



Disclosure Ref: 6 sent 27.3

Freedom of Information Act 2000 Request

CPS policy regarding prosecution of rape cases

Request

Please can I request any data you may have on the approach you take to prosecuting rape trials?

IE from reading literature I understand there are two ways to approach the prosecuting decision, these being 1) the bookmakers method (the strength of the case being considered is gauged by comparison to the success rate of previous cases of similar evidential strength) or 2) the merits based approach (not using the success / failure of previous cases of similar evidential strength to discourage the decision to go to trial on any current case being considered)

I understand the merits based approach has become more prominent since around 2009.

Do you have absolute figures and /or ratios of the mix of trials that have proceeded to trial using the bookmakers and the merits based approach from 2009 to present day (or any date range you may have)?

Electronic format ie reply by EMail would be fine thanks.

Is there any quantitative / qualitative (including anecdotal) that the merits based approach to prosecuting is more effective at securing a rape conviction than the bookmakers method?

Is the evidential threshold test you apply for a trial to proceed lower for the merits based approach than it is for the bookmakers method?

If you do not hold the data I request please could you inform me who does.

Also I am happy to pay for you to retrieve this data if it eases financial burden.

Your request was clarified on 7 March 2018 as follows:

Can I phrase my question (still a request for information) in another way please:



1) Can you confirm that the CPS definition of a realistic prospect of conviction is still "more likely than not to convict" ie greater than 50% chance of conviction?

2) Is this the case in rape trials as well, ie a rape trial will not proceed unless the prosecutor forms the objective opinion that there is a greater than 50% chance the trial will succeed?

Response

The Crown Prosecution Service (CPS) does not follow a 'merits-based' or a 'bookmakers' approach to the prosecution of rape cases. We apply the Full Code Test contained in the Code for Crown Prosecutors. Please click on the link below to access this Code:

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

The evidential test is the same for all cases and is as follows:

"An objective, impartial and reasonable jury or bench of Magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged."

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CPS

Violence against women crime report

2007 – 2008

Contents

1	Executive summary	2
2	Introduction	5
3	Violence against women crime: overall key findings	7
4	Domestic violence	17
5	Domestic violence crime: key findings	19
6	Rape	28
7	Rape: key findings	30
8	Sexual offences excluding rape: key findings	37
9	Forced marriage, so-called 'honour' crimes and female genital mutilation	43
10	Forced marriage, so-called 'honour' crimes and female genital mutilation: key findings	44
11	Children and child abuse	45
12	Human trafficking	47
13	Prostitution	49
14	Pornography	51
15	Crimes against older people	53
	Annex 1: Prosecutions by Area	54
	Glossary	58

1 Executive summary

This is the first Crown Prosecution Service (CPS) annual Violence against Women performance report. This report covers a range of Violence against Women (VAW) strands for 2007 - 08: domestic violence; forced marriage; so-called 'honour' crimes; female genital mutilation; rape and sexual offences; human trafficking; prostitution; child abuse; and pornography¹.

These crimes have been grouped under a 'Violence against Women' umbrella because of their profile – with the majority having been perpetrated by men against women, within a context of power and control.

The report mainly provides collated data on domestic violence, rape and sexual offences in a "Violence against Women" section; followed by separate sections on each of these three strands.

In addition, further data is provided on forced marriage and so-called 'honour' crimes, child abuse and pornography. For all of the nine VAW strands information is detailed on current and planned work and a number of case studies are given as examples of CPS work.

VAW – overall key findings

In the VAW section of the report the VAW crimes refer to collated data on domestic violence, rape and sexual offences. The headline figures show:

- in the two years ending in March 2008, over 144,000 defendants were prosecuted for violence against women offences;
- 94% of defendants were men in 2007-08 (1% less than in 2006-07);
- 86% of victims were women in 2007-08 (1% more than in 2006-07);
- almost 85% of VAW crimes are domestic violence; 5% are rape and 11% sexual offences;
- the number of VAW cases charged increased from 59% in 2006-07 to 64% in 2007-08;
- unsuccessful prosecutions fell from 35% in 2006-07 to 31% in 2007-08;
- guilty pleas increased from 56% in 2006-07 to 60% in 2007-08;
- unsuccessful outcomes due to victim issues accounted for 15% of all VAW outcomes in 2006-07 falling to 14% in 2007-08.

Domestic violence – key findings

Domestic violence data is available from 2005-06 and therefore some analysis is possible for a three year period.

- in the three years ending in March 2008, over 170,000 defendants were prosecuted for domestic violence;
- 94% of defendants were men in 2007-08 (1% less than in 2006-07);
- 86% of victims were women in 2007-08 (1% more than in 2006-07);

¹ A short section on work in relation to crimes against the older person is also included.

- the number of DV cases charged² increased from 62% in 2006-07 to 65% in 2007-08;
- unsuccessful prosecutions fell from 40% in 2005-06 to 31% in 2007-08;
- guilty pleas increased from 58% in 2006-07 to 62% in 2007-08;
- unsuccessful outcomes due to victim issues accounted for 17% of all domestic violence outcomes in 2006-07 falling to less than 16% in 2007-08.

Rape – key findings

- in the two years ending in March 2008, over 6,700 defendants were prosecuted for rape;
- 99% of defendants were men in 2006-07 and in 2007-08;
- 87% of victims were women in 2006-07 and in 2007-08;
- the number of rape cases charged increased from 33% in 2006-07 to 40% in 2007-08;
- unsuccessful prosecutions fell from 46% in 2005-06 to 42% in 2007-08;
- guilty pleas increased from 33% in 2006-07 to 35% in 2007-08;
- unsuccessful outcomes due to victim issues accounted for 9% of all rape outcomes in 2006-07 falling to less than 8% in 2007-08.

Sexual offence – key findings³

- in the two years ending in March 2008, over 16,400 defendants were prosecuted for sexual offences (other than rape);
- almost 96% of defendants were men in 2007-08 (little changed compared with 2006-07);
- unsuccessful prosecutions fell from 32% in 2005-06 to 27% in 2007-08;
- guilty pleas increased from 53% in 2006-07 to 58% in 2007-08;
- unsuccessful outcomes due to victim issues accounted for 4% of all sexual offence outcomes in 2006-07 falling to less than 3% in 2007-08.

Forced marriage and so-called ‘honour’ crimes

The report also provides data on forced marriage and so-called ‘honour’ crimes from a pilot in four CPS Areas carried out for nine months in 2007-08. 35 cases were identified of which 21 were finalised at the time of data collection. All defendants were men; aged on average 29 years old, and most were Asian, with cases more likely to be finalised at the Crown Court than the magistrates’ court. A number involved more than one defendant and victim. Some, but not all, were within a domestic violence context. In cases where men were found to be victims, it was linked to a relationship with a woman who was also harmed.

Child abuse

The report also provides data on prosecution of child homicides; offences against the person and sexual offences.

- in the two years ending in March 2008, there were 59 defendants prosecuted for homicides⁴; 4,654 defendants prosecuted for offences against the person and 7,783 defendants prosecuted for child sexual offences.

² Data on charging is only available from 2006-07

³ CPS data on sexual offences is more limited than for domestic violence and rape. Sexual offences are identified only at the conclusion of a prosecution, while data on domestic violence and rape is additionally held for pre-charge proceedings

⁴ Homicides comprises offences of murder or manslaughter, conspiring or attempting to cause murder or manslaughter and threats to kill.

- in 2007-08, 69% of homicide defendants; 75% of offences against the persons defendants and 98% of sexual offence defendants were men;
- in 2007-08 there were conviction rates of 69% for homicides⁵; 72% for offences against the persons and 72% for sexual offences.

Pornography

Some data is provided on the number of offences prosecuted in relation to indecent or grossly offensive materials, obscene publications and sexual exploitation of children by the making, distribution, showing and advertisement of indecent photographs of them. In 2007-08, there were 3,079 offences of possession of an indecent photograph of a child and 11,873 of sexual exploitation of children through photographs.

⁵ Please note the small numbers of proceedings.

2 Introduction

This is the first Crown Prosecution Service (CPS) annual Violence against Women performance report. The report covers a range of Violence against Women (VAW) strands for 2007-08:

- domestic violence;
- forced marriage;
- so-called 'honour' crimes;
- female genital mutilation;
- rape and sexual offences;
- human trafficking, with a focus on trafficking for sexual exploitation;
- prostitution, including child prostitution;
- child abuse;
- pornography.⁶

These crimes have been grouped under a 'Violence against Women' umbrella because of their profile – with the majority having been perpetrated by men against women, within a context of power and control. For domestic violence, rape, sexual offences and where possible, for child abuse, prosecution performance in 2007-08 is compared with that in 2006-07. For forced marriage and so-called 'honour' crimes, data is provided from the 2007-08 pilots in four Areas. Currently there are no systems to examine prosecution outcomes for human trafficking and prostitution, but work is underway with the UK Human Trafficking Centre during 2008-09. No reliable prosecution data on prostitution, trafficking and pornography is available prior to 2008. A policy on crimes against the older person was launched in July 2008, together with systems to monitor performance, but no data is available prior to April 2008.

The report provides data in separate sections on each of the VAW strands, including current and planned work under each topic and a number of case studies. The best available data is used, recognising some short comings in what is available. Commitment is given to continuous improvement of the data quality.

CPS Violence Against Women strategy and action plans

In 2007, for the second year running, the CPS scored the highest mark across all Government Departments in the annual End Violence Against Women independent analysis of Government departmental initiatives – "*Making the Grade*".

During 2007-08 the CPS developed the first government-department Violence against Women Strategy, with national action plans for 2008-2011.

A permanent external consultation group has been established to advise the CPS on VAW issues.

⁶ A short section on work in relation to crimes against the older person is also included.

The VAW strategy is linked to the current CPS Public Service Agreement indicators (PSAs) of:

- Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice:
 - reducing unsuccessful prosecution outcomes;
 - developing VAW Guidance for prosecutors;
 - coordinating and rationalizing VAW coordinators and considering rationalization of specialist prosecutors;
 - developing cases for VAW training.
- Improving public and stakeholder confidence in the CPS:
 - involving community stakeholders locally and nationally;
 - developing a system to measure stakeholder satisfaction;
- Improving victim and witness support, safety and satisfaction:
 - working with the Victim & Witness Care Delivery Unit to consider support systems for VAW victims and ensuring monitoring of outcomes;
 - developing a system to measure victim support, safety and satisfaction.
- Addressing any disproportionality across all of the equality strands:
 - analysing the equality profiles of VAW defendants and victims;
 - ensuring Witness Care Units have support systems and information on support for victims and witnesses from all communities.

From April 2008, the CPS has monitored performance in relation to "Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice". A Violence against Women Indicator has been set up against which Areas will be assessed quarterly. In 2008-09 CPS will address performance in relation to domestic violence, rape and sexual offences, and from 2009 will consider recording and monitoring further VAW strands. The aim in 2008-09 is for unsuccessful outcomes to be reduced to the following targets by April 2009: domestic violence to 28%; rape to 41% and sexual offences to 28%.

In 2009-10, the Indicator will include domestic violence, rape, sexual offences, and consideration will be given to the inclusion of forced marriage, so-called 'honour' crimes, child abuse and crimes against older people.

In 2010-11, all the above will be addressed and consideration will be given to the inclusion of prostitution and human trafficking.

Prosecutions data for each of the 42 Areas of the service can be found at Annex 1, page 54 of this report.

A glossary of terms used in this report can be found at page 58.

3 Violence against women crime: overall key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of violence against women (VAW) crimes as part of the performance review process, measuring outcomes against a new performance indicator. VAW crimes included in this indicator in 2008-09 comprise domestic violence, rape, and sexual offences other than rape.

For periods before April 2008, domestic violence was recorded as hate crime, therefore reference to domestic violence is also made in the Hate Crime Annual Report 2007-08. Data on VAW crimes are recorded within the Compass Case Management System (CMS), and extracted from the related Compass Management Information System (MIS).

There are slight procedural differences in the ways in which data is captured. Domestic violence and rape cases are identified by attaching to the case monitoring flags applied by the CMS user at the pre-charge stage, or at any subsequent stage of proceedings. By contrast, sexual offences are identified by CMS users as the principal offence category at the conclusion of proceedings. Thus, while it is possible to identify pre-charge decisions in respect of domestic violence and rape proceedings, there is no corresponding record of pre-charge decisions for sexual offences; only a record of the eventual outcome of proceedings.

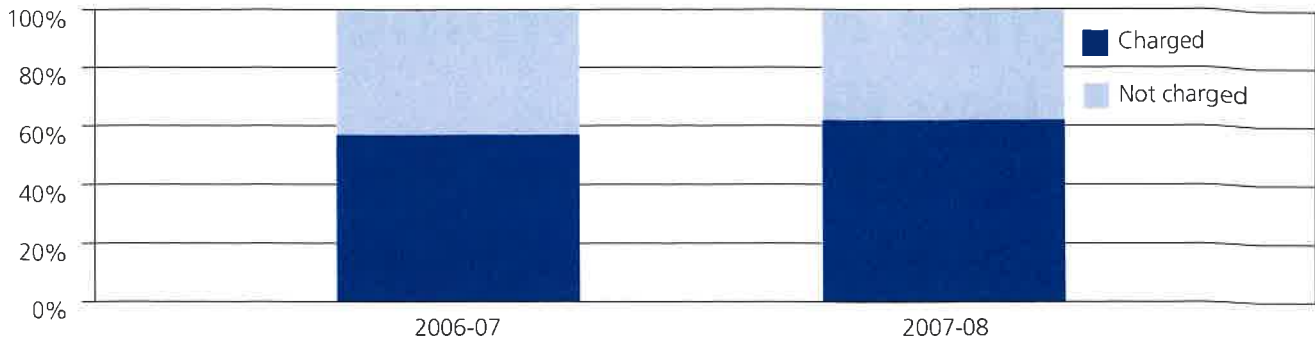
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

All VAW data below covers an aggregation of domestic violence, rape and sexual offences data.

Charging

Statutory charging of defendants by CPS was fully rolled out in April 2006. In the two years following that date, 143,500 cases identified as involving violence against women were referred to the CPS for a charging decision. The table and chart below (1) show that over 88,000 of these, or 61%, were charged during the two year period. The charging figures do not include sexual offences other than rape, as these offences are only identified when a defendant is formally charged.

The proportion of cases charged rose from 59% of VAW cases referred to the CPS in 2006-07 to 64% in 2007-08. The proportion of cases charged within each offence type is reported in the relevant section of this report. Charging rates varied across the strands. In 2007-08, 65.4% of domestic violence cases were charged compared with 40% of rapes. This may reflect the historical work undertaken to improve domestic violence prosecutions. It may also be indicative of the difficulties involved in prosecuting rape, especially when there is a dispute about whether the victim gave her consent.

