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Facing up to being a 'faceless institution': Increasing victim engagement and empathy amongst rape and serious sexual offences prosecutors in England and Wales

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In England and Wales, the Crown Prosecution Service (CPS) acts independently of police investigators to determine whether, and what, charges should be brought in a criminal case. With an obligation to represent the public interest, the CPS has traditionally operated as a detached organisation, with a limited role in communicating with victims. Recent years have seen a shift in this respect. This has been particularly acute in rape and serious sexual offence cases, where critical scrutiny has propelled the CPS to acknowledge the need for greater transparency, accountability and engagement with complainants. In this article, we explore this in the context of pilots conducted as part of a performance improvement initiative known as 'Operation Soteria'. We explore how lawyers responded to requirements to collaborate more closely with Independent Sexual Violence Advisers, who often support victim-survivors, and to communicate more directly and effectively with rape complainants. We identify points of resistance, tied to perceptions of prosecutorial remit or 'good' lawyering, and highlight training and wellbeing implications for prosecutors engaging in this qualitatively different way with—often vulnerable—individuals. We reflect on the challenges faced by the CPS in embedding any cultural shift away from its being a 'faceless institution'.

Keywords rape and serious sexual offences, victim engagement and communication, crown prosecution service, prosecutorial independence, emotional labour, Operation Soteria

In England and Wales, there is a compartmentalised approach to the investigative and prosecutorial phases of the criminal process, whereby police as primary investigators prepare case submissions that are then assessed by Crown Prosecution Service (CPS) lawyers to determine whether, and what, charges are to be pursued. This compartmentalisation is often extended further, with the CPS undertaking key preparatory work in the prosecution before instructing an independent barrister to present the case at court on the Crown's behalf. Though there are benefits to this approach, tensions can arise in the management of these transitions, impacting professionals and parties alike. In this article, we focus on this positioning of the CPS as an independent lynchpin in the prosecutorial process and its implications for victim-survivors.

More specifically, we chart a trajectory in which—amidst wider policy commitments to 'victim-centred' justice—the CPS has been under increasing pressure to become more visible and accountable to this cohort. In lieu of its traditional reliance on police, witness support or the third sector to communicate with victims, the CPS has embarked on more direct forms of engagement. These range from the distribution of information leaflets and drafting of letters to explain case decision-making to the development of mechanisms through which victims can request case review. These initiatives appear to have been driven both by recognition of victims' procedural justice interests and a strategic appreciation that keeping victims engaged (often over protracted time periods as Crown Court backlogs continue) could be crucial to prosecutorial prospects.

In what follows, we draw on data collected as part of an independent review of CPS decision-making and practice in the context of adult rape cases to explore the implications of this shift. The treatment of rape and serious sexual offence (RASSO) complaints and complainants across the criminal justice system in England and Wales has attracted heightened concern and become a priority area for the CPS in its development of a more victim-facing prosecutorial role. But while our findings regarding the benefits, risks and sustainability of prosecutors' victim engagement are grounded in this context, we believe they also have a wider resonance to other crime types. And this is particularly pertinent given the CPS's recent commitment to ensuring that—across the organisation—its prosecutors provide a more transparent, supportive and responsive service.[1]

In previous work, we have used our data to explore the adequacy of police-prosecutor partnerships in ensuring robust exploration of reasonable lines of inquiry and timely investigative progression in RASSO cases (King *et al.* 2025). We have also explored the reasoning adopted by prosecutors when determining if there is sufficient evidence to generate a realistic prospect of conviction and whether progressing to trial would be in the public interest (Munro *et al.* 2025). Here, we use our data to explore the nature and adequacy of prosecutors' communication and engagement with complainants, in a context in which RASSO units were being encouraged, as part of a wider performance improvement programme, to pilot additional victim-support initiatives. We consider prosecutors' receptivity to this shift in their role and responsibilities, explore evidence of positive outcomes as a consequence of new initiatives, and identify points of ongoing challenge to reflect on the prospects for change across CPS organisational cultures.

In the first section, we set the scene in terms of the design of the CPS in England and Wales since its inception. In particular, we chart its trajectory towards an increased victim-engagement role. Thereafter, we explore concerns that have arisen to date regarding prosecutors' communication with RASSO victims. As we explain, those concerns—alongside

[1] https://www.cps.gov.uk/stories/transforming-our-service-victims-cps

others tied to investigative remit, case progression and decision-making—precipitated pilots across CPS areas, under the banner of 'Operation Soteria', intended to inform an improved national operating model (NOM) on adult rape. Those pilots provided the backdrop against which we undertook our data collection and analysis, which we explain in the third section before moving on to key findings and their implications.

We highlight the degree to which our data suggests that Operation Soteria provoked pointed introspection regarding the traditional and future role of the CPS as an institution, with many participants concerned that its conventionally detached and depersonalised approach had fuelled mistrust amongst complainants and their third-sector supporters, as well as creating tensions in partnerships with other justice professionals. We move on from there to explore the successes associated with key mechanisms implemented under Soteria pilots, which were designed in different ways to make the CPS more visible, approachable and accountable to victims. However, we also expose lingering tensions, attributable in particular to the framing of professional identities at individual and institutional levels, and in the penultimate section, we reflect on key training and support needs amongst prosecutors that might be particularly driving those anxieties. In the conclusion, we reflect more broadly on what this story of the CPS's shifting mode of engagement with complainants can tell us about the wider challenges of delivering, and being seen to deliver, robust and impartial justice, particularly in a compartmentalised adversarial process where effective mechanisms to protect the interests of victims have often been lacking.

Of independence and detachment: the origins and operation of the CPS

In England and Wales, the establishment of the CPS in the 1980s brought a significant change to the structure, organisation and operation of the criminal justice process. Where previously, the police had been solely responsible for the investigation and prosecution of offences, this new body was established to take over the independent determination of whether, and what, charges should be brought, with a mandate to take cases forward to prosecution. The backdrop to this was the 1981 Royal Commission on Criminal Procedure, which voiced concern over a 'considerable accretion of police power' with inadequate safeguards to ensure impartiality, proportionality and the protection of citizens' rights (Harlow 1981: 241). To address this, alongside a new framework for regulating police powers (reflected in Police and Criminal Evidence Act 1984), the CPS was established to provide a separation between investigative and prosecutorial functions. CPS decision-making was to be independent and impartial, guided by key tests set out in the Code for Prosecutors regarding evidential sufficiency and public interest.

