2024b).
[35] Judicial College (2025).

As part of the project, barristers were offered a series of three interlinking, in-person 90-minute training sessions, held after court hours at City Law School, City St George's, University of London, in central London. The sessions were designed and delivered by Dr Patrick Tidmarsh, who was part of the research team that designed and delivered training to police officers within Operation Soteria. The training covered offender behaviour, assumptions and misconceptions, "Whole Story" investigations, victim memory and interviewing, and case presentation. The material was delivered as it has been on other Soteria-developed courses for officers and CPS prosecutors, with the added topic of how the knowledge, skills and attitudes might be utilised by counsel at trial.

The training was free and widely advertised, including in the Criminal Bar Association weekly newsletter and online event diary and in the Bar Council newsletter, and shared by the research team via LinkedIn. Only 20 barristers signed up, with 8–12 participants attending at any one session and only seven completing the feedback survey. Of those who attended, few were able to attend all three sessions. Because the sessions built on one another, this meant material had to be repeated, and this left little time to cover the potentially most useful material — developing case narratives and adapting to Soteria and NOM practices — in the final session. In the feedback survey, participants identified further obstacles to attending: the sessions ran from 17:30 to 19:00 and, although we had hoped this would enable at least London-based barristers to attend after court, several remarked that the start time made it "*almost impossible to conclude court and get to the sessions on time*". The small number of attendees meant we were only able to collect a limited amount of feedback and therefore, a limited evidence base from which to draw learnings.

Of the seven responses to the training evaluation survey, one was from a non-practising barrister outside the intended audience, reducing the sample to six barrister respondents, meaning the findings are only indicative and do not permit drawing robust conclusions. The clearest pattern within individual responses was the divergence between perceiving the course as engaging and intellectually interesting but finding it of little or no practical utility. The sharpest version came from a Grade 4 barrister who prosecutes and defends, who rated the course engaging and informative, reported thinking differently about both offenders and victims as a result of attending the course, and yet placed direct relevance and intended use at the bottom of the scale and would not recommend it:

> *"It is not geared at effective advocacy, but rather theories behind behaviour. Whilst interesting, and engaging, there are far more useful courses around."*
>
> — Barrister Soteria training feedback survey respondent 1

Much of the teaching on myths and stereotypes was already familiar to attendees and one respondent remarked that it felt like *"preaching to the choir"*. The final training session had been billed as covering how to present sexual offending to juries, but did not, as the trainer ran out of time. This respondent suggested that:

> *"You need practising barrister input to make the (excellent) academic knowledge base and presentation useful to barristers."*
>
> — Barrister Soteria training feedback survey respondent 3

The same respondent suggested that the training may have been helpful for those less experienced in RASSO work, but not "*for those who have done this for a long time".* The ratings bear this out. All three Grade 4 respondents were critical, on utility or on premise; the

Grade 3 and Grade 2 respondents were the two most positive, and a Grade 2 respondent was the only participant to recommend the course in its current form. With so few responses this cannot be more than suggestive, but it points towards tiering provision by experience rather than delivering one course to a mixed audience.

One respondent raised something different in kind, challenging the premises of the Soteria project itself rather than its delivery:

> *"How does the Soteria project sit with insisting [sic] law, eg CPIA duties of disclosure, presumption of innocence, proper police inquiry. the conflation of "truth" and an evidence based system."*
>
> — Barrister Soteria training feedback survey respondent 6

Writing as someone with thirty years prosecuting and defending, they went on to describe "*deep suspicion and concern at the Criminal Bar about this whole project*" and to anticipate *"a clash of ideologies"* as "*court confrontations arise due to growing anti Soteria sentiment".* This respondent gave a top-of-the-scale rating to the course as being engaging and would recommend the course to others, suggesting the issue did not lie in the delivery of the training, but in the perceived premise of Soteria (see also Perspective 3: Scepticism towards Soteria). It is one voice out of six feedback survey responses and should not be generalised to the Bar, but it is consistent with other voices the academic team have heard anecdotally, and must be taken seriously (again, see above section on 'Perspective 3').