Table 1: Pre-charge decisions*

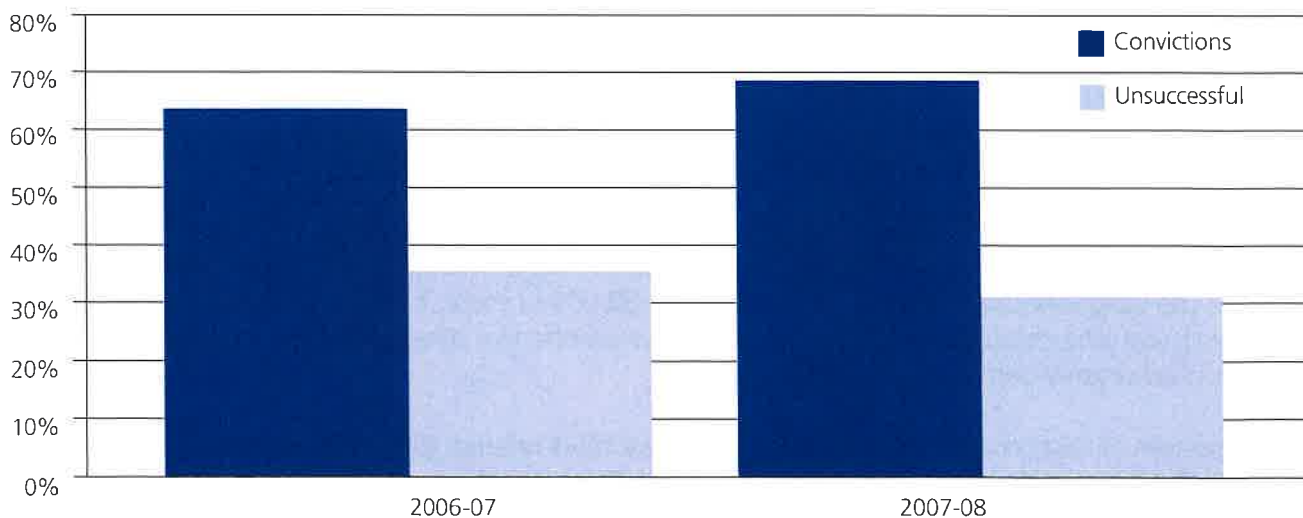
All defendants	2006-07		2007-08	
	Volume	%	Volume	%
Charged	38,920	59.0%	49,335	63.6%
Request for further evidence	897	1.4%	565	0.7%
No prosecution	21,699	32.9%	23,113	29.8%
All other decisions	4,406	6.7%	4,601	5.9%
Total	65,922		77,614	

Statutory Charging was fully rolled out on 3 April 2006

*Sexual Offences excluding rape are not included in the pre-charge decision data. No record of pre-charge decisions is available in respect of sexual offences.

Convictions

In the two years ending March 2008, over 144,000 defendants were prosecuted for violence against women. Table and chart 2 below provide a breakdown of prosecutions over the two year period, showing that convictions rose from 65% in 2006-07 to 69% in 2007-08.

Table 2: Completed prosecutions by outcome

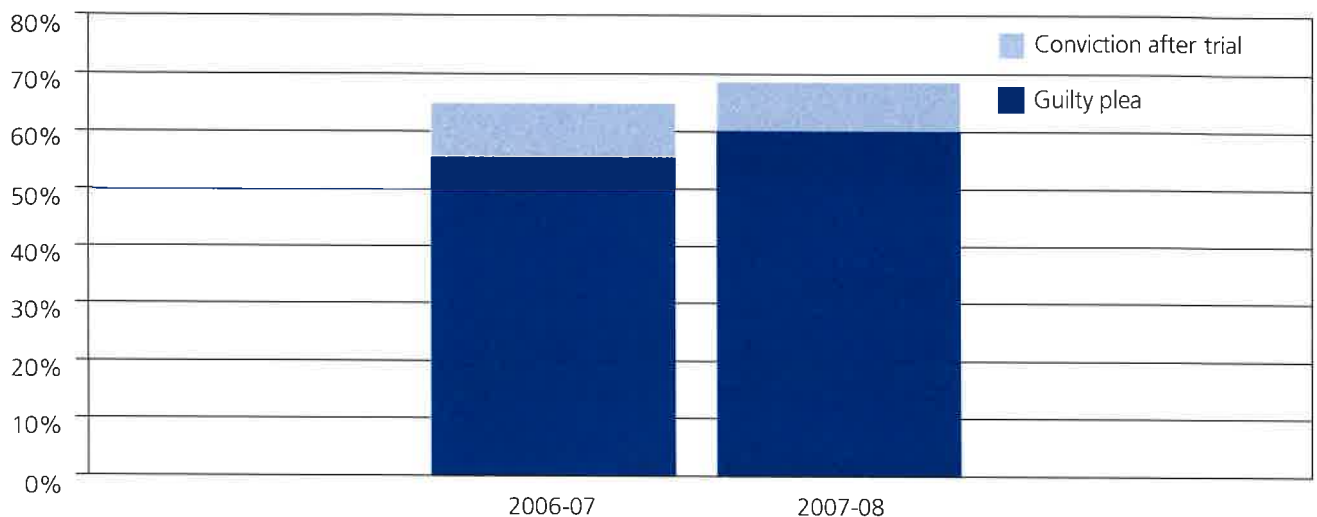
	2006-07		2007-08	
	Volume	%	Volume	%
Convictions	44,836	65.0%	51,974	68.9%
Unsuccessful	24,094	35.0%	23,478	31.1%
Total	68,930		75,452	

The table and charts below show a detailed breakdown of prosecution outcomes for VAW in 2006-07 and 2007-08. Guilty pleas increased from 56% to 60%, contributing to an improved conviction rate of 69% overall in 2007-08. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 26% to less than 24%.

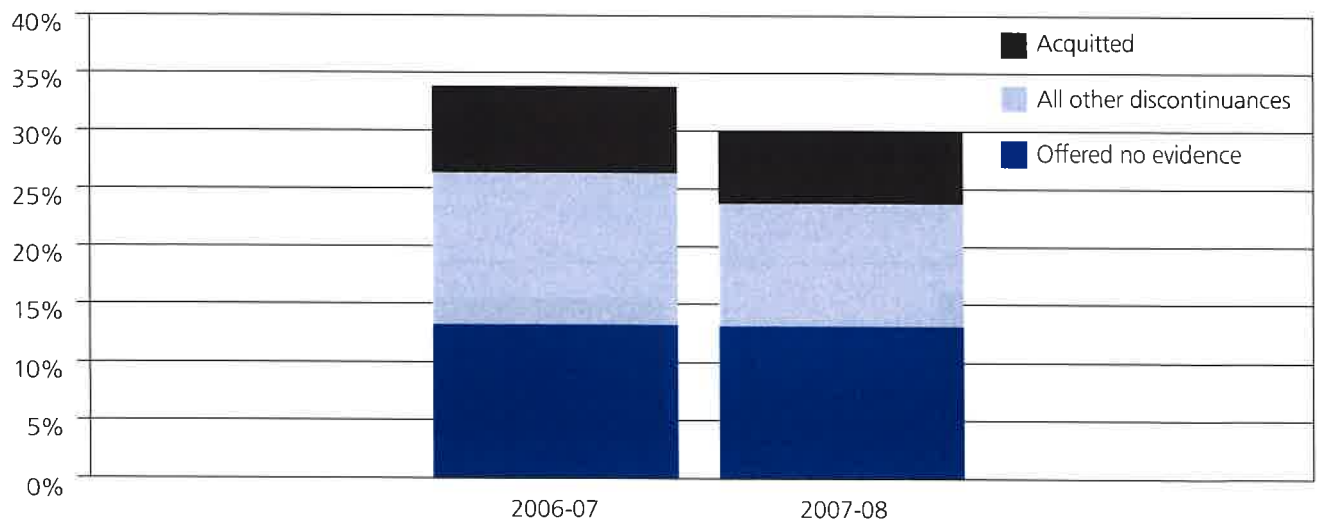
A target for domestic violence was set at 30% for 2007-08 and was exceeded in the final quarter of the year. No targets were set for rape or sexual offences in 2007-08. A target for reductions in unsuccessful outcomes in VAW crimes overall was set at 29% for 2008-09. This target was met in the first quarter of the year with an outturn of 28%. Individual sub-targets were set for domestic violence, rape and sexual offences. For domestic violence, the 2008-09 target was set at 28% and was attained in the first quarter. Targets for rape and for other sexual offences were set at 41% and 28% respectively for 2008-09, and while the target for rape was almost achieved in the first quarter that for sexual offences was exceeded.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes

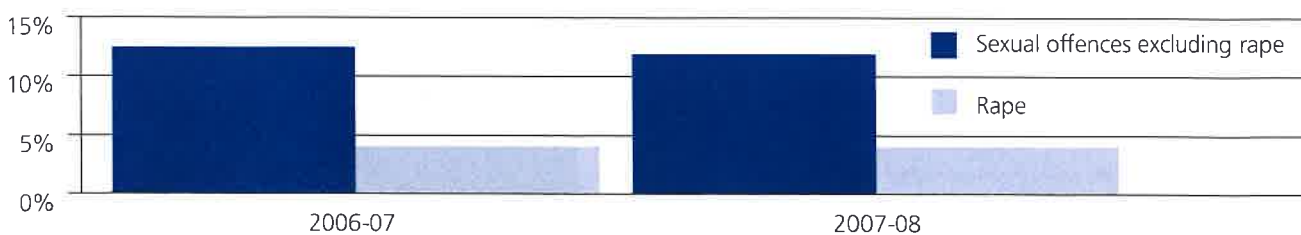
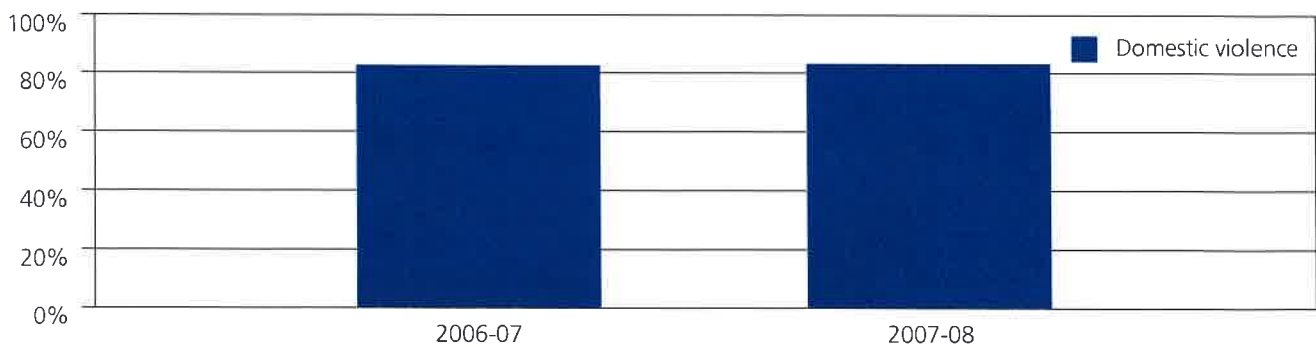


	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	774	1.1%	858	1.1%
Discharged committal	199	0.3%	209	0.3%
Prosecutions dropped <i>inc discontinued, no evidence offered & withdrawn</i>	18,142	26.3%	17,723	23.5%
<i>of which – no evidence offered</i>	8,890	12.9%	9,635	12.8%
Dismissed after full trial	2,532	3.7%	2,559	3.4%
No case to answer	313	0.5%	266	0.4%
Judge directed acquittal	275	0.4%	252	0.3%
Jury acquittal	1,859	2.7%	1,611	2.1%
Unsuccessful outcomes	24,094	35.0%	23,478	31.1%
Guilty plea	38,495	55.8%	45,307	60.0%
Conviction after trial	6,209	9.0%	6,548	8.7%
Proved in absence	132	0.2%	119	0.2%
Convictions	44,836	65.0%	51,974	68.9%
Total prosecutions	68,930		75,452	

Prosecution by VAW crime type

The table and charts below (4) show prosecutions by VAW crime type for 2006-07 to 2007-08. Domestic violence comprised the largest proportion of the total at 83% in 2006-07 and 85% in 2007-08.

Table 4: Completed prosecutions by VAW crime type



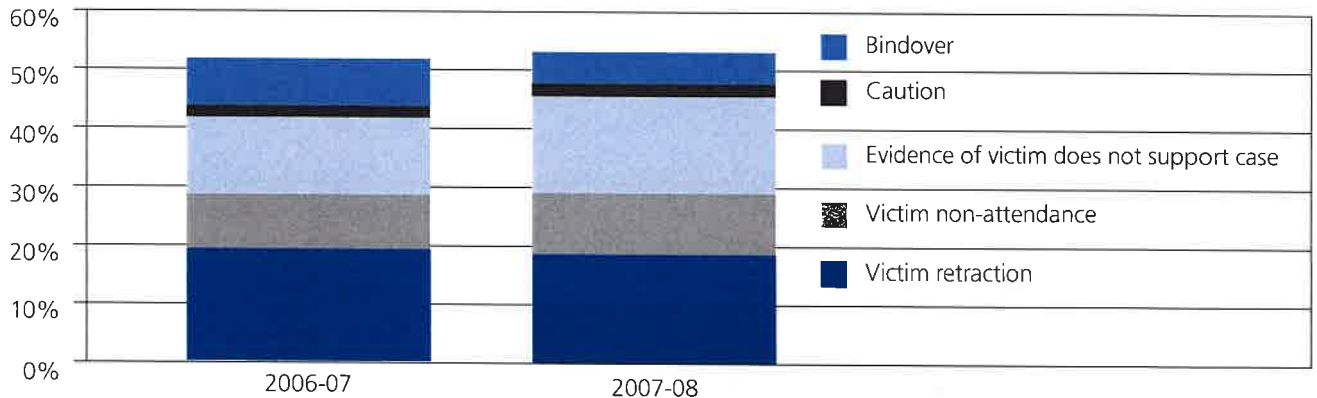
	2006-07		2007-08	
	Volume	%	Volume	%
Domestic violence	57,361	83.2%	63,819	84.6%
Rape	3,264	4.7%	3,503	4.6%
Sexual offences excluding rape	8,305	12.0%	8,130	10.8%
Total	68,930		75,452	

Unsuccessful prosecutions

Cases mainly fail for reasons of insufficient evidence, because a prosecution is not in the public interest or because the defendant is acquitted at trial. In addition there are cases which are unable to proceed because of non-attendance or retraction by a victim or witness, and those proceedings subject to an administrative finalisation. The proportions falling within each category remained similar from 2006-07 to 2007-08. In 2007-08, 3.7% were unsuccessful for administrative reasons; 36.2% for evidential reasons; 7.4% for public interest; 30.8% were unable to proceed, and 21.9% fell into other reasons including acquittal after trial.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key reasons, victim retraction remained the largest single category, changing little over the period under review at around 20% to 19%, while there was a gradual rise in the proportion failing owing to non attendance of the victim and in the proportion in which the evidence of victims did not support the prosecution case. The proportion failing because of key reasons remained stable, at 52% of all unsuccessful outcomes.