At the time of its establishment, then, the 'principal feature' of the CPS was 'the independence, hopefully 'robust' independence, of the prosecution', with the system designed in a way that 'emphasises and institutionalises' the fact that an 'individual prosecutor is ethical, professional, and independent' (Samuels 1986: 432). Documents setting out its initial processes and functions tended to depict it 'as a remote and distant prosecuting authority', operating at 'a high level of independence and autonomy' and with a lack of scrutiny and accountability in relation to its decision-making (Tapley 2020: 217). Indeed, critics suggested 'the constitutional arrangements for supervision of the prosecutorial function are actually *designed* (emphasis in original) to render prosecutors unaccountable both for their general policies and for individual decisions' (Harlow 1981: 242). In the intervening years, though the CPS may not have encountered the same public scrutiny as its policing counterpart, mechanisms for opening up accountability in relation to prosecutorial

decision-making have increased: through Inspectorate reports and Governmental reviews, but also more transparent data access through criminal justice dashboards, scrutiny panels and judicial review procedures.

The evolution towards recognising victim-survivors specifically as being owed a degree of transparency or accountability from the CPS has been slow, however. In the division of labour that underpinned this much-prized prosecutorial independence, there was certainly no duty nor expectation initially for prosecutors to have direct contact with complainants (Home Office 1988). Throughout the 1990s, although there was some acknowledgement from the CPS of victims as constituencies of special interest, this remained within narrowly circumscribed limits. In 1994, it confirmed 'the CPS does not act directly on behalf of individual victims or represent them in court in criminal proceedings because it has to take decisions reflecting the overall public interest…Nevertheless, the interests of the victim are very important when we make decisions' (1994: 1, discussed in Tapley 2020: 218). By the late 1990s, however, reflecting wider efforts to modernise the criminal justice system in England and Wales, the CPS was required—for the first time—to pass information directly to complainants (rather than through police) where a reviewing lawyer had discontinued a case after a file had been submitted (Home Office 1998).

Across the 2000s, this momentum–at least at the level of policy–toward more 'victim-centred' approaches continued (Home Office 2002; Jackson 2003; Doak 2005). For the CPS, this ushered in a greater role in communicating with victims, specifically to ensure they were provided with relevant information prior to, during and after the trial, taking into account the needs of vulnerable and intimidated witnesses. It also precipitated the creation of a victim's right to review in respect of charge decision-making, which—in responding to concern about the 'finality of the decision not to prosecute' (CPS 2016)—was described as demonstrating organisational efforts at 'more transparency' and 'more sensitivity to victims' (Illiadis and Flynn 2018: 551).

Reflecting on these incremental developments led Tapley to suggest that 'the CPS has undoubtedly shifted from being a distant and removed prosecuting authority reluctant to engage with victims and witnesses to a prosecution service not only compelled to communicate with victims and witnesses but also more willing to listen to their concerns' (2020: 238). In support of this, there certainly appears to have been an increased appreciation at senior levels that prosecutorial independence does not require institutional isolation[2] (CPS 2020; CPS & NPCC 2021); and recognition of duties owed under the Victims' Code in respect of notifying victims about key aspects of prosecutorial decision-making is reflected in the establishment, since 2014, of 'Victim Liaison Units' (VLUs) across CPS areas. The need to improve the volume, quality and timeliness of communication with victims, and offer enhanced support to those with most acute needs, has also recently been recognised (Crest Advisory 2022), with the CPS launching a 'Victim Transformation Programme' (VTP) and 'Victim Centre of Excellence' to drive this improvement.[3]

Whether motivated by a principled commitment to put victims at the heart of the justice system, a strategic imperative to improve public confidence in the criminal process, or a pragmatic appreciation of the importance of victim-engagement to securing convictions, this marks a departure for the CPS. What is less clear, however, is how it is being received and translated on the ground. In particular, though a more victim-facing component to their role might increase some prosecutors' job satisfaction, it might also provoke

[2] https://www.cps.gov.uk/cps/news/prosecuting-public-interest-independence-without-isolation-max-hill-qc-director-public

[3] https://www.cps.gov.uk/stories/transforming-our-service-victims-cps

personal and professional resistance; and the translation of the theory into the practice of victim-engagement may be underwhelming. Indeed, in a context in which others have identified 'a legal culture resistant to engaging with victims and witnesses' amongst some CPS prosecutors (Tapley 2003; Tapley 2020: 219), the prospects of success from such initiatives remains uncertain. This, in turn, raises wider concerns that, while 'the 'victims matter' rhetoric' in criminal justice policy 'reassures casual onlookers', in practice, 'promises made to victims are, at best, delivered selectively' (Jordan 2015: 86).

Rape (in)justice and prosecutorial process

Nowhere perhaps has this evolution regarding the prosecutors' role in engaging and communicating with victims been more key than in RASSO cases. In England and Wales, a succession of reviews has documented significant challenges in respect of attrition rates, procedural justice and plummeting public confidence, particularly in adult rape offences (e.g. HMCPSI 2019; Molina and Poppleton 2020; CJJI 2021, 2022; Home Affair Committee 2022). Though police recorded the highest ever number of rape complaints in a 12-month period in 2021, only 1.3% of recorded offences that had been assigned an outcome had resulted in a charge or summons, with CPS figures showing that the volume of completed prosecutions had dropped from 5,190 in 2016/17 to 1,557 in 2020/21. This prompted the Victims' Commissioner to declare an effective decriminalisation of rape (OVC 2021: 12): a concern echoed by the House of Commons Home Affairs Committee who concluded that rates of prosecution were 'shockingly low' and sent a 'terrible message' to victim-survivors (Home Affairs Committee 2022: 9), meaning that 'public confidence in the ability of the criminal justice system to respond to reports of rape….is at what could be its lowest point' (Home Affairs Committee 2022: 3). Retraction in police specialism and resourcing, together with the increased investigative complexity of cases, were recognised as contributory factors, but the role of the CPS was also drawn into question. The End Violence Against Women Coalition brought—ultimately unsuccessful—judicial review proceedings alleging a shift of approach in charge decision-making (*R (On Application of End Violence Against Women Coalition v DPP)* [2021] EWCA Civ 350), while Inspectorates concluded that justice personnel were too often 'focussing on fully exploring all the weaknesses in a case, rather than on building strong cases', and called for 'an urgent, profound and fundamental shift in how cases are investigated and prosecuted' (CJJI 2021: 2).