While this first pilot of delivering Soteria training to counsel fell short of being perceived as practically useful, participants were clear about what would increase its practical utility: practising-barrister input, worked examples of how sexual offending shows up in the evidence, and focus on courtroom application. There was enthusiasm for more training, including for defence barristers. Senior Barrister Interview 1 pointed out that attendance ought to be remunerated, especially where training is mandatory, given that barristers are self-employed. Training is currently mandatory for prosecuting counsel on the CPS RASSO panel (see above), but there is no training offered or required for those defending in RASSO cases (unless they happen to also be prosecuting and in receipt of the short RASSO training through that route).

This senior barrister interviewee also identified three specific content gaps for prosecuting counsel: what further questions may be asked of a victim once the Achieving Best Evidence (ABE) interview has been played, and how to give proper notice of questions to the victim; cross-examination of vulnerable witnesses (existing training was described as invaluable) and how counsel introduce themselves to a victim at court. They would further like to see a change from RASSO training that treats adult and child victims as a single category, when, in their experience, adult and child witnesses require distinct skills:

> *"There's a recognition of the difference between adult complainants and child complainants — it is an entirely different skill set with child complainants. And sometimes we just put together RASSO under one umbrella. I would like to see a little bit more separating out, including on training, in how you approach questioning a child — prosecution and defence, your approach is very different to an adult."*
>
> — Senior Barrister Interview 1

The interviewee further added that this consideration must extend to victims who were children when the offence occurred but are adults by the time of trial. In their view these remain "*a very, very different scenario*" requiring a distinct approach, and the ground rules and advance preparation used with child witnesses should not fall away simply because time has passed since the offence, whether through delayed reporting or the well-documented delays in the justice system.

Piloting barrister-led courtroom training for officers

Three mock cross-examination sessions were held in late April and early May 2026 at Wood Green Crown Court, with six to ten officers attending each session. All sessions were based on the same (real) case study in which police used a Soteria approach. Each session involved role-play, with each participating officer invited into the witness box to answer standard OIC evidence-in-chief and cross-examination questions, as well as case-study-specific questions from prosecuting and defence counsel.

The content of the mock sessions was informed by an initial survey of MPS RASSO officers about their experience of giving evidence, the difficulties they have encountered when giving evidence, and their perceived courtroom skills training needs. A total of 85 officers completed the online survey and, of the 50 respondents who answered the court experience question, there was an almost even split between respondents with three or more court appearances (18), one or two (18), and none (14). The most frequently mentioned issue encountered when giving evidence at trial was answering questions about their investigative decisions regarding victim phone and digital data downloads. Several officers reported court experiences in which the defence counsel put forward that the officer's decision not to take a full download of a victim's phone was evidence of police incompetence or partiality in the investigation. Officers reported finding this difficult to manage in the witness box, even when they felt this was neither a police error nor the result of bias, and this decision had in fact been agreed with the CPS in line with current law and guidance.

The second most requested training topic was general courtroom conduct and answering techniques, for example, how much detail to give, how to anticipate questions, how to handle double negatives in question formulation, how to push back without losing composure, and how to avoid inadvertently disclosing inadmissible material. Third-party material and disclosure was a further common concern, with issues similar to those regarding phone and digital downloads. Finally, another frequently mentioned topic was the issue of how to answer questions about victim credibility and victim behaviour when defence counsel was attempting to invoke assumptions and misconceptions.