Table 5: Key reasons for unsuccessful prosecutions



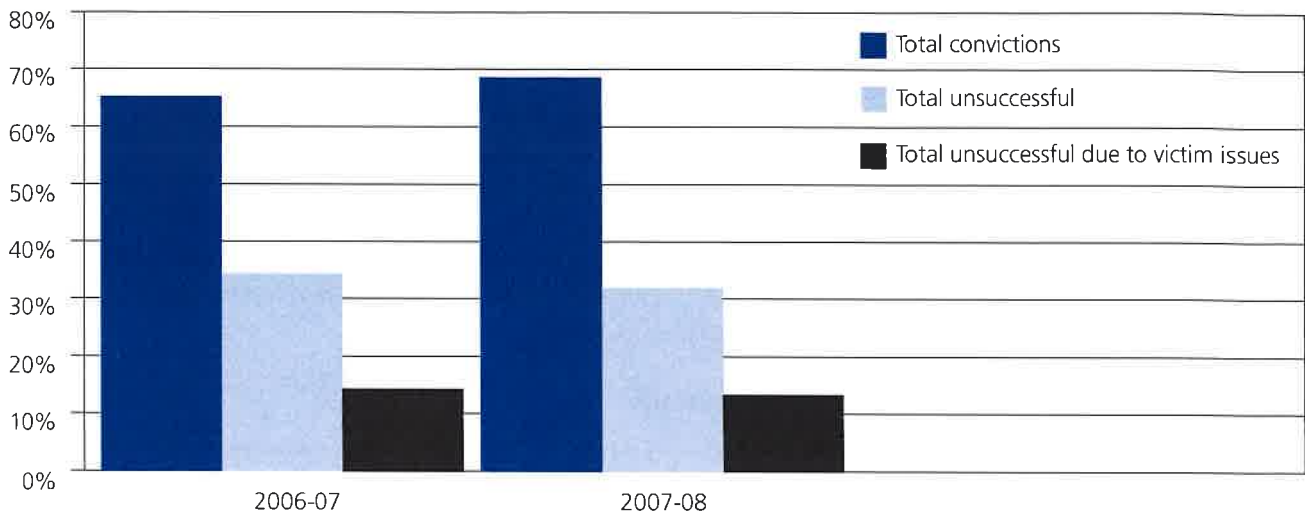
	2006-07		2007-08	
	Volume	%	Volume	%
Victim retraction	4,747	19.7%	4,440	18.9%
Victim non-attendance	1,976	8.2%	2,465	10.5%
Evidence of victim does not support case	3,370	14.0%	3,654	15.6%
Caution	332	1.4%	282	1.2%
Bindover	1,942	8.1%	1,343	5.7%
Total key reasons	12,367	51.3%	12,184	51.9%
All other reasons	10,953	45.5%	10,436	44.5%
Administrative finalisations	774	3.2%	858	3.7%
Total	24,094		23,478	

The reasons for unsuccessful outcomes in each individual strand of VAW crime are reported in the relevant section of this report. There were differences in key victim issues across the strands: victim issues are particularly prevalent as a factor in the failure of domestic violence cases, but were less so for other crime strands. Key reasons for unsuccessful prosecutions in rape or sexual offences include acquittals, essential legal elements missing, unreliable witness or witnesses, and conflicts of evidence.

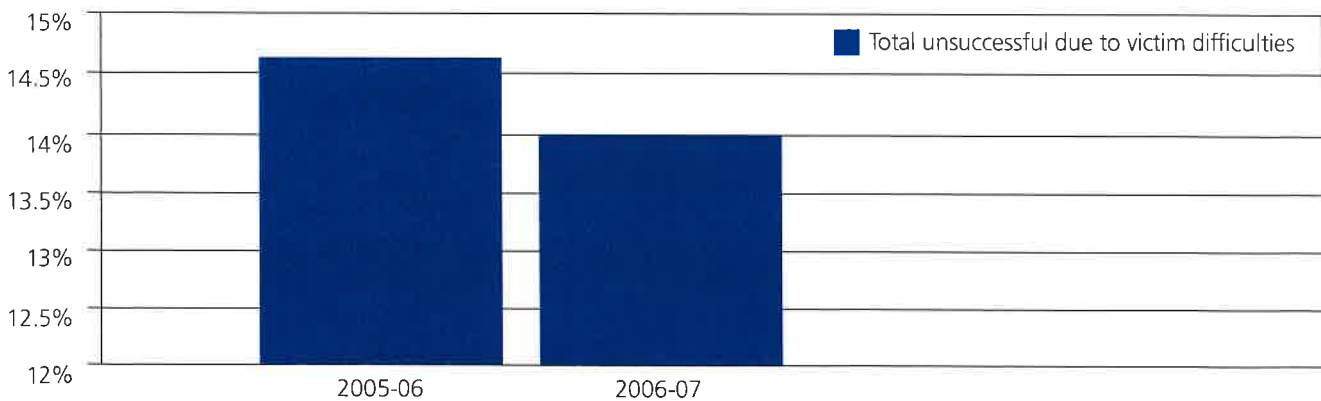
Table and chart 6 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased slightly, from 10,093 in 2006-07 to 10,559 in 2007-08, they fell very slightly in proportion to total VAW crime outcomes, from almost 15% to 14%. Total unsuccessful outcomes fell from 35% in 2005-06 to 31% in 2007-08.

Table 6: Comparison of key victim issues

Victim issues in relation to all outcomes



% victim issues



	2006-07		2007-08	
	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	10,093	14.6%	10,559	14.0%
Total unsuccessful	24,094	35.0%	23,478	31.1%
Total convictions	44,836	65.0%	51,974	68.9%
Total prosecutions	68,930		75,452	

Principal offence category

At the conclusion of proceedings, each defendant case is allocated a Principal Offence Category, to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 62% of VAW crime prosecutions in 2007-08. Sexual Offences and criminal damage accounted for a further 18% and 11% respectively. Breaking the categories down by gender shows that a similar pattern was recorded for defendants who were men, with 61% being categorised as offences against the person, 17% as sexual offences and 11% as criminal damage. There was a slightly different pattern for defendants who were women, offences against the person being higher at 65%, while sexual offences were lower at 10%; criminal damage was similar at 11%. Public order offences formed a slightly higher proportion for women than for men, at 7% compared to 5%. Men comprised 94% of defendants whose principal offence was identified as offences against the person. In domestic violence cases, offences against the person were the most numerous for both men and women, at 73% and 72% respectively.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

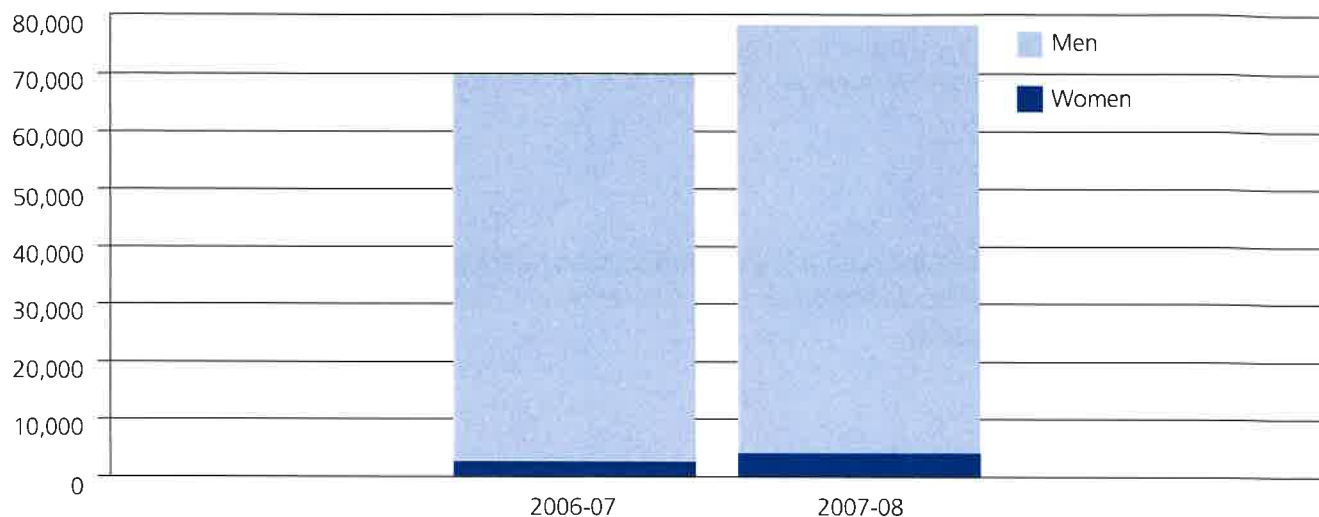
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants. The proportion of men prosecuted remained virtually the same at 95% in 2006-07 and 94% in 2007-08. In the latter period 94% of defendants in domestic violence prosecutions, 99% in cases of rape, and 96% in sexual offences other than rape were men. Rape is unique, being the only gender specific offence in the Sexual Offences Act 2003. Women can only be prosecuted for aiding and abetting.

Table 7: Completed prosecutions by gender of defendant



	2006-07		2007-08	
	Volume	%	Volume	%
Women	3,339	4.8%	4,176	5.5%
Men	65,580	95.1%	71,263	94.4%
Unknown	11	0.0%	13	0.0%
Total	68,930		75,452	

Ethnicity

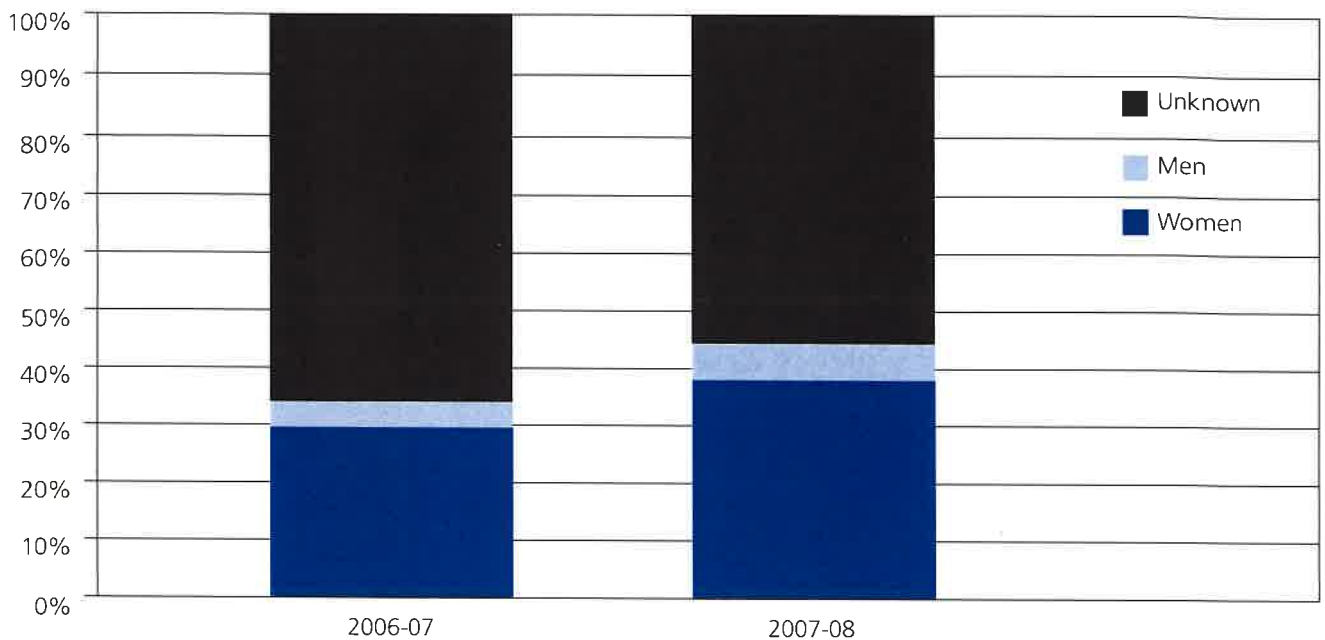
Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 77% of VAW crime defendants were identified as belonging to the White British category, and 80% were categorised as White. 5% of defendants were identified as Asian, and a further 6% were identified as Black. 4% of defendants did not state an ethnicity on arrest.

Other equality data

Provision for data collection on the religion or belief and disability of defendants has been in place since April 2007. However, the completeness and accuracy of this data remains under development.

(ii) Victims**Gender**

Table 8 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. The completeness and accuracy of this information remains under development and work is underway to improve recording. No data is held on the victims of sexual offences other than rape. Of those victims whose gender has been identified, the highest proportion, were women, at 85% in 2006-07 and 86% in 2007-08. Where gender was been identified in 2007-08, 86% of domestic violence victims were women and 87% were women in rape crime.

Table 8: Gender of victims*

	2006-07		2007-08	
	Volume	%	Volume	%
Women	7,892	29.3%	19,514	37.3%
Men	1,405	5.2%	3,239	6.2%
Unknown	17,682	65.5%	29,524	56.5%
Total	26,979		52,277	

*Data does not include victims of Sexual Offences that exclude rape.

Data from 2006-07 was reported for all victims whether civilian or not, 2007-08 data only reports civilian victims.

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and has not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.

Hate Crime Services

Information on specialist support services for hate crime victims has been collected since April 2007, and also remains under development. No system has, as yet, been established for VAW, so the data below refers only to domestic violence cases in 2007-08. Of those domestic violence victims and witnesses referred to a support service or specialist agency, less than 1% were recorded as being referred to a specific 'hate crime specialist agency'. The completeness and accuracy of this information remains under development: however, just over 22% were referred to either a victim or witness support agency, while 77% were subject to an 'other referral'.