Against this backdrop, the 'End to End Rape Review' set a key ambition to increase the volume of rape cases being referred by police and charged by the CPS (Ministry of Justice 2021). This was to be achieved by ensuring robust and proportionate investigations, underpinned by more effective partnership-working and consistent and transparent decision-making, with improved communication and support for complainants. In furtherance of this, 'Operation Soteria' pilots were launched across selected police forces and five RASSO units to identify best practice (CPS 2022). Details varied across each CPS unit, but alongside a focus on earlier and better partnership-working with police to build quality case files, these pilots created more opportunities for examining decision-making, including through 'No Further Action' (NFA) Scrutiny Panels attended by police, prosecutors and Independent Sexual Violence Advisers (ISVAs) who support victim-survivors throughout the criminal process. In itself, this reflected a significant move towards encouraging greater transparency and strengthening partnerships with ISVAs in particular as a mechanism for increasing CPS accountability to victim-survivors.

Across most CPS pilots, this was accompanied, moreover, by further initiatives. In some units, for example, regular 'ISVA Forums' were established where questions or concerns

regarding overall practice or case-specific arrangements could be raised by ISVAs directly with RASSO prosecutors. Meanwhile, other units supported such communication through the creation of an 'ISVA mailbox'; or by the appointment of a dedicated 'Victim Liaison Officer' (VLO), whose role was to act as a single point of contact and communication for ISVAs and rape complainants.

Initiatives were also launched to improve the frequency and quality of lawyers' direct engagement with complainants. In some units, 'hello' letters were sent out at the point of receipt of a case file. These varied in format and design: in some areas, a template was devised in partnership with local ISVAs and sent from the RASSO unit's VLO, while in others, they were sent from the lawyer making the charging decision. Some units devised a more expansive communication strategy that encompassed other key moments, for example, where an action plan was set or there was a delay to anticipated trial dates. In one area, staff were encouraged to telephone complainants where trials did not proceed in the hope this would 'provide a voice for the CPS' (Tracker Entry).

Where a decision to charge was made, some areas also began sending letters with an offer for the complainant to meet with the reviewing lawyer, police officer in charge and their ISVA (if applicable) for a 'familiarisation' meeting. These meetings were intended to give an opportunity for the complainant to gain a better understanding of professionals' roles, identify points of contact and receive information about, and express their views regarding, the use of special measures at trial. Meanwhile, in cases where a decision not to charge was made by the CPS, initiatives were put in place to improve the quality of the NFA letters that were being sent out. While communication in other cases might more commonly be drafted by the CPS's VLU staff, 'the general expectation…is that letters in RASSO cases are drafted as bespoke letters by the prosecutor' before being sent to the VLU for checking (HMCPSI 2020: 37). However, a 2020 report found that this oversight was often 'bypassed' in RASSO cases, and communications frequently lacked empathy, provided insufficient detail or used complicated terminology that prevented complainants' understanding (HMCPSI 2020: 37). During Soteria, training was provided to lawyers—in some areas, by third sector specialists—and templates were developed to assist in setting things out in 'simple language' that 'breaks down all the jargon' (CPS13).

The scale of ambition in these victim-facing and victim-support initiatives should not be underestimated. They arose in a context of profound and persistent complainant dissatisfaction with the criminal process which spanned both policing and prosecutorial interactions (Molina and Poppleton 2020; CJJI 2021; Thomson and Beresford 2021; OVC 2021). Including them in Operation Soteria workstreams can be seen to evidence a shift in the prosecutorial remit, towards making lawyers more accessible to complainants' representatives and more responsive to victims' interests. The CPS has recently reenforced this in stipulating as a key aim of the new national operating model on rape to 'build trust, empathy and compassion' through improved engagement with victims (CPS 2023). As we discuss in Section 4 onwards, however, reconciling these aspirations with the conventional logics and organisational remit of the CPS and with the personal and professional orientation of its prosecutors may prove to be a challenging task.

Evaluating CPS Operation Soteria: access, data and methodology

This article draws on data collected as part of an independent review of the design, operation and impact of Operation Soteria initiatives across CPS pilot areas. From 2022 to 2023, the authors had significant access to personnel, processes and operational materials. In addition to being able to review internal training resources, Memorandums of Understanding

with police forces, and monthly 'tracker' entries completed by CPS RASSO units in order to report on the progress of Soteria pilots, we were also able to conduct 146 interviews with key stakeholders (see Table 1).

Interviews were recorded on MS Teams, lasting on average 60 minutes, and using a schedule designed to take participants through key themes via a series of open questions with flexibility to accommodate differential expertise. Interviewees were recruited through a mix of open and targeted calls. National CPS colleagues were directly invited to participate, whilst, in individual RASSO units, participants were made aware of the research by unit heads who asked colleagues to make contact with the research team or who passed on details of those who had indicated a willingness for us to follow up. Police and ISVA interviewees were largely recruited through our making contact with senior colleagues, who cascaded information to potentially suitable parties. Independent RASSO barristers were recruited through targeted emails to those chambers that CPS units advised were most often instructed to take rape cases in the local circuit, and judicial interviewees were recruited with the assistance of the Judicial Office and resident judges in the Crown Courts most likely to hear cases originating from the units involved in the Soteria pilots.