Following the mock-trial sessions, participating officers were invited to complete an online feedback survey. Seven officers completed the survey, three of whom had given evidence in a RASSO case three or more times, one once or twice, and three never. All seven would recommend the session to colleagues, four in its current form and three subject to changes (mostly around the one- to two-hour travel time to the Crown Court centre). Respondents found the sessions very helpful in preparing for trial and for giving evidence. Participants rated the sessions only moderately helpful for improving investigations to pre-empt issues at trial. What officers valued was candid access to counsel: "*the behind the scene look at what the barristers are thinking and their strategy".*

As with the barristers, training needs and the feedback on the sessions differed by officer experience, with experienced officers identifying slightly different training needs before the session, and in what they found most helpful during the sessions. Overall, the findings suggest that there is currently unmet demand for courtroom skills training amongst officers, in particular inexperienced officers, and that there is value in this being provided by practising barristers in a real courtroom setting.

One theme deserves separate attention. Three officers, all in the less experienced groups, asked for help explaining decisions taken under Soteria when judges and counsel appear not to know what Soteria is:

> *"How to communicate the tenets of Op Soteria within our role as investigators — this is massive as it really doesn't seem as though barristers or judges have any idea about how we investigate and specifically how we treat victims in RASSO offences"*
>
> — RASSO cross-examination survey, officer free-text response

Officers are being cross-examined on decisions taken under a Soteria framework that counsel and judges have never been inducted into. This mirrors the findings in the 'Perspective 1' section above and outlines the consequences of too little ongoing, systematic engagement with the Bar and the judiciary about the Soteria programme.
Both training pilots suggest that future training should be led or co-led by practitioners. There may also be a need to offer separate training for inexperienced and more experienced practitioners, given the difference in the types of content desired and in their post-session evaluations of what is useful. In both training pilots, the in-person requirement has resulted in logistical challenges and, in the case of the barrister training, may have contributed to low attendance. It may be that online delivery, or mixed-mode delivery (part online, part in person), would prove more productive than in-person delivery alone.

7. End-to-end feedback and improvement

The Soteria approach to organisational learning

Operation Soteria was, at its core, an exercise in organisational learning. The police–CPS relationship reshaped by Soteria now includes a substantial continuous improvement programme.[36] Joint local rape scrutiny panels were introduced as part of the NOM with standardised guidance and sit alongside RASSO-specific Joint Operational Improvement Meetings. Both organisations invite scrutiny of their investigation and charging decisions from each other, from expert practitioners and from community members, and the panels are explicitly framed as a route to identifying lessons.[37]

The bilateral architecture of Soteria is a strength of the programme compared with its starting point of poor police–CPS working relationships,[38] but in order to move the programme further, it now needs to also include the Bar. At present, the Bar is not part of the Soteria mechanism for continuous organisational learning and development.

Learning from counsel

[36] College of Policing (2023).
[37] CPS (2024a).
[38] See Stanko (2022).

At present, counsel is not integrated into the systematic continuous organisational learning and improvement programme at a strategic or operational level. At the strategic level, a senior CPS interviewee acknowledged that, while relations with the Bar were good at senior level with regular engagement, this engagement *"could be a bit more systematic*". At the level of the individual case, reviews occur as part of general supervision, but typically only when something is being flagged as having gone wrong:

> *"…they're only for the really awful or the really excellent. But in between, there isn't a mechanism, unless somebody raises it with either the unit heads or with the senior prosecutor — we don't provide that sort of feedback."*
>
> — CPS Senior Leader Interview 2

The police and CPS are running so-called NFA scrutiny panels as part of the continuous learning and improvement approach. Their purpose is to review and learn from cases that did not result in the police referring the case to the CPS for a charge, or in the CPS deciding not to charge (i.e. cases that result in 'no further action' (NFA), hence the name 'NFA scrutiny panels'). This means that the scrutiny panels, by design, have no post-charge scrutiny component. This approach was appropriate when the panels were first set up given the problem they were designed to address at the time,[39] but it may now be time to consider expanding their scope to include charged cases.

