

## Guide Six – Investigating and prosecuting a case

Once you have reported a sexual assault the police will need to investigate the report, then build a case with prosecutors to charge the person who assaulted you. You're entitled to support from the moment the sexual assault takes place and throughout the police investigation and lead up to going to court, as well as during the court case and after it has finished. For more information about support options please take a look at Guide Two.

### **Police investigation**

The police are investigating your report so that they can decide if there is enough evidence to make a case to charge the person who assaulted you. The first stage of this is collecting your witness statement and any evidence that exists. Please take a look at Guide Three or Guide Four depending on how long ago you were assaulted, and Guide Five for more information about evidence.

**Reports sometimes take a long time to investigate** because the police might have to talk to a lot of different people, or look at a huge amount of evidence, including many hours of CCTV footage or digital evidence such as text messages or emails. Take a look at Guide Five if you want to know more about disclosure of digital evidence.

During the investigation the police may need to speak to your friends and family if necessary, as well as the person who committed the assault and any witnesses. They may collect evidence from other people who were there at the time or are able to help prove what happened.

The police look at all the evidence they have collected and decide whether there is enough to give it to the Crown Prosecution Service (CPS) who will decide whether or not to prosecute.

If the police do not think there is enough evidence to make a prosecution they will get in touch to let you know. **This does not mean that they do not believe you or that the crime didn't happen**, it just means that there is not enough evidence to prove it. **You are still entitled to the same support even if there is no prosecution.**

If the police decide there is not enough evidence to give the case to the CPS but you disagree you can tell the police officer that you want to appeal this decision, or your Independent Sexual Violence Adviser or support officer can do this for you. You can do this through the Victims' Right to Review scheme. Under this scheme, a different lawyer or police officer than the one who made the decision will look at the case again and see if they think that the first decision was correct or not.

Even if there is not enough evidence for charge now, if in the future there is more evidence to add to the case then the police will investigate this too and make a decision based on whether there is then enough evidence to prosecute.

### **Prosecutors look at the police case**

If the police think there is enough evidence they will give the case to the Crown Prosecution Service, who you might hear called the CPS or the prosecutors. The CPS will look at all the evidence provided by the police and decide whether or not there is enough to prosecute the person who committed the crime.

It can **sometimes take quite a long time for the CPS to make a decision whether to prosecute a case.** This is because the CPS is reviewing all the information that the police have provided them

with and sometimes asking for more information if they think it is needed to help make the decision whether or not to prosecute.

The CPS will let you know whether or not they will be taking the case to court by a letter from a prosecutor. Sometimes the CPS will decide there is not enough evidence to prosecute the case. The reason(s) for this will be outlined in the letter the prosecutor sends you.

In a rape case, the CPS prosecutor who made the decision not to proceed with the prosecution will notify you within one working day of their decision by letter and will also offer to meet you to explain personally the reasons for the decision.

If the CPS decides not to prosecute the case you can ask for a review of the decision under the Victims' Right to Review scheme, just like with the police. The CPS Victim Liaison Unit will let you know by letter whether they have changed their minds about prosecuting or not.

There is a chance that the CPS team that review the case will still decide that there is not enough evidence to prosecute the case.

#### **If your case isn't taken forward**

You may be upset or frustrated if the police or CPS decide not to prosecute a case and want to take further action. You might be able to take private legal action and sue the person who committed the crime but you are not entitled to legal representation for private cases and they cannot result in a criminal conviction. You will need to ask a lawyer to find out what is possible privately.

You can ask the police to keep your statement and volunteer as a witness if there are further cases involving the person who assaulted you.

It is important to remember that a dropped case **does not mean that the police or CPS do not believe you or that the crime didn't happen**, it just means that there is not enough evidence to prove it. **You are still entitled to the same support even if there is no prosecution.**

#### **If your case is taken forward**

If the CPS do decide to prosecute the case this means that your case will be going to court. Take a look at Guide Seven to learn more about how to prepare for this.