Alongside this, we conducted a series of observations across RASSO units: comprised of—Early and Pre-Charge Advice meetings between police and lawyers where investigative strategy was discussed in respect of particular cases (n = 36); NFA Scrutiny Panels at which police, CPS and (often) third sector stakeholders evaluated case decision-making (n = 15); other forums designed to facilitate collaboration with the third sector/ISVAs (n = 7); and CPS mandated RASSO training events (n = 4). These observations took place through a combination of in-person and online mediums. We also conducted close analysis of 24 randomly selected adult rape case files. Across the study, we interacted—to varying degrees—with 115 RASSO cases, of which we encountered 24 through case file analysis, 36 in advice discussions and 55 in scrutiny panels.

Interview transcripts, along with our notes from observations and summaries of case files were uploaded for qualitative analysis using Nvivo. In addition, key data pertaining to the 115 cases with which we interacted was extracted for quantitative analysis using SPSS. An iterative approach to qualitative coding and analysis was undertaken whereby a sample of data was initially coded by all members of the research team independently, in accordance with pre-identified themes from the literature review and in light of the objectives set for Operation Soteria, but with flexibility to allow identification and restructuring to accommodate emergent themes on a grounded basis. From this, a more detailed coding framework was agreed upon, with each member of the research team proceeding to code

Table 1 Breakdown of fieldword interviews.

Stakeholder cohort	Interviews conducted
CPS staff (incl RASSO lawyers, Paralegals, Case Progression Managers, VLOs, Policy)	58
Police investigators (across Soteria and non-Soteria forces, reflecting feeders to CPS units)	33
ISVAs/third sector specialists	27
Independent RASSO barristers	16
RASSO-ticketed Crown Court Judges	12

from this with regular opportunities for cross-checking built in through weekly project team meetings. This ultimately generated a 'tree-node' coding design that extended to 44 nodes, with over 6,650 coded extracts across the dataset (for a more detailed discussion of our data access, collection and analysis, see King *et al.* 2024).

The study benefitted throughout from the involvement of an advisory group, with membership spanning policing, CPS, third sector, academic, barristers and judicial expertise. We were invited at key stages to present in-progress findings to CPS colleagues at the national and RASSO unit level, which—without compromise to the independence of the research—afforded the authors a valuable opportunity for member-checking in regard to our understanding of the operation of pilots, their impacts and emerging conclusions. Ethical approval for the research was secured from the University of Warwick Humanities and Social Sciences Research Ethics Committee.

Before moving on to our key findings in respect of Operation Soteria's ambitions to improve prosecutors' engagement with, and support to, rape complainants, it is important to make a brief note on terminology. We use the terms 'victim', 'victim-survivor' and 'complainant' somewhat interchangeably, trying where possible to reflect the language used by our participants. We do so to acknowledge the formal status in the justice process of those who have made a rape complaint whilst recognising the reality that a conviction is not determinative of whether victimisation took place, particularly in the conditions of substantial attrition that Soteria set out to address.

In the rest of this article, we consider findings across 4 themes—(i) the role of Soteria as a prompt for reflection around CPS visibility and accountability; (ii) indicators of improvement in victim support and communication during Soteria pilots; (iii) institutional and individual challenges to the development of a victim-facing role for prosecutors in and beyond RASSO cases; and (iv) the need for resources, infrastructure and organisational culture change to support sustainable victim-support, communication and engagement amongst prosecutors and across RASSO units.

A moment of reckoning? CPS visibility and accountability

Interviewees across all cohorts, but particularly police and prosecutors, were keen to underscore that, over recent decades, there had been important progress in terms of how rape complainants were handled in the criminal justice process, with the introduction of special measures to aid testimony-giving and the opportunity for victim impact statements frequently cited as examples. Nonetheless, they often acknowledged, as they embarked on Soteria pilots, that there was still 'an awful long way to go' (CPS6) and a 'huge amount of work' (CPS1) to do to increase victim and public confidence and improve professional partnerships. For many interviewees, though it may have been part of the CPS's original institutional design, its tendency to function as a 'faceless institution' (Forum 5) in the pursuit of independence had directly contributed to the crises in confidence, collaboration and accountability that it was now being required to confront.

Prosecutors' relationships with police, at individual and institutional levels, were described as 'completely fractured' (CPS2), with resource constraints and a preoccupation with performance metrics having pitted them against each other. CPS28 explained that 'it's always been felt by the police and probably the lawyers that we're battling against each other', while Police22 reflected that this 'us and them' attitude still persisted. Not unique to the RASSO context, police attributed at least some of this tension to prosecutors' lack of approachability and the fact that the CPS are 'still relatively anonymous to us' (Police29).

Reliance on 'faceless exchanges of information'—through centralised portals—was recognised to have diminished opportunities for relationship-building and increased the likelihood of things being 'misunderstood or misconstrued' (CPS10). The extent to which this delayed (and sometimes derailed) case progression was often remarked upon, with Judge2 describing the relationship between police and prosecutors as an 'exercise in delay', and observing that, far from offering 'end to end' justice, 'the CPS and police almost seem to be on opposite sides rather than working together, and just pass the buck back and forth'. The consequence of this was poignantly expressed by Judge3: the 'idea of us having the CPS was to have a glass wall between the prosecution service and the police, but…it's become a trench'.

The ways in which a lack of transparency regarding prosecutorial decision-making had fuelled police frustration and third-sector scepticism were also acknowledged. CPS22 reflected that some other stakeholders 'probably feel they don't have any interaction…the police say we've sent this case to the CPS, and then some man in a suit says no. I should imagine it's very frustrating'. Confirming this, ISVA1 described the CPS as 'like a Willy Wonka factory' in that 'you don't really know what goes on inside'. Specifically in terms of prosecutors' engagement and communication with complainants, it was suggested that there remained a 'transactional' ethos (CPS2). Lawyers with long-standing experience spoke of an approach 'from as far back as I can remember' whereby 'as a prosecutor you never talk to a victim, we're not there for them' (CPS22), and 'witnesses were, if I'll be honest with you, sort of an unnecessary detail' (CPS7).