When prompted about the potential benefits of including trial counsel in review panels, strategic leaders agreed in principle but highlighted that availability and payment of counsel could be prohibitive. That said, one barrister suggested that post-acquittal debriefs would be helpful, so there may be appetite for this amongst trial counsel:

> *"I think it would be useful to have, maybe have a sort of a cultural assumption that there is going to be a sort of powwow afterwards between all parties to see what went wrong, if something went wrong, or what could not necessarily what went wrong, because again, in this case, I don't think anything went wrong."*
>
> — Barrister Interview 4

> *"As far as I know, there's not [a forum]. And partly it's because of the volume of cases — the case finishes and the barristers, in the shorter cases, will be going on to the next one, and probably the volume of cases the CPS is dealing with as well."*
>
> — Senior Barrister Interview 1

Counsel availability and remuneration were identified as practical barriers to going further, but not as a matter of principle:

> *"I think the challenge with involving counsel systematically is the resourcing. Counsel would expect to be paid for that, and we don't have the resource for it effectively. So any kind of additional ask that is made of counsel, they will quite understandably want to add that to the bill at the end of the day, but if it doesn't feature in the fee scheme, then it's not something that can be compensated."*
>
> — CPS Senior Leader Interview 3

Scrutiny panels are not the only way of learning from experience. There does exist a formal route for collecting feedback from counsel through so-called 'outcome' or 'adverse outcome'

[39] See Stanko (2022).

forms prosecuting counsel are asked to complete and return to the CPS after the trial concludes. None of the CPS senior leader interviewees could point to a process whereby these were systematically reviewed and used for learning. Similarly, barrister interviewees did not know whether and how the information they provide through these forms was used by the CPS, which is itself indicative of how little the existing paperwork functions as an active learning channel: "*the barrister would have to complete usually a form for the CPS, but I'm not across the detail of what that form is, or how much input they have"* (Senior Barrister Interview 1).

There is convergence that including counsel in systematic learning and feedback loops would be beneficial, with agreement that occasional inclusion of counsel in existing NFA scrutiny panels and case-level feedback from and to counsel post-trial would be valuable. All raised the question of practicality, with acute awareness of how overstretched counsel is, and the need for remuneration. CPS leaders and senior barristers all felt that an occasional, dip-sampled end-of-trial debrief between counsel and the reviewing CPS lawyer, quarterly NFA scrutiny panels and more systematic engagement at strategic, senior level would be feasible and essential in closing the feedback loop.

Learning from officers attending trial

The OIC is the only member of the prosecution team present throughout the trial, ordinarily sitting in the well of the courtroom, behind prosecuting counsel. The OIC also gives evidence at trial, and the questions put to them when cross-examined about their evidence-in-chief can reveal errors, omissions or potential biases defence counsel suggest may be present and could cast doubt on the reliability of the evidence collected by police. This is a rich source of learning for policing for future investigations. Observing the entirety of the trial further enables the OIC to observe (and take notes about) how each element of their investigation plays out in court. Yet, there currently exists no process for systematically capturing and integrating this learning into the wider Soteria organisational learning and improvement programme within policing or the CPS. A possible channel for officer feedback after trial does seem to exist on paper (similar to the counsel adverse outcome/outcome forms), and the description given in CPS Senior Leader Interview 2 is instructive precisely because it is neither absent nor working:

> *"Officers do provide post-trial feedback forms, because they're sitting in the court… and we get those [via] the joint improvement [process] — they're not as regular as they should be."*
>
> — CPS Senior Leader Interview 2

This is a missed golden opportunity to learn from errors and omissions in the police investigation and/or the CPS handling of the case that reveal themselves when the evidence is tested in court.