Relationships – Domestic violence cases only

While the facility to collect information on the relationship between defendant and victim in domestic violence cases has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

4 Domestic violence

The CPS published its first Policy for Prosecuting Cases of Domestic Violence in 2001 to address high attrition rates. A Domestic Violence Coordinator was nominated in each CPS Area to oversee the implementation of the Policy. In 2003, the CPS established a Domestic Violence Project, which aimed to establish measures to improve prosecutions. The Policy was revised in 2004-05 and published alongside Guidance for prosecutors in February 2005. To support these, a comprehensive domestic violence training programme and Good Practice Guidance were developed and rolled-out across the CPS. The training was completed by April 2008⁷. In 2003, the CPS was also the first Government Department to produce an Employee Domestic Violence Policy. This was revised in 2007.

The CPS Policy and Guidance on Prosecuting Cases of Domestic Violence is being revised in 2008 to reflect changes to the law, procedure and other developments. The CPS is doing this in consultation with external stakeholders and the public. The CPS is also developing a new case-based training programme, as well as revising the joint Police/CPS training on domestic violence.

The CPS is also part of the National Specialist Domestic Violence Court (SDVC) Programme. In 2007-08 a further 34 SDVCs were selected, taking the total to 98 by April 2008. A further six were accredited in autumn 2008, taking the total to 104 by November 2008. The CPS will continue to undertake CPS data analysis of Specialist Domestic Violence Courts on a quarterly basis. The National Programme is taking forward plans on further development of SDVCs, aiming at 128 by 2011.

In 2007-08 domestic violence was monitored as part of the Hate Crime Indicator, with a specific target of reducing unsuccessful prosecution outcomes to 30% by April 2008. This target was exceeded, with the national outcome across Areas reducing to 29.3%. We will continue to evaluate CPS domestic violence data in relation to the target set out in the Violence against Women Strategy of reducing unsuccessful outcomes to 28% by April 2009.

The CPS works across government to the national Domestic Violence Delivery Plan.

⁷ With the exception of London that completed in November 2008

542

Case Study 1: Domestic Violence

This case illustrates good partnership working with the police and lateral thinking on dealing with pressurised victims

One domestic violence case involved a woman who had been married for over thirty years and suffered abuse for most of that time. In the prosecuted incident an ornament was thrown at her head by her husband and she suffered a cut to her head. He was arrested and charged with Section 47 assault. Police were informed the next day that she wished to retract her statement. An officer attended her home, wearing a head cam. She retracted but under great pressure from a family member, all of which was recorded on head cam.

A Not Guilty plea was entered and the trial listed. On the day the victim attended but said she did not want to tell the court what happened. The defence tried to put pressure on the prosecutor to drop the case because the victim was a reluctant witness. However the CPS planned to use the head cam footage if needed. This intention was relayed to the defence and the defendant then pleaded guilty.

Case Study 2: Domestic Violence

The case illustrates the work of Specialist Domestic Violence Courts (SDVCs) and support given by an Independent Domestic Violence Adviser (IDVA)

In one case, the victim was put in contact with an IDVA after suffering abuse at the hands of her partner for years. In previous incidents the victim always withdrew her complaints, fearing the consequences. The final straw was when her partner severely stabbed her.

He was arrested and charged, and she was offered IDVA support, given information about court proceedings and giving evidence, and was kept informed of the progress of the case. Despite attempts by her partner to pressure her to withdraw the complaint due to the support given she persisted with it.

The defendant was convicted and sentenced to imprisonment. He also faced further charges of attempting to pervert the course of justice for putting her under pressure to withdraw the complaint. He contacted her whilst in prison but, with the help of the IDVA, action was taken to ensure that no further contact was made.

Case Study 3: Domestic Violence

The case illustrates proceeding without the victim

The victim was the girlfriend of the defendant. In an argument he punched her and beat her causing lash marks on her back. There was a previous incident of violence, which the victim had been too scared to report. He was arrested, interviewed and denied hitting her with his hands but said that he had whipped her with a belt in 'self defence'. She had to move into a refuge, as she had nowhere else to go. The victim withdrew the allegations as she wanted to resume the relationship.

The Prosecution decided to proceed without her evidence, on the basis of admissions in interview, the evidence of her injuries including photographs, and the fact that the defence of 'self defence' was unlikely to be believed given that she had injuries to her back. The defendant pleaded guilty on the day of trial. He was sentenced to a two year community rehabilitation order with a condition that he should attend a domestic violence perpetrators' programme. He was also ordered to pay compensation to the victim.

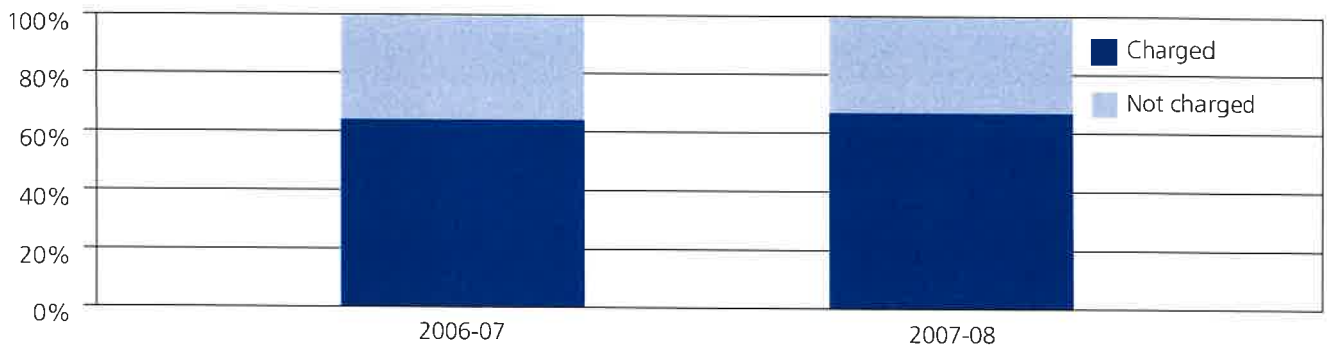
5 Domestic violence crime: key findings

Since April 2005 the Crown Prosecution Service has reported on the prosecution of domestic violence crimes as part of the performance review process. Domestic violence was included in CPS reports on hate crime up until March 2008, but from April 2008 is reported as part of the violence against women (VAW) strategy, measuring performance against a new VAW Indicator.

Charging

Cases in which the CPS decided that a defendant should be charged rose from 61.7% of domestic violence cases submitted for pre-charge decisions by the police in 2006-07 to 65.4% in 2007-08.

Table 1: Pre-charge decisions



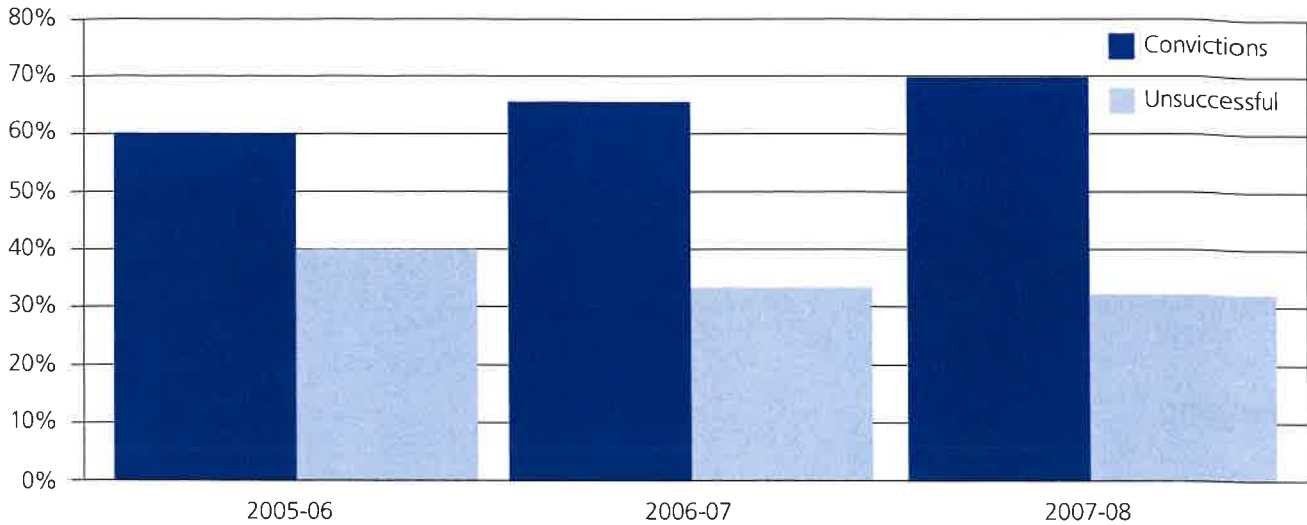
All defendants	2006-07		2007-08	
	Volume	%	Volume	%
Charged	36,957	61.7%	47,115	65.4%
Request for further evidence	787	1.3%	510	0.7%
No prosecution	18,140	30.3%	20,088	27.9%
All other decisions	4,037	6.7%	4,350	6.0%
Total	59,921		72,063	

Statutory Charging was fully rolled out on 3 April 2006

Convictions

In the three years ending March 2008, over 170,000 defendants were prosecuted for crimes involving domestic violence. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 60% in 2005-06 to 69% in 2007-08.

Table 2: Completed prosecutions by outcome



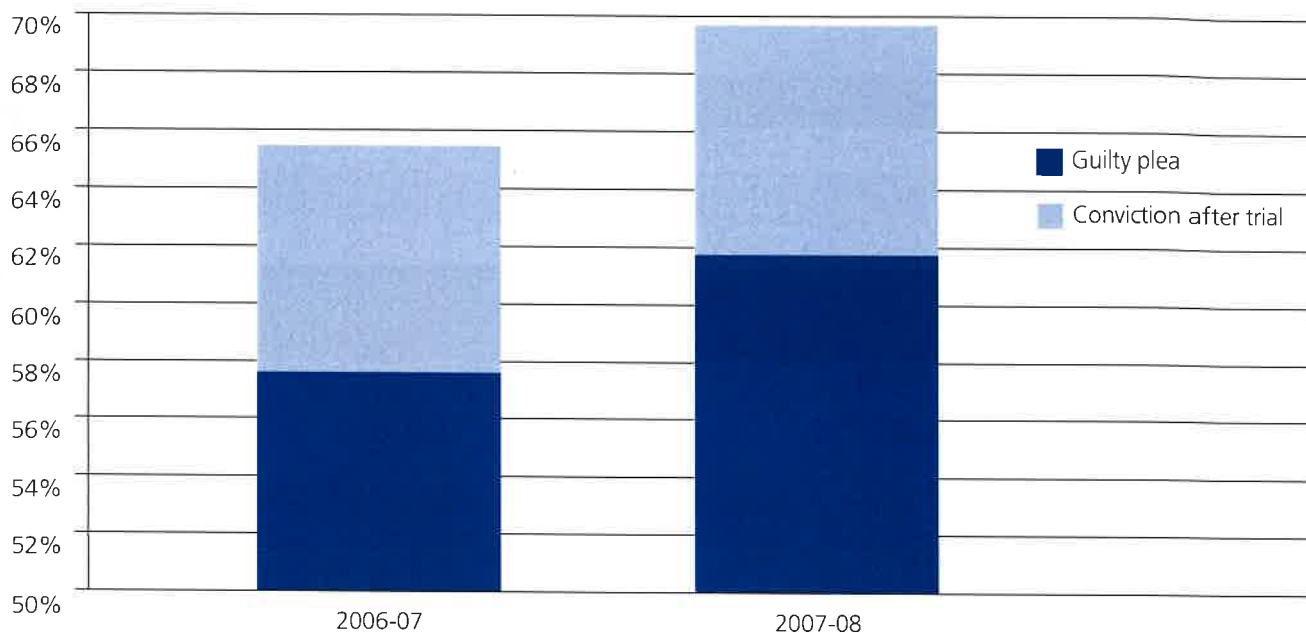
	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%
Unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%
Total	49,782		57,361		63,819	

The table and charts below show a detailed breakdown of prosecution outcomes for domestic violence crimes in 2006-07 and 2007-08. Guilty pleas increased from 58% to 62%, contributing to an improved conviction rate of 69% overall in 2007-08. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 28% to less than 25%.

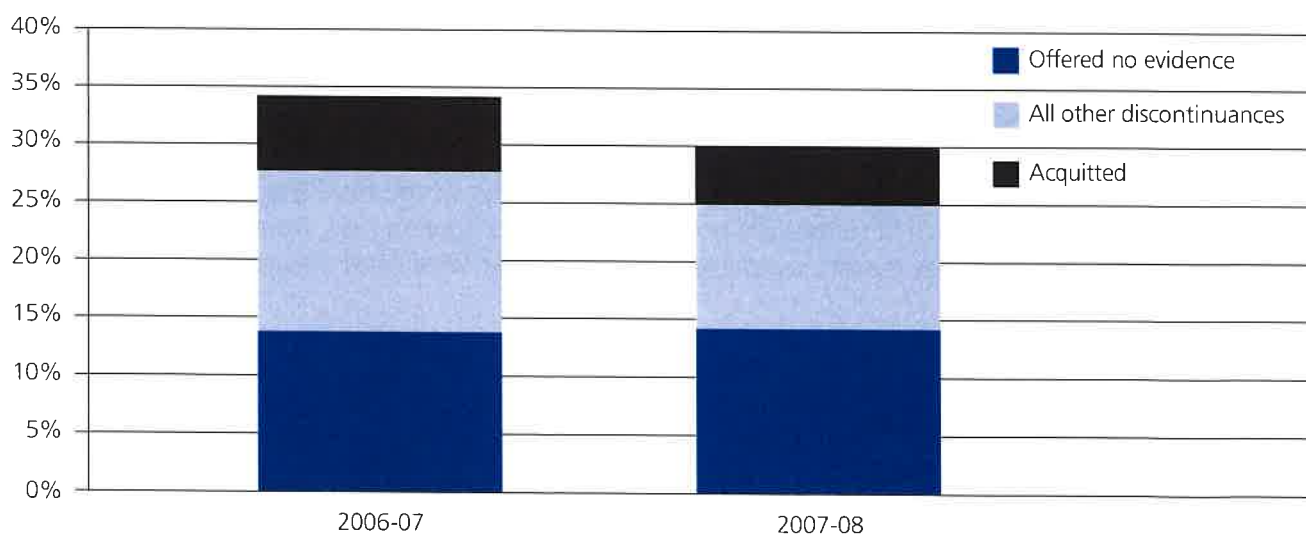
In 2007-08 the target was to reduce unsuccessful domestic violence prosecutions to 30%, which was exceeded in the fourth quarter at 29.3%.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes

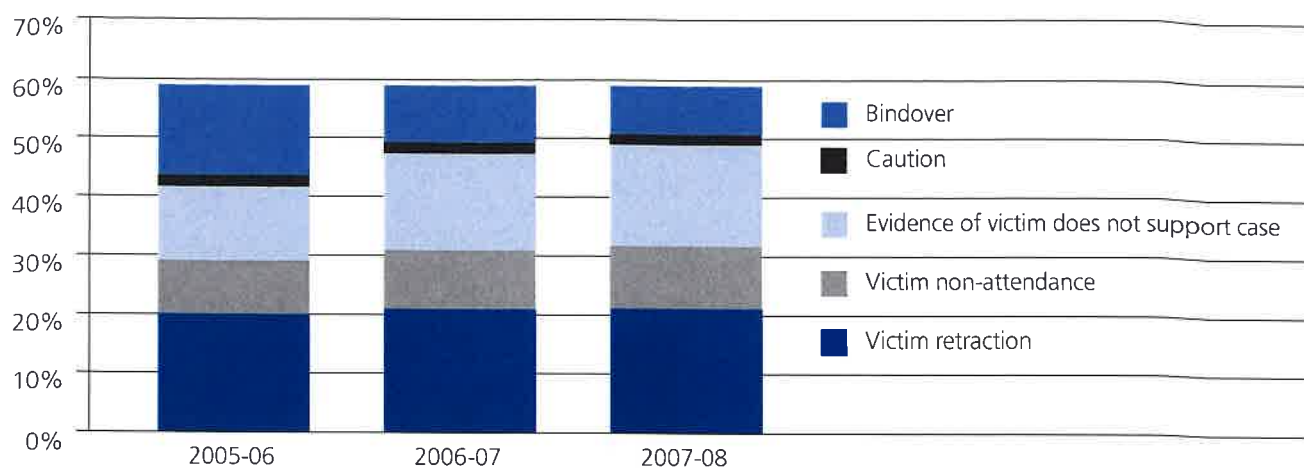


	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	689	1.2%	772	1.2%
Discharged committal	137	0.2%	146	0.2%
Prosecutions dropped <i>inc discontinued, no evidence offered & withdrawn</i>	16,023	27.9%	15,788	24.7%
<i>of which – no evidence offered</i>	7,730	13.5%	8,505	13.3%
Dismissed after full trial	2,302	4.0%	2,359	3.7%
No case to answer	274	0.5%	253	0.4%
Judge directed acquittal	87	0.2%	83	0.1%
Jury acquittal	466	0.8%	441	0.7%
Unsuccessful outcomes	19,978	34.8%	19,842	31.1%
Guilty plea	33,020	57.6%	39,326	61.6%
Conviction after trial	4,246	7.4%	4,552	7.1%
Proved in absence	117	0.2%	99	0.2%
Convictions	37,383	65.2%	43,977	68.9%
Total prosecutions	57,361		63,819	

Unsuccessful prosecutions

Cases mainly fail for reasons of insufficient evidence, because a prosecution is not in the public interest or because the defendant is acquitted at trial. In addition there are cases which are unable to proceed because of non-attendance or retraction by a victim or witness, and those proceedings subject to an administrative finalisation. The proportions falling within each category remained similar from 2005-06 to 2007-08. In 2007-08, 3.9% were unsuccessful for administrative reasons; 35.3% for evidential reasons; 7.2% for public interest; 34.7% were unable to proceed, and 18.8% fell into other reasons including acquittal after trial.

Table 4 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key reasons, victim retraction remained the largest single category, changing little over the period under review at 21% to 22%. There was, however, a marked rise in the proportion failing owing to non attendance of the victim, from 8% to 12%, and in the proportion in which the evidence of victims did not support the prosecution case, from 13% to 17%. The proportion failing because of key reasons overall remained stable, at 58% of all unsuccessful outcomes.

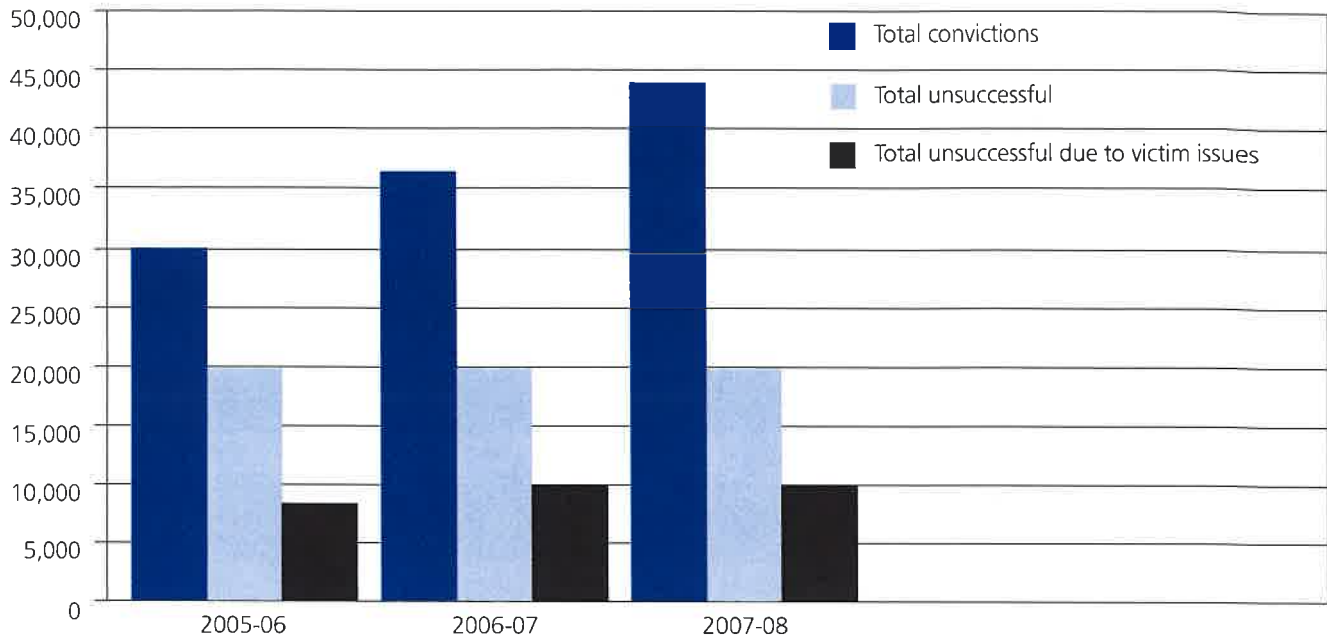
Table 4: Key reasons for unsuccessful prosecutions

	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Victim retraction	4,214	21.0%	4,441	22.2%	4,207	21.2%
Victim non-attendance	1,593	7.9%	1,914	9.6%	2,409	12.1%
Evidence of victim does not support case	2,613	13.0%	3,142	15.7%	3,406	17.2%
Caution	296	1.5%	274	1.4%	234	1.2%
Bindover	2,997	14.9%	1,909	9.6%	1,311	6.6%
Total key reasons	11,713	58.4%	11,680	58.5%	11,567	58.3%
All other reasons	7,585	37.8%	7,609	38.1%	7,503	37.8%
Administrative finalisations	765	3.8%	689	3.4%	772	3.9%
Total	20,063		19,978		19,842	

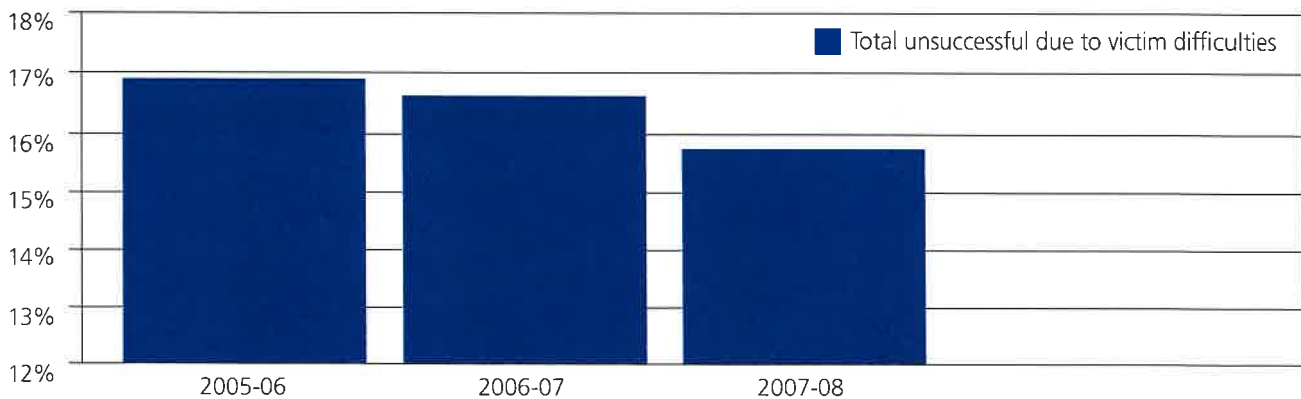
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 8,420 in 2005-06 to 10,022 in 2007-08, they fell slightly in proportional terms, from 16.9% to 15.7%. Total unsuccessful outcomes fell from 40% in 2005-06 to 31% in 2007-08.

Table 5: Comparison of key victim issues

Victim issues in relation to all outcomes



% victim issues



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	8,420	16.9%	9,497	16.6%	10,022	15.7%
Total unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%
Total convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%
Total prosecutions	49,782		57,361		63,819	

Principal offence category

Offences against the person were the most numerous category, representing 73% of domestic violence crime prosecutions in 2007-08. Criminal damage and public order accounted for a further 13% and 6% respectively. Breaking the categories down by gender shows that a similar pattern was recorded for men, with 73% being categorised as offences against the person, 13% as criminal damage, and 6% as public order. The pattern for women differed only slightly, offences against the person being a little lower at 72% and criminal damage lower at 12%, while public order was a little higher at 8%. Men comprised 94% of defendants whose principal offence was identified as offences against the person.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

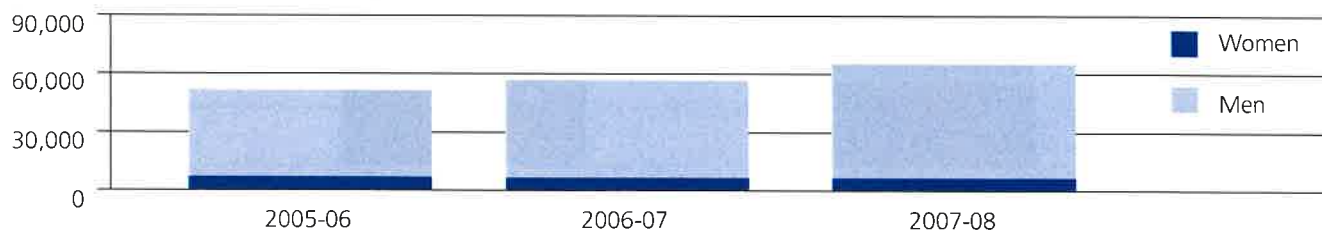
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men remained virtually the same at 95% in 2005-06 and 94% in 2007-08.

Table 6: Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08	
	Volume	%	Volume	%	Volume	%
Women	2,579	5.2%	2,956	5.2%	3,770	5.9%
Men	47,198	94.8%	54,396	94.8%	60,037	94.1%
Unknown	5	0.0%	9	0.0%	12	0.0%
Total	49,782		57,361		63,819	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 78% of domestic violence crime defendants were identified as belonging to the White British category, and 81% were categorised as White. Just under 5% of defendants were identified as Asian, and a further 6% were identified as Black. 3% of defendants did not state ethnicity.

Other equality data

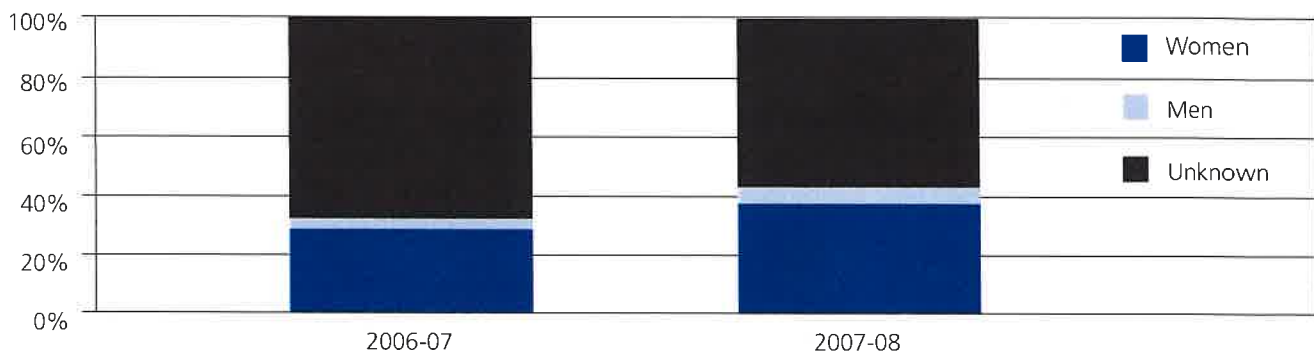
Provision for data collection on the religion or belief and disability of defendants has been in place since April 2007. However, the completeness and accuracy of this data remains under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. The completeness and accuracy of this information remains under development and work is underway to improve recording. Of those victims whose gender was identified the highest proportion were women, at 85% in 2006-07 and 86% in 2007-08.

Table 7: Gender of victims



	2006-07		2007-08	
	Volume	%	Volume	%
Women	7,477	29.3%	18,461	37.5%
Men	1,341	5.3%	3,078	6.3%
Unknown	16,693	65.4%	27,695	56.3%
Total	25,511		49,234	

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and figures have not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.

Domestic Violence Crime Services

This information has been collected since April 2007, and also remains under development. Of those victims and witnesses referred to a support service or specialist agency, less than 1% were recorded as being referred to a specific 'specialist agency'⁸. The completeness and accuracy of this information remains under development. However 22% were referred to either a victim or witness support agency while 77% were subject to an 'other referral'.

Domestic Violence Relationships

While the facility to collect information on the relationship between defendant and victim in domestic violence cases has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

⁸ A new field 'hate crime services' was introduced in November 2007 to monitor referrals to specialist agencies, including domestic violence agencies.

6 Rape

The CPS published its first Policy for Prosecuting Cases of Rape in 2005 to explain the way that we deal with such cases and to set out the standard of service that victims and witnesses could expect. The Policy is currently being revised to reflect changes to the law, procedure and other developments. This is in consultation with external stakeholders and the public. It is anticipated that the revised Policy will be launched in early 2009.

The CPS is addressing the low conviction rate and regional variations in rape conviction rates by a new system of performance management introduced in 2007, involving ongoing monitoring and assessment against consistently applied national criteria, and using that information centrally to keep an overview and to intervene where appropriate.