Though some suggested there had been a shift away from this in recent years, others reflected on how 'rubbish' (CPS2) the CPS remained in this respect, noting that feedback from victims indicated 'very much that the CPS is quite a faceless organisation' who they 'never hear from' (CPS25). The innovation in requiring prosecutors to send NFA letters to complainants where cases are discontinued was often suggested to have been insufficient in redressing this. Indeed, it was noted by some participants to be 'almost strange' that 'the first time we introduce ourselves' is 'at the point where we're dropping a case' (CPS27). What is more, CPS3, echoing the findings of previous inspection reports (in particular, HMCPSI 2020), observed that the quality of such correspondence from lawyers had, too often, 'just been poor, plain poor'.

Several interviewees acknowledged that this institutional invisibility also risked being interpreted by victim-survivors, and even other professionals, as demonstrating a lack of care: 'the problem is that, as an organisation, because people don't know us and don't see us, sometimes they think that we don't care' (CPS3). Police10 reflected that the CPS appears as 'an entity that is there, and there's no face to it, there's no emotion to it, there's no relationship to it', while Judge7 described it as a 'mystical beast'. Similarly, ISVA7 explained that she viewed the CPS as an 'omnipotent kind of being that…[is] never really present', while ISVA4 reflected on how this framed victims' experiences: they 'see it as this invisible hierarchical people, who they've never seen the face of and they don't really know, it's difficult for them to even picture it,…it feels like they're behind closed doors making decisions about people's lives who they've never met'.

In this context, some participants positioned Operation Soteria as a pivotal moment in which the CPS could re-evaluate what is gained and lost in terms of substantive and procedural justice outcomes as a consequence of its traditionally detached and distant mode of engagement. Those in senior leadership positions were particularly keen to underscore that—in addition to improving investigative quality and case progression—success required 'increasing public confidence' (CPS3) and improving 'the journey of victims through the criminal justice process' (CPS6), with shifts in 'the way we interact with the victim' as

prosecutors (CPS1) that might help 'stop the CPS being this invisible body in the middle, being the bad guy' in others' eyes (CPS13).

In the next section, though limited by the stage of development of victim-support and victim-engagement initiatives within Soteria pilots, we explore some emerging indicators of success.

A story of success?: 'I actually think [victims] will be far more happy and content that the CPS is an agency that can do an awful lot for them' (CPS22)

Initiatives under Soteria that sought to make RASSO units, and individual lawyers, more accessible to ISVAs (and other third-sector supporters of complainants) appeared to be particularly welcomed. ISVA mailboxes received a steady stream of correspondence, with ISVA17 describing it as a 'really useful' and 'really good resource', and ISVA14 applauding its flexibility to direct a range of queries to prosecutors, which was 'really beneficial'. ISVA18 went so far as to describe it as a 'lifeline' for her colleagues in a context in which, previously, they felt that they did not have a reliable avenue through which to raise questions or concerns about a client's case.

More generally, greater collaboration between ISVAs and CPS units—through training initiatives, forum meetings, and feedback on communications to victims—also increased appreciation of professional roles. CPS1 reflected that while 'the relationship had got mired in a lot of misunderstanding and had become difficult…the work that Soteria's done… has really broken down some of the almost myths and stereotypes' around their activities. Some interviewees saw this primarily as a one-directional enterprise of educating ISVAs about the criminal process and the role of the CPS within it. As CPS37 put it, 'we've done a lot of work locally with our local ISVAs so that they understand the role of the CPS, they have a better understanding around the criminal justice system…and it's a really positive working relationship now'. But for others, it was a more reciprocal process of benefitting from respective expertise. CPS51 reflected on the value that ISVAs add for professionals and victims alike, noting that 'ISVAs are unfortunately underrated within the system' but underscoring that they should be seen as 'part of the prosecution team'. In a similar vein, ISVA20 reported that there had been a shift towards the CPS recognising her and her colleagues as 'not just a support worker' and instead 'see[ing] us at a professional level'.

This recognition of, and respect for, third sector expertise was also evidenced in some of the Scrutiny Panels we observed. At their best, these forums could afford new and important insights. As CPS32 put it, 'it is really valuable to get external, and those with lived experience, insight into our casework'. Meanwhile, CPS50 noted that 'it's been really positive' to hear ISVAs' feedback at panels, 'just being quite honest about decisions we've made'. At the same time, the quality of these discursive exchanges, and the infrastructure to ensure that learning was systematically and effectively cascaded, was variable. We observed some discussions in which CPS and/or police dominated, for example, with ISVAs and other specialists being asked for input only infrequently.

In terms of recruiting ISVA input to assist in the drafting of NFA letters to complainants, though this was not uniformly done across Soteria pilots, where it was, those involved were often positive in their appraisals. CPS57 reflected, for example, that ISVAs 'were great in terms of helping us craft those parts of the latter' in a context in which they felt 'one of the biggest fears [harboured by CPS colleagues] was saying why a decision was reached… and the impact on the survivor'. The consequences of not soliciting such input were also well demonstrated in Scrutiny Panels, where letters to victims were discussed as part of

the review of decision-making. In Scrutiny 14, for example, a decision had been made to discontinue a case against someone the complainant alleged had been stalking and harassing her, at least in part because the lawyer interpreted ostensibly 'friendly' text messages between the parties as undermining her account. Not only did ISVAs present question the prosecutor's failure to give the complainant an opportunity to explain the messages prior to the NFA decision, especially given that they may have been sent to manage risk within the relationship, they highlighted the 'very blunt' and 'unsympathetic' tone of the letter, prompting CPS representatives to agree that 'it is a very good example of a very, very bad letter'. Meanwhile, in Scrutiny 15, CPS colleagues recognised that a NFA decision had been significantly influenced by the complainant's history of mental ill-health, but that this was 'deliberately omitted' in the explanation provided by the lawyer, which was 'very cold, blaming and dismissive'. This prompted a productive conversation about the importance of liaising with ISVAs to better understand how 'the message will land' rather than avoiding 'the difficult part'.