Learning through HM Inspectorates

The HMCPSI interviewee described scrutiny and measurement of RASSO performance as focused on the pre-charge stage, with few post-charge KPIs. The handling of disclosures has emerged as a key point of diverging views between police, CPS and counsel, and in the officer online survey 1 as one of the main difficulties for officers at trial. Yet,

> *"There are no disclosure KPIs at all. We know how many cases go down because of disclosure issues, but we don't know anything on… the internal process of disclosure."*
>
> — HMCPSI Interview 1

On outcome/adverse outcome forms barristers return to the CPS post-trial, and post-trial meetings, the inspectorate says:

> *"They should be learning from them… I am aware that the CPS tell me that joint meetings are reinvigorated and that this data is discussed. If you look at our joint case-building report, which we published with HMICFRS [His Majesty's Inspectorate of Constabulary and Fire & Rescue Services] last year, even though we were on site in 2024, we would maybe say that wasn't as effective as it could be, it's inconsistent."*
>
> — HMCPSI Interview 1

A post-charge rape inspection is in HMCPSI's plan but has been delayed by the backlog, because *"we still aren't getting enough cases through the system… most of the rape cases coming through are custody rape cases and not rape cases that have had Soteria front end"* (HMCPSI Interview 1). The interviewee also expressed a desire for an end-to-end inspection to improve learning, and identified the obstacle as capacity across the inspectorates rather than disagreement about value, noting that the police inspectorate, HMICFRS, is struggling to commit resource to joint inspections.

In sum, there is no systemic end-to-end feedback and learning loop across the justice system. Components of such a process exist, such as police–CPS scrutiny panels, police–CPS joint improvement meetings, outcome reports from barristers to the CPS, post-trial feedback forms for officers, and HMCPSI inspections. However, these are disjointed, mostly focused on the pre-charge stages of the process, with no recent post-charge RASSO inspection within the CPS. The HM courts inspectorate was abolished in 2012, and there currently is no mechanism for transparency and accountability of the quality of RASSO trials at court. An end-to-end learning and improvement process would necessitate the creation of effective end-to-end criminal justice transparency, accountability and governance structures.

8. Capacity and resourcing

CPS caseloads

Unsustainable caseloads and under-resourcing were repeatedly raised as a blocker to further improvements in the end-to-end handling of RASSO cases.

There was recurring mention from CPS reviewing lawyers that they were holding from 80 to over 100 cases, a near doubling from pre-pandemic caseloads of typically fewer than 50 cases. Some CPS reviewing lawyers said this made it hard to meaningfully engage with each case:

> *"We need more lawyers… I've got more than 100 cases… I can't give cases the justice that I would like to or that they deserve… So we're fighting fires all the time."*
>
> — CPS Interview 7

> *"There's no way that we can dedicate the amount of time that would be required to proper thinking strategy… Operation Soteria is great [but] it's not working as it should because we just don't have the capacity… it's soul destroying actually… when you get to the point that you can't even get basic work done… it just makes us look like we are completely incompetent."*
>
> — CPS Interview 9

> *"[Doing trial strategy] does take time, it really does… it's all getting lost because you've got so many cases to have this thinking time. You just can't do it in every case properly… It's just trying to keep your head above water and trying to even get the case there [to court], you know. Just get disclosure done, get the statement served… It's very difficult to have any thinking time."*
>
> — CPS Interview 12

One CPS lawyer said the workload causes long-term sickness leave *"and those of us who are still standing have to absorb their work"*, especially because newly recruited RASSO lawyers *"realise what it is and they ship out"* (CPS Interview 5). In re-analysis of the Pillar 6 Soteria data, it was observed that unmanageable workloads led to a reduced uptake of training, which may worsen the quality of the digital evidence strategy.

While there was recognition of recent investment, CPS lawyers said:

> *"we're not feeling the benefit of it"* because an increase in charging and delays in court meant that cases stayed around for longer.
>
> — CPS Interview 5

This was also noticed by police officers:

> *"we're struggling, they [CPS] are collapsing"*
>
> — Police Interview 10

This officer interviewee felt the workload meant reviewing lawyers did not hold a case conference *"if they can get away with it"* (Police Interview 10). Similarly, barristers described this as a significant problem (Barrister Interview 3) because it meant CPS lawyers *"can only put fires out"* rather than proactively drive case strategy in every case (Barrister Interview 1). One CPS manager argued that caseload does not automatically prevent lawyers from being suspect-focused with their case reviews because:

> *"how you deal with evidence, how you assess cases, is not really dependent upon how many cases you have. It's really about the methodology that you adopt."*
>
> — CPS Interview 14

A further dissenting view came from outside the CPS. The HMCPSI interviewee accepted the caseload figures but cautioned that lack of resourcing should not be an excuse for poor performance. Senior CPS interviewees were acutely aware of the resourcing pressures. There is now a casework improvement strategy in place, including a review of whether RASSO units are properly resourced; a plan for greater "para-legalisation" to move non-legal tasks away from lawyers so that their time is spent on legal decision-making; and digital tools are being piloted to reduce the time taken to review ABE material.

Barrister unavailability and well-being concerns

The shortage of RASSO barristers, and the associated difficulty for the CPS in instructing and retaining counsel, are "*a massive systemic issue*" (CPS Interview 14).

The Criminal Bar Association's 2025 national survey, which drew 1,717 responses, found that 39% of barristers currently on the CPS RASSO panel did not intend to reapply, and that only 9% of barristers not already on it intended to join. The reasons given were poor remuneration and the nature of the work itself: three-quarters of those leaving the panel said the pay did not adequately reflect the hours worked, and over half of respondents cited the emotional exhaustion of RASSO work.[40] These findings sat within a wider picture of one in three criminal barristers intending to leave criminal practice altogether.[41] The CPS takes a different view, reporting in February 2026 that its Advocate Panel had more than 3,000 members, of whom over 1,000 were on the RASSO panel, and describing those numbers as healthy. The two accounts are not necessarily inconsistent, since panel membership counts those approved to prosecute rather than those actively doing the work in practice.

Further, panel membership was also described as a weak guarantee of courtroom competence. A CPS senior leader who had previously sat on the panels said that entry had become more liberal, with more junior practitioners admitted for ancillary hearings, and that the process tests attendance rather than performance:

> *"They can do a course, but there's no — did you do well on the course? Has somebody seen what you do?"*
>
> — CPS Senior Leader Interview 2

> *"We had a spate of cases where we were desperate. We would take any counsel"*
>
> — CPS Interview 5

CPS leaders noted they regularly have to spend extra money on silks to secure a barrister on the Friday before a trial is due to begin the following Monday. In these instances, prosecuting counsel has very little time to prepare or familiarise themselves with the case, and any pre-trial work was done with a different barrister. In contrast, defence counsel will have had months (and with the current backlog sometimes years) to prepare the case. When prosecuting counsel is instructed just days before trial, or even on the eve of trial, this puts the prosecution — and with it, the victim — at a significant disadvantage.

> *"your allocated counsel won't get to the case, because cases are overrunning, you may as well throw them up in the air"*
>
> — Barrister Interview 3

> *"you get a case that will be given at the very last minute to someone that doesn't have a flavour of what the case is about… And that can have a real detrimental effect. No fault of counsel. These are very involved cases that you build for months and months and then suddenly, oh, here we are, off you go"*
>
> — CPS Interview 9

> *"If you're actually preparing [a case] for trial, you will know the ins and outs. But if you've been parachuted in at the last minute… when defence starts attacking you, unless you've got a full ammunition to attack back, it's, you miss things…"*

[40] Criminal Bar Association (2025).
[41] Criminal Bar Association (2026).

— CPS Interview 15

This was borne out repeatedly in case reviews; for example, the trial barristers in Case 19 and Case 22 *"got the job on the Friday before the trial"* and upon skimming the case file, immediately told the OIC they *"did not have high hopes"* for the case (Police Interview 3). This mattered because interviewees felt that barristers instructed late do not have time to understand the significance and nuances of the evidence, especially if there is a large amount of material to review. For example, in Case 14, trial counsel was still asking the OIC for a basic timeline of key events in the case at the end of the first day of trial, and was unaware of text messages that contradicted the defendant's testimony in court (Police Interview 8). Similarly, in Case 10, the barrister for the first trial was perceived not to understand the relevance of videos exchanged between the victim and defendant, but a new barrister with more preparation time used them at retrial and a guilty verdict was secured (Police Interview 8). Where there was continuity of counsel, it was frequently identified as a key strength and enabler of good case-building (e.g. Case 2). In other cases, including Case 27 and Case 10, a change of counsel was perceived to improve the prosecution by bringing in barristers who adopted more proactive and trauma-informed approaches (see also Perspective 4: it all depends on who you get).