The CPS is committed to improving rape prosecutions. To this end all but one of the recommendations of the *Without Consent* report have been adopted and a Rape Prosecutions Delivery Unit set up in 2007 in Headquarters to oversee the implementation.

A standard for rape specialist prosecutors was introduced in July 2007 setting minimum levels of training and expertise.

A new training course on prosecuting rape, part of the proactive prosecutors' programme, is currently being delivered to Area Rape Coordinators and will thereafter be rolled out to all rape specialist prosecutors by 2011. A CPS Rape Prosecution Manual has been written and published on the Infonet. This sets out best practice in the prosecution of rape cases and in victim and witness care. In addition an e-learning package, based upon the Rape Manual, is under development to complement the classroom training. It is anticipated that this will be launched in late 2008.

An "Essential Steps" checklist was circulated in August 2007 setting out the process to be followed in all rape cases together with an Advice/ Review checklist to remind prosecutors to consider all evidential avenues when advising the police and reviewing rape cases. This is monitored locally.

Pre-trial witness interviews are being rolled out nationally. These are likely to be a useful tool for prosecutors reviewing rape and potentially other VAW cases allowing them to meet the witness and clarify or assess their evidence at first hand as well as providing an opportunity to explain the criminal process to the witness.

A joint ACPO/CPS protocol was launched in March 2008 and a project to develop a joint ACPO/CPS Rape Manual is progressing well, with an anticipated launch at the end of 2008.

Seminars for the Area Rape Coordinators are held regularly and provide a forum for discussion and the sharing of good practice as well as external speakers. A joint CPS/ACPO Rape conference is to be held in early 2009 to coincide with the launch of the revised Rape Policy Statement

A newsletter on Serious Sexual Offences is published quarterly. It includes a case-law digest and articles on the substantive law and procedure, as well as contributions from the specialist support.

In 2007-08 a review of rape prosecutions was undertaken as part of the Area Performance Review. In 2008-09 CPS rape and sexual offence data will be reviewed in relation to the targets set out in the Violence against Women Strategy of reducing unsuccessful outcomes to 41% and 28% by April 2009.

The CPS works across government to the national Sexual Violence and Abuse Action Plan ('SVAAP') published in 2007.

Case Study 1: Rape

A 21 year old victim was sexually assaulted whilst she was unconscious and in front of her children. The three defendants filmed the assault on their mobile phones. The victim committed suicide about three months after finding out about the assault on her. Two defendants pleaded guilty. One was sentenced to an indeterminate sentence for public protection (IPP) with a minimum term of two and a half years and the other was sentenced to four years imprisonment. One defendant was convicted after trial and sentenced to imprisonment for ten years. The defendant who was sentenced to the IPP sentence of two and a half years appealed to the Court of Appeal on the basis that he should not have been assessed as dangerous by the judge. The single judge at the Court of Appeal did not grant him leave to appeal.

Case Study 2: Rape of a sex worker

The victim, who sometimes worked as a prostitute, was walking home in the early hours of the morning, having left a friend's house, where she had been staying, after an argument. The defendant stopped near her in his car and asked if she was doing business. She agreed and got in the car, and was taken to the defendant's girlfriend's flat, (the girlfriend was away).

She carried out some sexual services but after his allotted time she wanted to stop. He forced her into other sexual activities including raping her. She escaped and reported the incident to the police the next day. He was arrested and at first denied rape but admitted partial penetration once swabs were taken.

The victim not only worked part-time as a prostitute but was also a drug user and difficult to keep in contact with due to her own offences. The case depended solely on her account, and the fact that the defendant changed his account between his two interviews. She gave her evidence on DVD, which is now permissible for adult complaints of sexual offences. A special measures application for video and live link at the trial was not granted and on the first day she did not attend. However she attended and gave evidence on day two, and after trial the defendant was convicted.

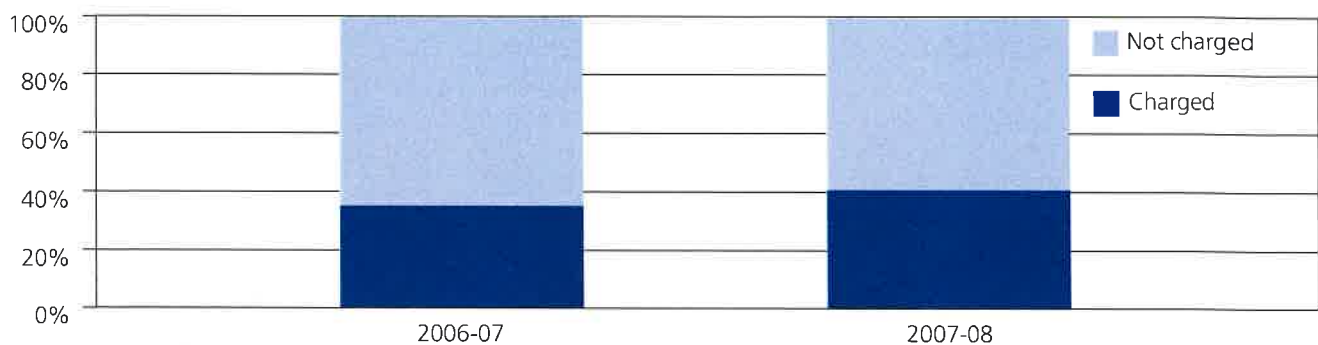
7 Rape: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of rape crimes as part of the Violence against Women (VAW) strategy, as well as measuring performance within the performance review process.

Charging

Cases in which the CPS decided that a defendant should be charged rose from 32.7% of rape cases submitted for pre-charge decisions by the police in 2006-07 to 40% in 2007-08. Further work is underway to improve charging rates.

Table 1: Pre-charge decisions



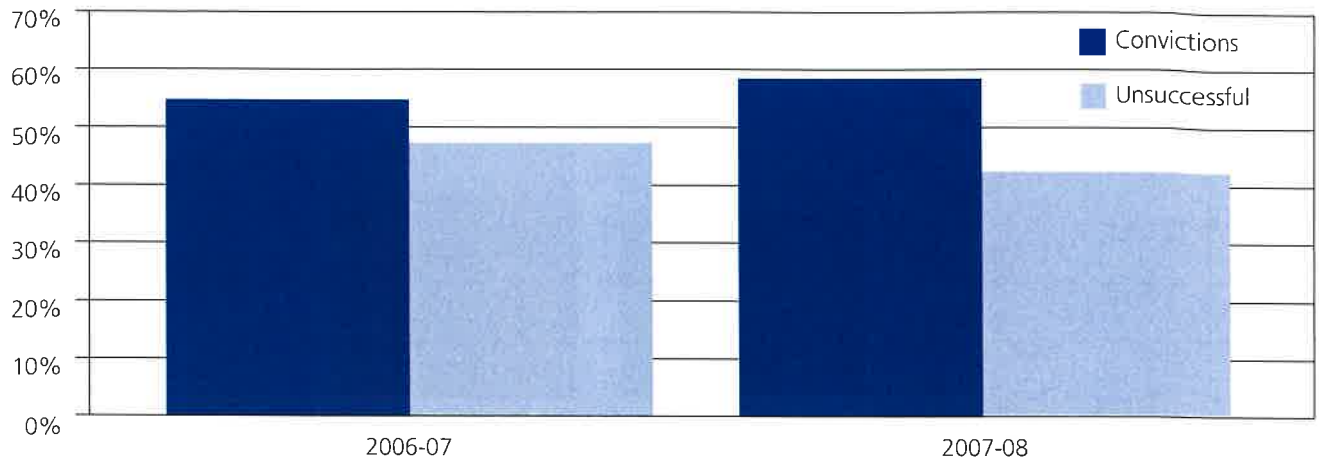
All defendants	2006-07		2007-08	
	Volume	%	Volume	%
Charged	1,963	32.7%	2,220	40.0%
Request for further evidence	110	1.8%	55	1.0%
No prosecution	3,559	59.3%	3,025	54.5%
All other decisions	369	6.1%	251	4.5%
Total	6,001		5,551	

Statutory Charging was fully rolled out on 3 April 2006

Convictions

In the two years ending March 2008, over 6,700 defendants were prosecuted for crimes involving rape. Table and chart 2 below provide a breakdown of prosecutions over the two year period, showing that convictions rose from 55% in 2006-07 to 58% in 2007-08. During the fourth quarter of 2007-08, convictions for rape crimes reached 61%.

Table 2: Completed prosecutions by outcome

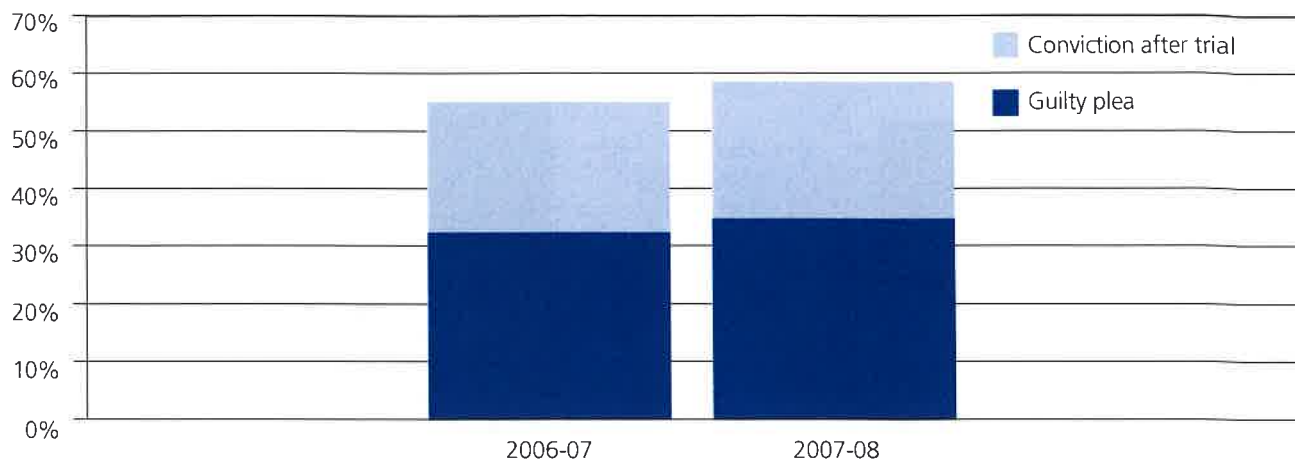


	2006-07		2007-08	
	Volume	%	Volume	%
Convictions	1,778	54.5%	2,021	57.7%
Unsuccessful	1,486	45.5%	1,482	42.3%
Total	3,264		3,503	

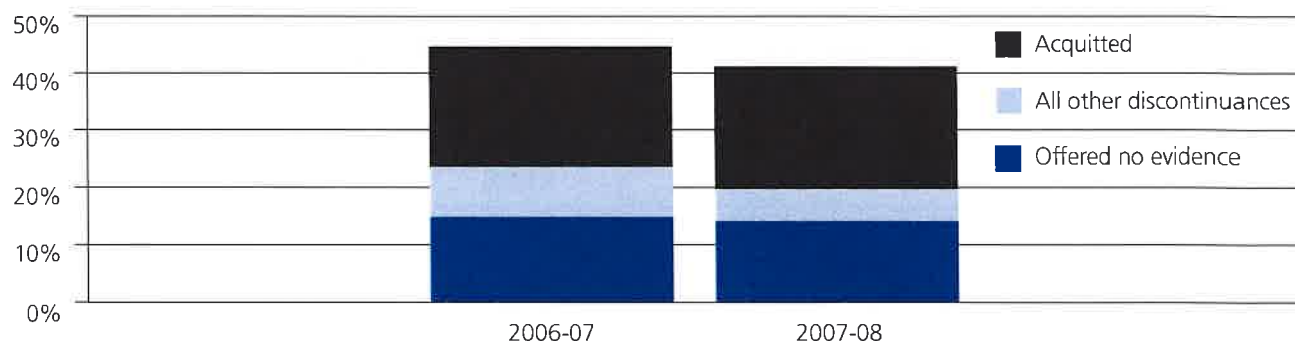
The table and charts below show a detailed breakdown of prosecution outcomes for rape crimes in 2006-07 and 2007-08. Guilty pleas increased from 33% to 35%, contributing to an improved conviction rate of 58% overall in 2007-08. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 24% to less than 23%.

Table 3: Prosecution outcomes

Convictions



Unsuccessful outcomes



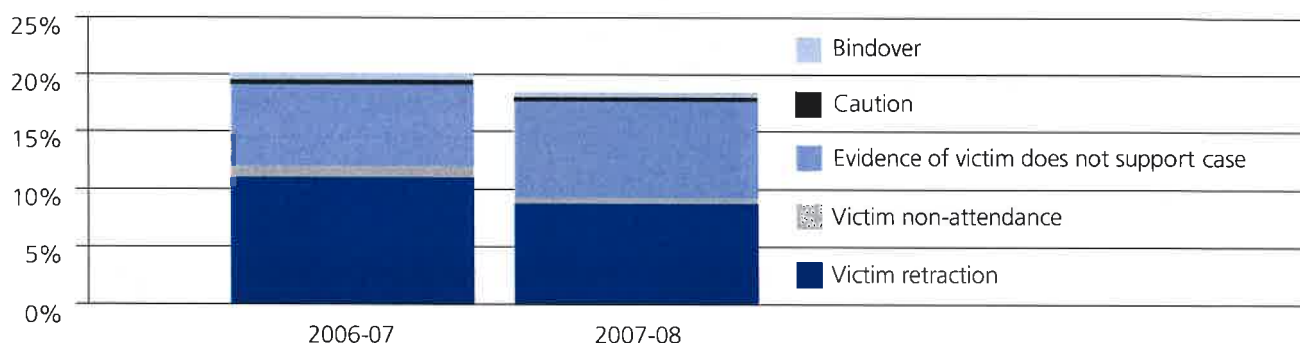
	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	29	0.9%	37	1.1%
Discharged committal	7	0.2%	7	0.2%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	780	23.9%	795	22.7%
<i>of which – no evidence offered</i>	486	14.9%	494	14.1%
Dismissed after full trial	7	0.2%	5	0.1%
No case to answer	1	0.0%	0	0.0%
Judge directed acquittal	84	2.6%	99	2.8%
Jury acquittal	578	17.7%	539	15.4%
Unsuccessful outcomes	1,486	45.5%	1,482	42.3%
Guilty plea	1,077	33.0%	1,235	35.3%
Conviction after trial	701	21.5%	786	22.4%
Proved in absence	0	0.0%	0	0.0%
Convictions	1,778	54.5%	2,021	57.7%
Total prosecutions	3,264		3,503	

Unsuccessful prosecutions

Cases mainly fail for reasons of insufficient evidence, because prosecution is not in the public interest, or because the defendant is acquitted at trial. In addition there are cases which are unable to proceed because of non-attendance or retraction by a victim or witness, and those proceedings subject to an administrative finalisation. The proportions falling within each category showed some variation from 2006-07 to 2007-08. In 2007-08, 2.5% were unsuccessful for administrative reasons and 4.9% for public interest reasons, similar to the previous year. However evidential reasons for case failure rose by 4 percentage points to 45.3%; 9.5% were unable to proceed, a fall of 3 percentage points, and 37.8% fell into other reasons, including acquittal after trial, a reduction of around 2 percentage points.