Notwithstanding these indicators of improvement in respect of CPS/ISVA partnerships, the extent to which this impacted on victims' experiences and any improvements tied specifically to enhanced CPS communication directly with complainants under Soteria were more difficult to discern since units did not systematically gather such feedback. This made it impossible, in the confines of our study, to assess, for example, how 'hello letters' were being received, whether NFA letters were perceived as fit for purpose and empathetic, or the pros and cons of receiving communication from lawyers as distinct from paralegals or victim liaison staff. In relation to familiarisation meetings, moreover, although feedback from attending professionals was reported to be extremely positive, indicating that victims 'felt empowered, heard and listened to', with the meetings helping 'keep victims on track' in terms of their participation in the process and allowing 'everybody to understand what each other's roles are' (CPS11), uptake from complainants was far lower than anticipated. This raises questions about the proactivity with which such offers were made and the extent to which barriers to uptake had been anticipated.

Work continues under the CPS's Victim Transformation Programme to better capture this evidence regarding uptake and impact on complainants, but the paucity of such information as part of RASSO unit's appraisal of Soteria might be indicative of its continued lower priority relative to other workstreams or, as we discuss below, of a degree of unease around its implementation.

The precarity of purpose: 'We're not the complainant's prosecution service, we're the crown prosecution service' (CPS18)

Research exploring the CPS's earlier initiatives to establish a victims' 'Right to Review' scheme indicated a limited impact on wider operational processes and organisational culture in relation to victim engagement (Illiadis and Flynn 2018). Our findings in the context of Soteria, as discussed above, suggested a significant degree of 'buy-in', at least at senior operational and policy levels, to the idea that prosecutors should be more visible and accountable to victim-survivors, both through improved working relationships with ISVAs and appropriate direct communication. However, we also found evidence of substantial resistance to this professional reorientation amongst prosecutors, which might imperil the prospects for consistent and sustainable change.

Indeed, despite recognition that the 'faceless' nature of the CPS had presented challenges, particularly in terms of partnership-working, procedural justice and public confidence,

interviewees often shared concerns about the impact that more direct communication and engagement with complainants might have on criminal processes. A tension was identified, in particular, with maintaining—and being seen to maintain—an appropriate level of prosecutorial independence, which was felt to be integral to the institution's *raison d'être*. CPS31, for example, emphasised that prosecutors 'still have to be impartial', while CPS36 underscored the 'important distinction that the CPS doesn't act as the victim's lawyer', which CPS51 worried could create a 'tricky situation' if prosecutors interact directly with victims they 'obviously don't represent'. Though personally supportive of a shift towards greater victim engagement, the way CPS3 juxtaposed this with independence is also telling: 'the CPS needs to be confident about its independent decision-making but also confident about how it supports victims through the system and that it is there for victims. It needs to articulate its identity in a way that it can do both'.

Participants variously highlighted different stages in the process where they felt that this tension might manifest. Some pointed to the sending of what might, at first glance, appear to be relatively innocuous 'hello letters'. It was suggested that this could open up a channel of communication that could become burdensome to prosecutors, who would be 'persistently chased' (CPS18) by complainants in search of updates. CPS20 reflected that 'we don't want to be opening up conversations with complainants at a very early stage because we haven't decided yet', and doing so could invite 'begging letters' whereby complainants make representations to persuade lawyers to proceed with charging. More generally, the potential for such early contact to humanise complainants beyond the case file was felt by some to jeopardise prosecutors' detached and impartial assessment. CPS20 underscored that 'the natural instinct if somebody writes to you and says 'I'm looking at this case', it's sort of either to ring them or write to them and say…first, will you hurry up because this is really awful for me, and second, please charge him, please charge him, because this is awful…he did this and he did that. If you've got to make that decision…you don't want to engage on that level'. Similarly, CPS31 reflected that 'victims, generally, they want to know that you're on their side, if that makes sense, and that you're fighting their corner…It's difficult because we've got to be impartial but also be offering them support'. Meanwhile, CPS18 reflected that 'we're an independent body who brings prosecutions; we won't get into the whys and wherefores…we are, I think, possibly getting into the realms now with what we're being asked to do in terms of some of the communication of tipping the balance'.

For other participants, it was innovation in respect of post-charge interaction that was felt to pose the greatest challenges. In relation to 'familiarisation' meetings, where it was anticipated that CPS colleagues would meet rape complainants to explain the next stages of the process and discuss—amongst other things—special measures options, several prosecutors expressed concern that this could confuse complainants by inaccurately implying that the role of the CPS was to act as their representative. As CPS46 put it, 'once [the victim] meets you in person or even over Teams, they think [X] is my lawyer', and 'that could be even harder and more confusing for people because they see a face and think, that's my person, just like the defence has got someone'. Some participants recognised that clear explanation of the CPS's role at the outset, facilitated where appropriate and available by ISVA support, could address much of this concern. As CPS27 put it, 'we absolutely have a role to play' in terms of victim engagement, 'but we've really got to be clear about the boundaries of that role'. However, others remained uncomfortable with how to navigate those boundaries effectively and empathetically. Relatedly, some were also anxious about the risk of being accused of 'witness coaching' in these meetings, and the potential disclosure implications that could arise if more direct communication took place ahead of trial.

As CPS51 put it, 'obviously you can't coach victims or witnesses, you've got to be very careful of what you say to them and how you say it…it's engrained in us that…you can't tell them too much'. Likewise, CPS47 shared that 'people's worry when we were told we were going to have to do [familiarisation meetings] was…because we're obviously independent and for them to understand that we are not their solicitor, we're not acting on their behalf…we were worried would it lead to a situation where…the victim starts to talk about evidential things that then have to be disclosed?'

These are indeed important considerations to bear in mind as part of fair trial processes within an adversarial system. The need for 'careful management' of interactions to navigate such risks was underscored to us (Judge8), whilst Judge1 opined that 'without an awful lot of safeguards' increased engagement from the CPS could 'cause more problems than [it] could solve'. Equally, research—including around an earlier CPS pre-trial witness interview pilot—has shown these are not insurmountable challenges (Ellison 2007; Roberts and Saunders 2010; Wheatcroft 2017). Indeed, some of the lawyers involved in familiarisation meetings under Soteria reported to us that they had been pleasantly surprised by the extent to which setting clear ground rules around what could be discussed, together with recording or robust note-taking, provided good safeguards.