Even when counsel is instructed in a timely manner, current fee structures disincentivise barristers from preparing cases well in advance. If proceedings are delayed (a common occurrence), and new counsel takes over, payment for this 'wasted' preparation is substantially lower:

> *"if you're not going to pay people for prep… you're not going to get people investing or buying in… 'Wasted prep' at 35 quid an hour: You can't get a plumber for that."*
>
> — Barrister Interview 3[42]

The fee structure was raised by numerous interviewees. Fees are fixed by statutory instrument on the defence side and by the CPS scheme on the prosecution side. Fees are claimed at the conclusion of the case, which, given current Crown Court delays, means payment may fall several years after the preparatory work was done.

Fees are lower for prosecuting counsel than defence counsel appearing in the same case. This issue was raised by multiple barrister interviews, and is illustrated particularly well here:

> *"Barristers that prosecute are continually worse off financially because they have accepted instructions from the prosecution rather than the defence. There is no justification for the prosecution to be paid less for the same case. If anything, the prosecution should be paid more"*

> *"[…] prosecution counsel are repeatedly asked to do more and more. They are asked to advise in writing (often repeatedly as things change and develop), in conference, and by email or over the phone. They are asked to provide written opening notes explaining the case (so the judge does not need to read the papers), draft agreed facts (which shortens the trial and reduces the number of refreshers the trial will have, and therefore counsel's remuneration). Counsel will be asked to prepare a jury bundle index for the documents that will go to the jury. Counsel will be asked to provide a*

[42] Since May 2023, the hourly rate for wasted preparation for a junior advocate is £46, not £35.

witness running order (often weeks before the trial is to start, when counsel are actually in the middle of conducting another trial). All without anything being added to recompense this further work. In the event of a conviction, prosecution counsel will be asked to draft an opening note for sentence, setting out all of the legal provisions and sentencing guidelines that apply as well as dealing with any victim personal statements or ancillary applications such as for a Sexual Harm Prevention Order or a restraining order, or confiscation or forfeiture of items used in the offence.

It can be no surprise that the number of barristers prepared to do these cases is declining […]."

— Senior Barrister Interview 2

At the time of report writing, defence advocate remuneration is under review.[43] There is no active corresponding review of the prosecution fee scheme, which has been unchanged since May 2023. A CPS spokesperson confirmed that "*maintaining broad parity of fees between defence and prosecution advocates remains an overriding objective for the CPS".*

Finally, the original Soteria work identified officer well-being as central to their ability to conduct competent, unbiased investigations and engage with victims and witnesses in a trauma-informed manner.[44] The CPS similarly has identified this as part of its NOM.[45] The CPS makes some of these well-being resources (including counselling support) available to counsel it has instructed in RASSO cases. However, amongst barrister interviewees concern was raised as to potential negative consequences attached to taking up that well-being offer.

"I wonder whether people aren't confident enough — that the CPS might see that as a weakness, if you're trying to access some kind of counselling after you finish the case… generally we recognise much better now that, in order to be an effective barrister, you need to have your mental health supported as well."

— Senior Barrister Interview 1

The CPS confirms that the well-being offer for advocates is a completely confidential service, and that CPS staff have no way of knowing who has made use of it, unless they themselves choose to disclose it. The CPS further confirms that work is underway to further highlight and promote the CPS well-being offer to the Bar, in consultation with Bar leaders. Our findings suggest a clear need for the confidential CPS well-being service for CPS staff as well as advocates, alongside a need for the (now underway) engagement work to assure advocates of its complete confidentiality, including an 'air gap' between the well-being service and counsel instruction.