Table 4 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key reasons, victim retraction and those where the evidence of the victim did not support the case remained the largest categories, changing little over the period under review at 18% to 17% of unsuccessful outcomes. However, within the 17%, recorded in 2007-08, victim retraction fell by over 2 percentage points to 8.6%, while cases in which the victim's evidence did not support the prosecution case rose by over 1 percentage point to 8.8%. The proportion failing because of the victim key reasons remained stable, at 19% of all unsuccessful outcomes. Of the remaining reasons for unsuccessful outcomes in rape cases, 36% were due to acquittals, 13% to unreliable witness or witnesses and 11% to conflicts of evidence.

Table 4: Key reasons for unsuccessful prosecutions

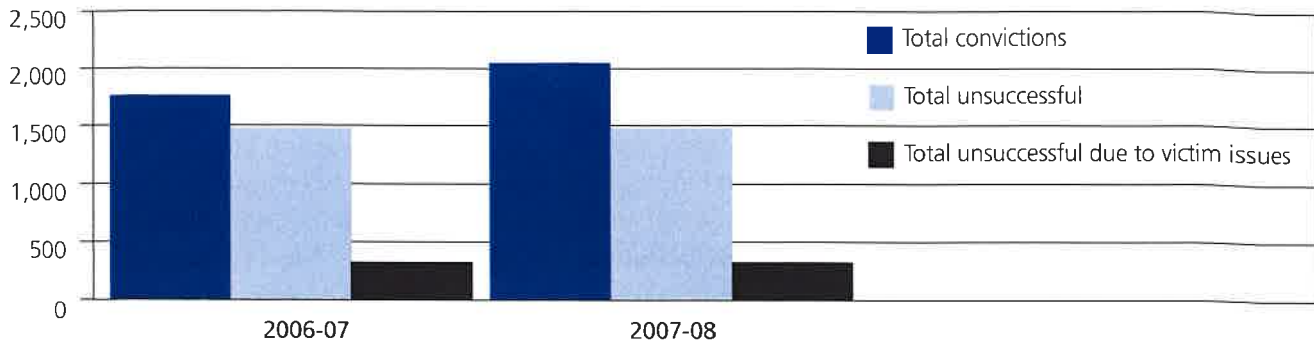


	2006-07		2007-08	
	Volume	%	Volume	%
Victim retraction	162	10.9%	128	8.6%
Victim non-attendance	15	1.0%	9	0.6%
Evidence of victim does not support case	109	7.3%	131	8.8%
Caution	6	0.4%	7	0.5%
Bindover	0	0.0%	5	0.3%
Total key reasons	292	19.7%	280	18.9%
All other reasons	1,165	78.4%	1,165	78.6%
Administrative finalisations	29	2.0%	37	2.5%
Total	1,486		1,482	

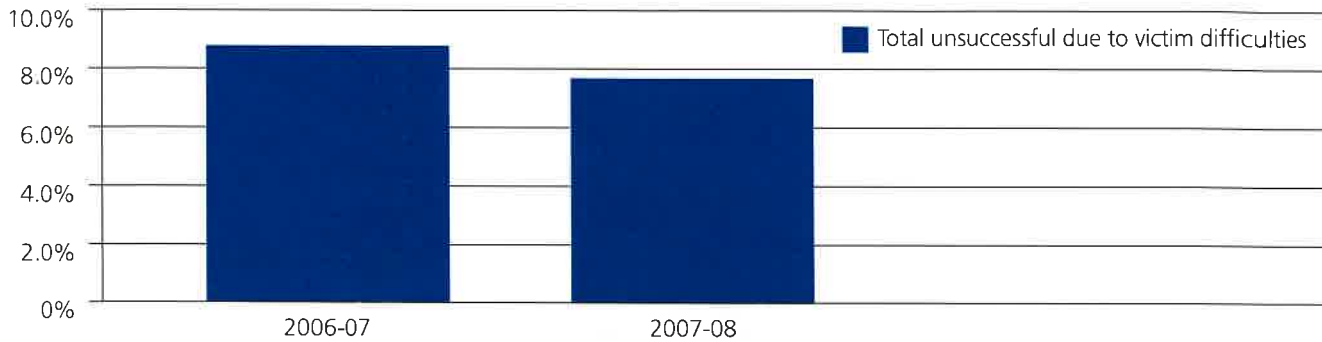
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 286 (8.8%) in 2006-07 to 268 (7.7%) in 2007-08. Total unsuccessful outcomes fell from over 45% in 2006-07 to 42% in 2007-08.

Table 5: Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08	
	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	286	8.8%	268	7.7%
Total unsuccessful	1,486	45.5%	1,482	42.3%
Total convictions	1,778	54.5%	2,021	57.7%
Total prosecutions	3,264		3,503	

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work is planned for 2009-2010 to improve data collection and quality.

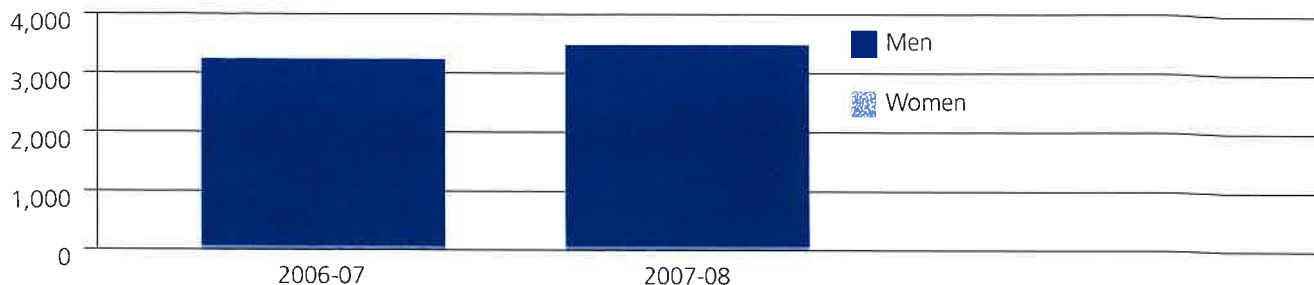
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men remained the same at 99% in both 2006-07 and 2007-08.

Table 6: Completed prosecutions by gender of defendant



	2006-07		2007-08	
	Volume	%	Volume	%
Women	35	1.1%	38	1.1%
Men	3,227	98.9%	3,465	98.9%
Unknown	2	0.1%	0	0.0%
Total	3,264		3,503	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 59% of rape crime defendants were identified as belonging to the White British category, and 64% were categorised as White. 7% of defendants were identified as Asian, 6% Caribbean, 5% African, and 2% from "other" Black backgrounds. 6% of defendants did not state an ethnicity.

Other equality data

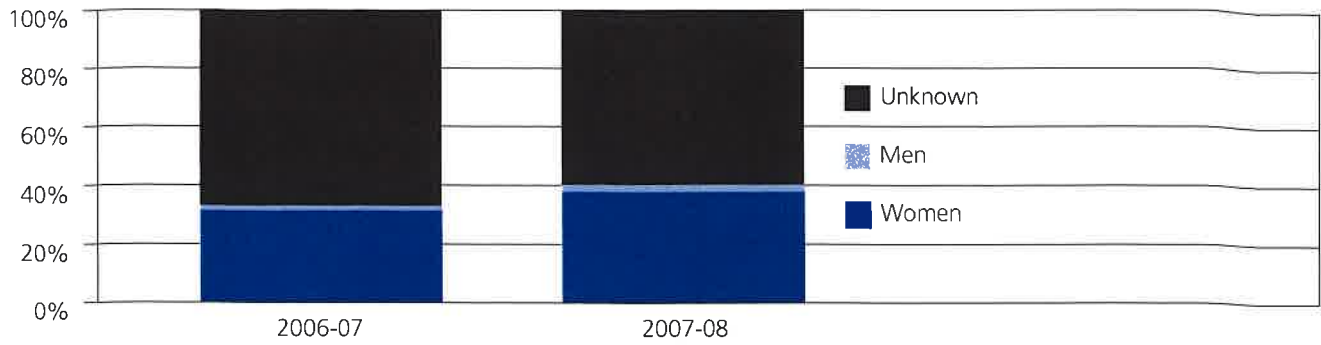
Provision for data collection on the religion or belief and disability of defendants has been in place since April 2007 and the completeness and accuracy of this data remains under development.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. The completeness and accuracy of this information remains under development and work is underway to improve recording. Of those victims whose gender has been identified the highest proportion were women, at 87% in both periods.

Table 7: Gender of victims



	2006-07		2007-08	
	Volume	%	Volume	%
Women	415	28.3%	1,053	34.6%
Men	64	4.4%	161	5.3%
Unknown	989	67.4%	1,829	60.1%
Total	1,468		3,043	

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and figures have not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.

8 Sexual offences excluding rape: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of sexual offences (excluding rape crimes) as part of the Violence against Women (VAW) strategy, as well as measuring performance within the performance review process.

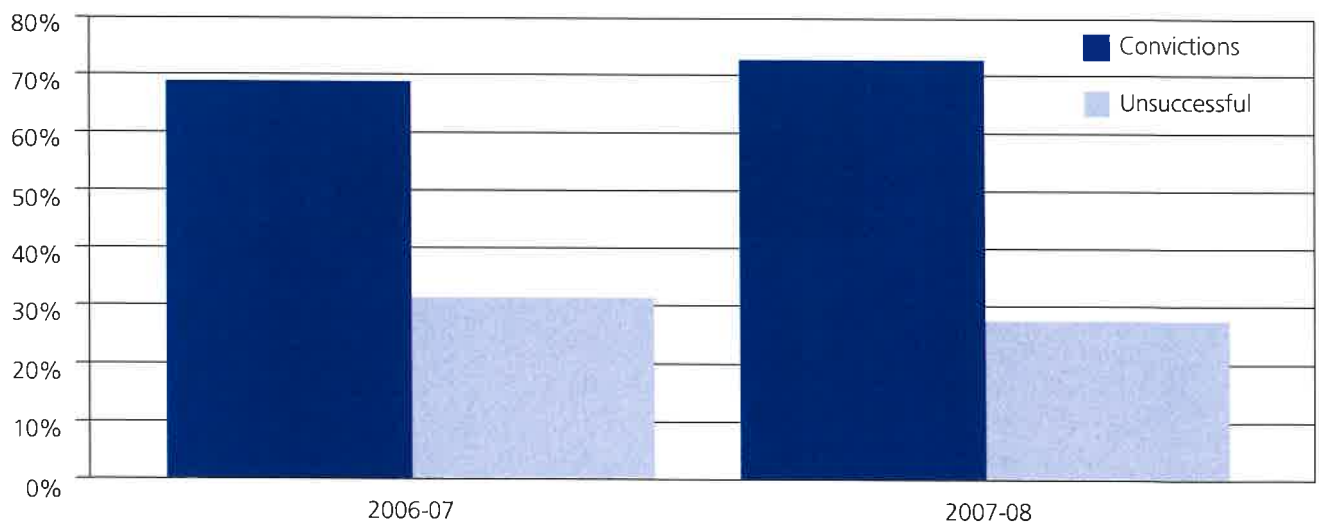
Charging

CPS records include no indication of pre-charge decisions regarding sexual offences, as a principal offence category is allocated only to cases at the conclusion of prosecution proceedings.

Convictions

In the two years ending March 2008, over 16,400 defendants were prosecuted for crimes involving sexual offences other than rape. Table and chart 1 below provide a breakdown of prosecutions over the two year period, showing that convictions rose from 68% in 2006-07 to 74% in 2007-08.

Table 1: Completed prosecutions by outcome

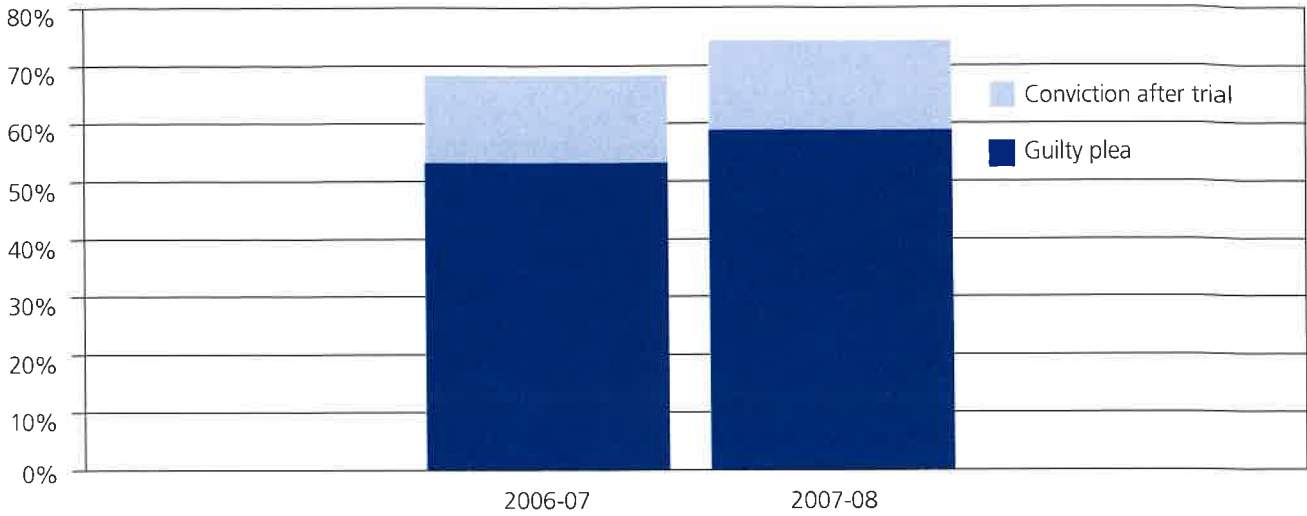


	2006-07		2007-08	
	Volume	%	Volume	%
Convictions	5,675	68.3%	5,976	73.5%
Unsuccessful	2,630	31.7%	2,154	26.5%
Total	8,305		8,130	