In this context, as we discuss below, it may be that prosecutors' personal anxieties about encroachment on the CPS's prosecutorial independence as a result of their greater visibility to, and communication with, rape complainants under Soteria ultimately reflect a wider discomfort with navigating this relatively novel terrain and the shifts in professional identity that it represents.

Addressing the challenge: a matter of principle, or a matter of preparedness?

Though often positioned as a matter of principled objection to any incursion on their independence, it was clear that, for some prosecutors, concern about the CPS's growing commitment to victim-engagement, communication and accountability also reflected a lack of confidence, skills and practice in navigating this terrain. As CPS8 put it, 'generally speaking, prosecutors are absolutely terrified to speak to victims. And many are very categoric… they've said, it's not my job to speak to a victim. I don't represent the victim'. Police and ISVA interviewees also commented on identifying this anxiety amongst RASSO lawyers. However, some participants underscored that these evolving facets of the job could be reconciled. As ISVA13 put it, you can 'be kind and supportive and empathetic and trauma-informed; it doesn't mean you have to just lose all your boundaries and lose your professionalism'. Likewise, CPS2 observed that 'you can make independent, objective decisions but engage really well with victims: the two are not mutually exclusive', even if 'it's not an easy thing to do and takes great confidence and courage'.

This may well be true, but the 'confidence and courage' needed is unlikely to manifest spontaneously; instead, it requires training at the organisational level to bring it into being and support to sustain its existence in the face of cultural lags in workplace norms. In this regard, our findings indicated that the scale of the challenge facing the CPS should not be underestimated. CPS13 acknowledged, for example, that while the aim is for prosecutors' engagement with victims to be 'more structured, more controlled, more informed, so it doesn't feel like such a chaotic black hole for everybody involved…more empathetic and more nuanced', 'I don't think the training we have right now is sufficient to give prosecutors the skills that they need'. This was echoed by others who reported 'concerns raised by prosecutors about speaking to victims because it's not necessarily what their skillset is'

(CPS11) and observed that 'it doesn't come naturally to everyone to be able to feel comfortable in that scenario' (CPS36), since 'this is territory which we haven't necessarily been involved in before…we are not experts in trauma and understanding how people want to receive communications or be heard in meetings' (CPS32).

The gulf between what prosecutors felt trained to do and what an evolving victim-facing role demanded of them was particularly acutely felt by many in the context of drafting NFA letters. CPS29 reflected that it was a 'huge challenge' for prosecutors to ensure those letters were not written like a 'lawyer business letter' and did not 'come across as forced empathy'. CPS23 described writing them as 'the hardest thing' in their role in a RASSO unit since 'it's so difficult to put into words to a victim, who is going to be so disappointed'; and CPS20 reflected that they 'really worried about upsetting and disappointing people because obviously they've been through a lot'. For many lawyers, a particular challenge lay in communicating that the decision did not necessarily mean that they did not believe the complainant, whilst making it clear why they had concluded there was insufficient evidence to proceed and explaining legal tests in an accessible way. As CPS53 put it, 'you don't want to re-traumatise a complainant by being too specific. But if you're too vague, then they don't necessarily understand the reason behind it'.

Solutions to this challenge were often located by CPS participants in improved workload allocations or reduced caseloads that would accommodate the time it takes prosecutors to draft NFA letters appropriately. As CPS13 put it, 'they only get given about half an hour to 45 minutes' but 'all the RASSO lawyers are saying, no, this takes me two or three hours'. Beyond this, others pointed to the need for more collaborative training and ongoing input and scrutiny from third-sector experts. Even with the benefit of this, however, some participants remained ambivalent about the extent to which additional resourcing or training would suffice to make prosecuting lawyers adept, let alone comfortable, in these engagements, given the extent to which they were seen to sit at odds with the skills of 'good lawyering' instilled throughout their legal education.

This speaks to wider debates around professional identity, training and support that have been prompted by a more general rise in 'trauma-informed' lawyering. In this context, Jones argues that 'lawyers are increasingly caught between two paradigms. The first traditional paradigm seeks to avoid and extinguish emotions…The second, cotemporary reconceptualization urges lawyers to acknowledge and utilise emotions via the application of 'soft skills' and 'emotional intelligence' whilst failing to fully incorporate an acknowledgment and understanding of emotions into key professional values' (Jones 2023: 240). Navigating across these paradigms without clear roadmaps has been suggested to jeopardise the coherence of lawyers' collective and individual professional identities, and 'lead to largely unacknowledged vulnerabilities around mental health and wellbeing' for individual lawyers (Jones 2023: 256). The implications and consequences of this may be particularly heightened, moreover, in the RASSO context by virtue of prosecutors' inevitable engagement with distressing subject matter amidst heightened public and professional scrutiny (see, further, Gunby and Carline 2000; Levin *et al.* 2011; Levin *et al.* 2012; Krill *et al.* 2016).

Indeed, the hesitancy expressed by some CPS colleagues regarding an increased victim-facing role can be seen to reflect their reliance on strategies of detachment, which are not only a prized feature of conventional lawyering (Bandes 2020; Bonnes *et al.* 2025; Leiterdorf-Shkedy and Gal 2019; Kadowaki 2015), but perceived by many to be an effective coping mechanism for managing risks of vicarious trauma or compassion fatigue. While our barrister interviewees were generally more cognisant of the ways in which RASSO work

'burns you out and makes you jaded' (Barrister11), this was not something often reflected upon by CPS lawyers or paralegals in our study without prompting. When prompted, some acknowledged–albeit in the abstract–that RASSO work could be emotionally challenging. CPS38 reflected that some of the things colleagues 'have to read and see is beyond what the public would ever imagine; they couldn't ever imagine', while CPS43 spoke of them dealing with 'really, really horrible things that you can't get out of your head afterwards'. This was also recognised in the concerns raised by senior CPS colleagues regarding staff recruitment and retention. CPS7, for example, observed that some people can only work in RASSO units 'for a finite period because it's exhausting' and 'changes your world', while CPS56 agreed 'the nature of the work doesn't suit everybody, some people just find it quite traumatic'. Equally, the degree to which individual lawyers recognised themselves to be personally impacted by this varied, with many emphasising coping strategies they had developed, which they felt enabled them to work in RASSO units without any, or any significant, impact. CPS19 reflected, for example, that 'one of the things I've developed over my career is an ability to be objective to the point where I can switch off', while CPS22 insisted that 'ultimately, for me, you just have to learn the knack of turning the computer off and forgetting about it'. This idea that 'you learn quite quickly internal coping mechanisms' was also acknowledged by CPS1, while CPS38 observed 'you get quite de-sensitised because you have to…put it in a little box'.