[43] Ministry of Justice (2026). The consultation followed the Criminal Legal Aid Advisory Board's recommendation of additional investment in fees for RASSO work, and the recommendations of the Independent Review of the Criminal Courts on early preparation and engagement.
[44] Hohl and Stanko (2024).
[45] CPS (2023a).

Recommendations

1. **Add a trial preparation element to the police NOM,** co-developed with the CPS and the Bar, comprising barrister-designed and barrister-delivered courtroom skills training for officers and a product on answering questions at trial about a RASSO investigation. Investigative decisions should be recorded with a brief rationale for the decision, so that an OIC who did not conduct the investigation can rely on it to justify the decision if questioned about it at trial.

2. **The CPS should develop a post-charge RASSO improvement strategy and implementation plan to strengthen active post-charge case management.** This should cover the quality and Soteria-compliance of instructions to counsel, communication with counsel and police, more effective use of the trial preparation period, including of PTPHs. A wider set of post-charge key performance indicators should be developed to track and support this activity.

3. **The police and CPS should develop and implement a strategy for systematic, ongoing engagement with counsel to improve working relationships**. This should include an action plan for sharing knowledge about the CPS Soteria approach, and address any concerns the Bar may have about it.

4. **Soteria training for barristers** should be co-designed and co-delivered with barristers. Training should be designed to cover prosecution and defence, and be open to all RASSO barristers, including barristers who only defend.

5. **Existing police–CPS feedback and continuous improvement structures should be expanded to include the Bar.** Counsel should be included in RASSO scrutiny panels, and routine mechanisms established for learning from counsel.

6. **The police and CPS should learn from trials.** This should include systematic analyses of the outcome and adverse outcome reports that prosecuting counsel already complete and return to the CPS after each trial. Officers attend trial and are cross-examined about their investigation at trial, and their observations of investigative strengths, errors and omissions need to be systematically captured and used to improve future investigations and prosecutions. Local CPS areas could conduct small, quarterly randomised samples of finalised cases in which prosecuting counsel is asked to complete a brief post-trial feedback interview. The learnings should feed into regular improvement updates for CPS lawyers and be passed to policing where they concern the investigation.

7. **Reinforce the Soteria approach to charging CCB alongside sexual offences where the offending takes place in a coercive-controlling context, and commission a review of the CCB legislation.** The review should consider the current working of CCB with specific consideration of cases where CCB charges sit alongside sexual offence charges and propose potential solutions to overcoming current challenges. The review and recommendations should consider case outcomes, trial preparation, length of trial, victim experience and sentencing, including whether the maximum sentence of five years' imprisonment is appropriate. Further, the review will benefit from taking a cross-

national comparative approach, for example with the Domestic Abuse (Scotland) Act 2018.

8. **The CPS lawyer and officer in the case should co-own the digital evidence strategy from early advice through to trial.** Digital material and the victim's video-recorded interview should be scrutinised by both the OIC and the CPS lawyer as early in the investigation as possible, to highlight all possible digital lines of enquiry. A clear, evidence-informed digital strategy should be established at the outset, since decisions made — or not made — early on will shape what evidence can realistically be recovered and relied upon later.

9. **Establish effective end-to-end transparency, oversight and accountability structures that include the courts.** In the interim, conduct a joint police-to-court RASSO inspection.

10. **Review CPS resourcing and barrister fee structures.** CPS RASSO resourcing needs to be uplifted in line with caseloads, based on realistic assessments of the time involved in actively and adequately managing a case through to trial. Prosecution fees are lower than defence fees; this should be remedied. Further, the barrister fee structure should be reformed to incentivise, rather than discourage, pre-trial preparation and written applications.

11. **Further research is needed to test and extend the findings.** This should cover the areas closely connected with, but outside the scope of, this pilot study, including victim voices and experiences, defence practice, the judiciary and juries, and other geographical areas in England and Wales.

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