Research in other contexts has suggested that such strategies of detachment and containment can undermine the prospects for high-quality decision-making by encouraging avoidance of necessary contextual and empathetic engagement (Baillot *et al.* 2013; Chlap and Brown 2022). Nonetheless, the prosecutors that we interviewed typically saw such coping techniques as enabling them to perform their role more rather than less effectively. This perception was bolstered, moreover, by the suite of CPS wellbeing support that had been made available to them, which tended to focus on the development of staff's internal coping mechanisms for resilience, accompanied by the availability of additional support if proactively requested. This is apt to shore up rather than challenge organisational norms, with the risk that seeking assistance will be seen to reflect an inability to perform the job properly (King *et al.* 2024; see also Hochschild 1983).

With the advent of initiatives that require prosecutors to take greater account of the needs and interests of victims, including through more direct communication with complainants, their reliance on conventional coping strategies of lawyerly detachment and emotional containment may be increasingly unsustainable. As CPS12 put it, 'when you meet somebody, it…puts it into more reality…[A]s a coping mechanism, you can treat a lot of the work you do as almost like a book, you can distance yourself emotionally from it. Meeting somebody does change that whole position'. Similarly, CPS42 observed that 'some of my colleagues say that they deal with it like it's not real life, like it's just some horrific story', but once you 'meet these people in real life' it is no longer possible 'to think of it as just a story'. Our findings suggest that the implications of this, not only in terms of the parameters of prosecutorial independence and prevailing conceptions of 'good lawyering', but also the wellbeing of individual staff and wider workforce sustainability, had not been adequately addressed under Operation Soteria. As the CPS moves forward with a victim-engagement programme that extends this victim-facing role beyond RASSO, substantial investment in training and support for prosecutors, as well as changes in organisational culture, will be needed. Without this, lasting and embedded change regarding prosecutors' engagement with complainants and the CPS's wider visibility and accountability to victims may be unlikely.

Conclusion

In this article, we have suggested that Operation Soteria afforded a moment of heightened introspection for the CPS regarding its partnerships with justice professionals, engagement with victims, and wider transparency and accountability as a crucial lynchpin in the justice process. The recognition that its traditional functioning may have hindered rather than helped to achieve justice outcomes, particularly though not exclusively in RASSO cases, reflects a watershed moment with the potential to materially impact institutional culture and professional identity. The shift towards a more victim-facing role that this has prompted, which has been endorsed in the national operating model for rape and the wider Victim Transformation Programme that succeeded Soteria, is far from an uncontroversial innovation, however. It is also not a shift that can be entirely comfortably positioned in the wider context of an adversarial criminal process in which prosecutions are undertaken on behalf of the state and the complainant lacks formal standing other than as a witness. Indeed, critics worry that—at least without substantial safeguarding in its implementation—this could imperil the very independence and objectivity of the prosecution.

Drawing on our data, through which we were afforded a unique albeit temporally specific insight into the on-the-ground operation of RASSO units and their staff, we have argued that the pursuit of substantive and procedural justice in rape cases demands rather than precludes closer partnership-working between the CPS, police and ISVAs. What is more, fair and robust prosecutorial decision-making in such cases may require empathetic and contextual engagement with the complaint (and complainant) rather than detachment and distance. To this extent, initiatives around victim-support, engagement and communication may be important enablers of an effective, responsive and trusted criminal prosecution process. However, these initiatives were often too fledgling under Soteria pilots to inspire great confidence regarding their optimal design, feasibility in practice, or operational impacts. It was clear from our data, moreover, that the 'hearts and minds' of many RASSO prosecutors had not yet been won, either in respect of the rationale driving these initiatives or the implications for their workloads, support and training needs, or professional identities. Aspects of this can, and should, be addressed by the CPS through better resource allocation and training to recognise the specialist skills required of their employees in ensuring empathetic and trauma-informed victim communication. A more systematic approach to recognising and redressing the risks of vicarious trauma and burn-out is also required. None of this is a simple matter, however, in a justice process reeling from sustained under-investment and apparently ever-increasing demand on its resources and infrastructure.

One notable consequence to date of the roll-out of the new national operating model has been the appointment of dedicated VLOs in all CPS RASSO units. This is likely to increase specialism, and support more timely and consistent communication between the CPS, complainants and their ISVAs. But it is not a panacea to the challenges we have identified, since CPS guidance confirms that prosecutors retain responsibility for drafting bespoke communications in serious sexual offences cases, including regarding NFA decisions, and should be part of the prosecution team who meet complainants during 'familiarisation' meetings. Any reluctance, or lack of training or support, amongst lawyers who perform these victim-facing roles will continue to negatively impact on the quality of their engagement, and may even provoke tensions between VLOs and prosecutors in RASSO units. Moreover, the increased opportunity to delegate tasks to VLOs risks bolstering rather than redressing lawyers' lack of victim-support acumen and may further diminish victim satisfaction in a context in which a recent, independent evaluation of victims' needs underscored the positive value

derived specifically from being able to speak to 'a CPS lawyer who was well-informed and knowledgeable' about their case (HMICFRS/Crest 2023: 40).

The story of the CPS's victim-engagement, which we have charted in the specific context of RASSO cases in England and Wales, is, we would argue, illustrative more broadly of the challenges of ensuring 'end to end justice' within a compartmentalised criminal process and of finding appropriate ways to protect, respect and empower victims in an adversarial process where they lack formal standing and are too often positioned primarily as a piece of evidence. In these respects, a shift in prosecutors' visibility and accountability cannot provide a full response to long-standing concerns amongst victims and their advocates about their treatment, but it can play an important role in ensuring more reliable and holistic support in the prosecution process.

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