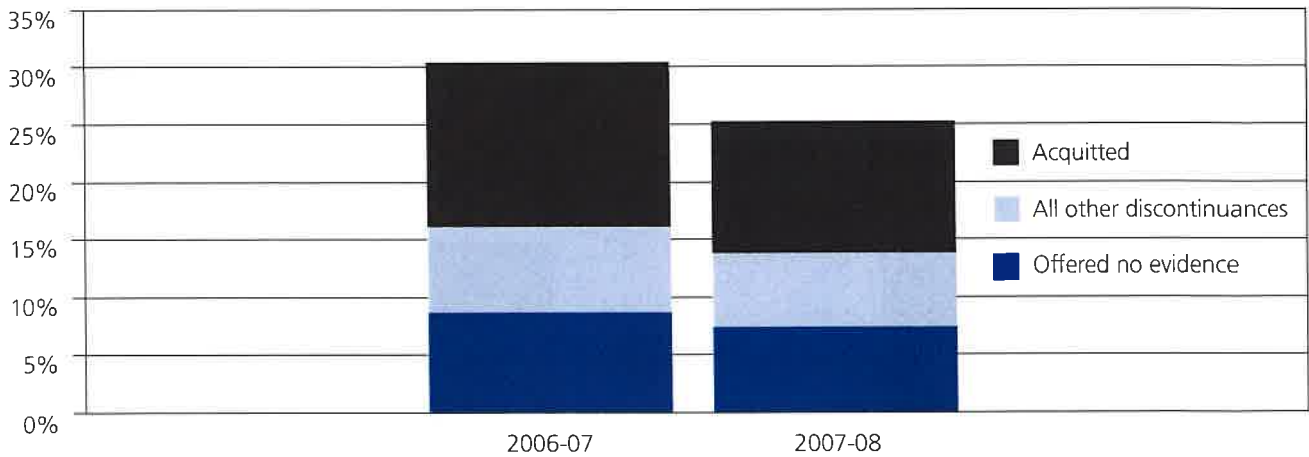
The table and charts below show a detailed breakdown of prosecution outcomes for sexual offences in 2006-07 and 2007-08. Guilty pleas increased from 53% to 58%, contributing to a greatly improved conviction rate of 74% in 2007-08 compared with 68% in the previous year. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 16% to 14%.

Table 2: Prosecution outcomes

Convictions



Unsuccessful outcomes

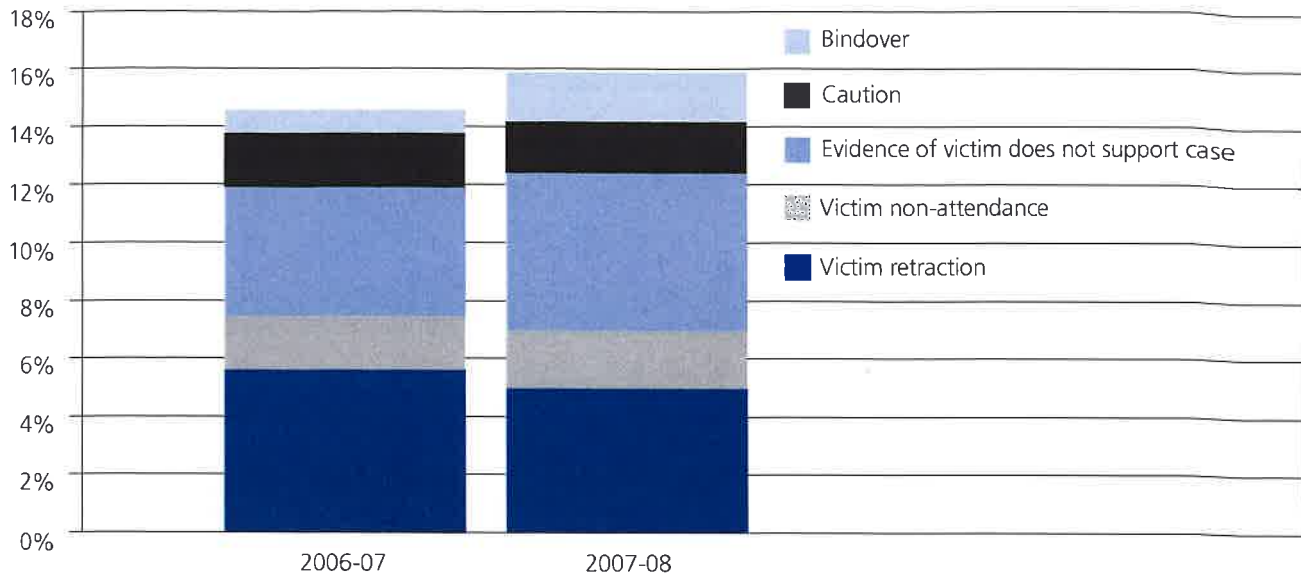


	2006-07		2007-08	
	Volume	%	Volume	%
Administrative finalisation	56	0.7%	49	0.6%
Discharged committal	55	0.7%	56	0.7%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,339	16.1%	1,140	14.0%
<i>of which – no evidence offered</i>	674	8.1%	636	7.8%
Dismissed after full trial	223	2.7%	195	2.4%
No case to answer	38	0.5%	13	0.2%
Judge directed acquittal	104	1.3%	70	0.9%
Jury acquittal	815	9.8%	631	7.8%
Unsuccessful outcomes	2,630	31.7%	2,154	26.5%
Guilty plea	4,398	53.0%	4,746	58.4%
Conviction after trial	1,262	15.2%	1,210	14.9%
Proved in absence	15	0.2%	20	0.2%
Convictions	5,675	68.3%	5,976	73.5%
Total prosecutions	8,305		8,130	

Unsuccessful prosecutions

Cases mainly fail for reasons of insufficient evidence, because prosecution is not in the public interest, or because the defendant is acquitted at trial. In addition there are cases which are unable to proceed because of non-attendance or retraction by a victim or witness, and those proceedings subject to an administrative finalisation. The proportions falling within each category were similar in 2006-07 and 2007-08. In 2007-08, 2.3% were unsuccessful for administrative reasons; 38% for evidential reasons; 10.5% for public interest reasons; 9.6% because a case was unable to proceed, and 39.6% for other reasons, including acquittal after trial.

Table 3 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. Within these key victim reasons, victim retraction and cases where the evidence of the victim did not support the prosecution case remained the largest categories, changing little over the period under review at 10% of unsuccessful outcomes (4.9%, and 5.4% respectively) in 2007-08. The proportion failing because of key reasons remained stable, at 15% of all unsuccessful outcomes. Other reasons for unsuccessful outcomes included acquittals at 37% and conflicts of evidence, 9%, similar to rape crimes. Additionally cases where an essential legal element was missing comprised a further 12%.

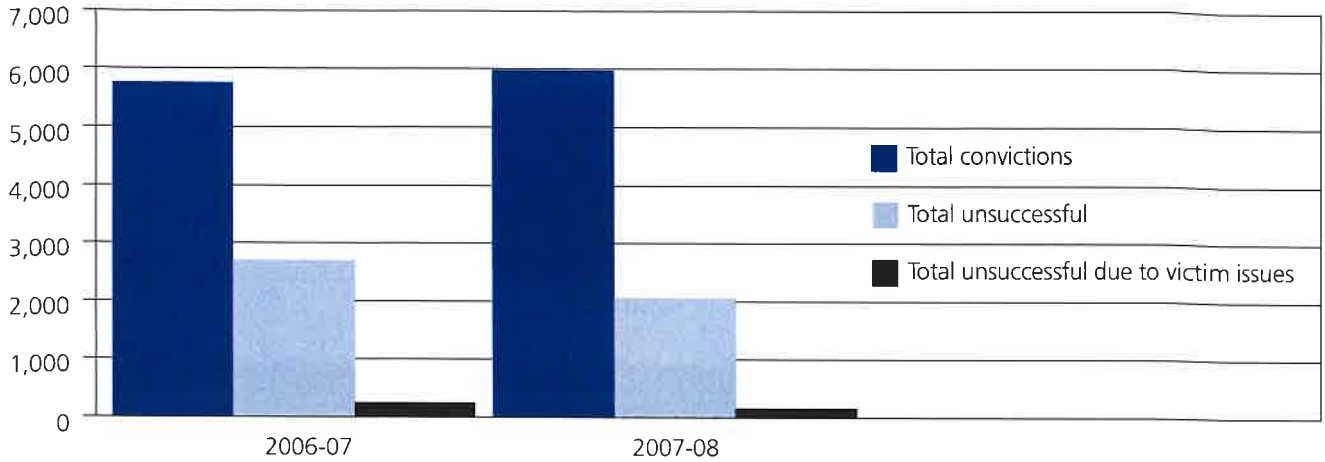
Table 3: Key reasons for unsuccessful prosecutions

	2006-07		2007-08	
	Volume	%	Volume	%
Victim retraction	144	5.5%	105	4.9%
Victim non-attendance	47	1.8%	47	2.2%
Evidence of victim does not support case	119	4.5%	117	5.4%
Caution	52	2.0%	41	1.9%
Bindover	33	1.3%	27	1.3%
Total key reasons	395	15.0%	337	15.6%
All other reasons	2,179	82.9%	1,768	82.1%
Administrative finalisations	56	2.1%	49	2.3%
Total	2,630		2,154	

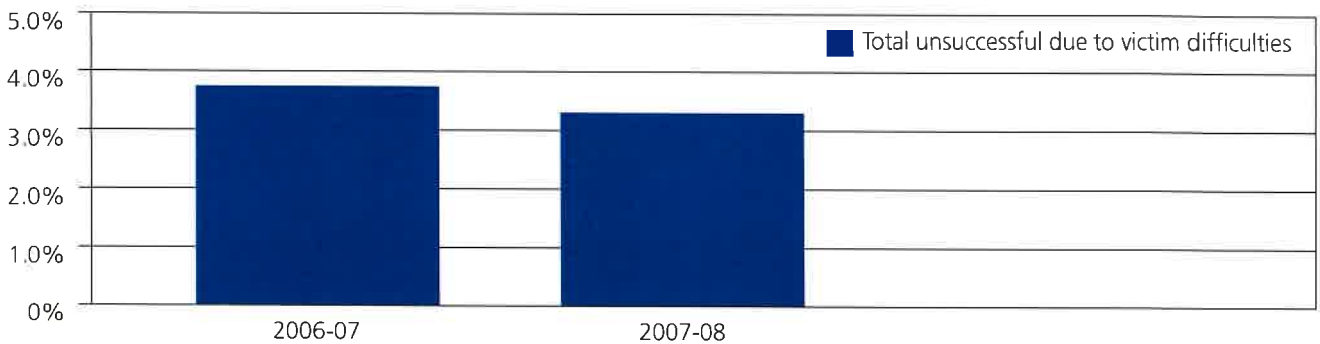
Table and chart 4 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 310 (3.7%) in 2006-07 to 269 (3.3%) in 2007-08. Total unsuccessful outcomes fell from just under 32% in 2006-07 to just over 26% in 2007-08.

Table 4: Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08	
	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	310	3.7%	269	3.3%
Total unsuccessful	2,630	31.7%	2,154	26.5%
Total convictions	5,675	68.3%	5,976	73.5%
Total prosecutions	8,305		8,130	

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data remains under development. Work will be planned in 2009-2010 to improve data collection and quality.

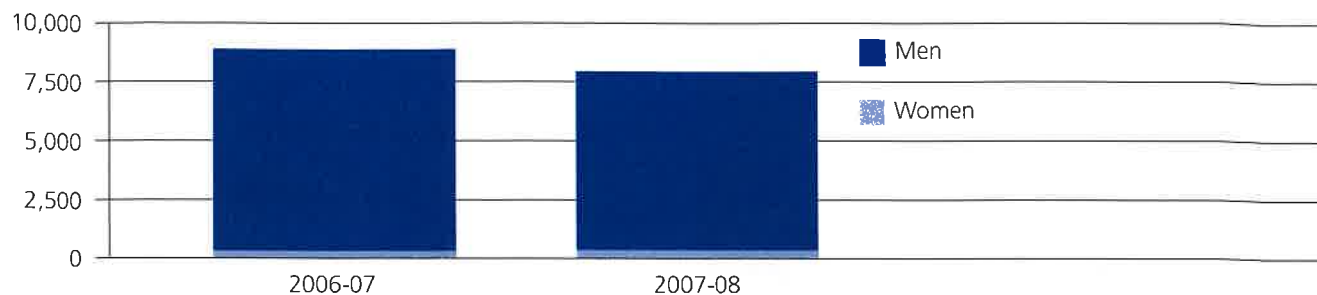
Equalities

(i) Defendants

Gender

Table 5 provides a breakdown of the gender of defendants. The proportion of defendants who were men remained little changed at almost 96% in 2006-07 and in 2007-08.

Table 5: Completed prosecutions by gender of defendant



	2006-07		2007-08	
	Volume	%	Volume	%
Women	348	4.2%	368	4.5%
Men	7,957	95.8%	7,761	95.5%
Unknown	0	0.0%	1	0.0%
Total	8,305		8,130	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed Criminal Justice System definitions for the 16+1 ethnic categories. In 2007-08, 69% of sexual offences excluding rape crime defendants were identified as belonging to the White British category, and 74% were categorised as White. 7% of defendants were identified as Asian, and a further 6% were identified as Black. Just over 5% of defendants did not state an ethnicity on arrest.

Other equality data

Provision for data collection on the religion or belief and disability of defendants has been in place since April 2007. However, the completeness and accuracy of this data remains under development.

(ii) Victims

Data on victims is extracted from the Witness Management System. It is not currently possible to extract this data for sexual offences excluding rape as the principal offence categories are not available in the WMS application to enable compilation of the data.

9 Forced marriage, so-called 'honour' crimes and female genital mutilation

The CPS includes so-called 'honour' crimes, forced marriage and female genital mutilation within the domestic violence policy and guidance. To date no cases have been brought for prosecution of female genital mutilation. We conducted a pilot on forced marriage and so-called 'honour' crimes between July 2007 and March 2008 to identify and monitor these cases for the first time. Specialist prosecutors, who were specifically selected, provided with guidance and trained, led on the prosecution of these cases. The project aimed to identify the number and pattern of forced marriage and so-called 'honour' crime cases; identify any issues facing prosecutors in accurately identifying, managing and prosecuting such cases; and inform the development of any national guidance and training for prosecutors.

A research report on the pilot was published in autumn 2008, and will inform future plans for CPS work on so-called 'honour' crimes and forced marriage (including policy, guidance, training and flagging of cases). The CPS is also currently involved in awareness-raising across the country, as an active member of a cross-Government steering group on forced marriage and so-called 'honour' crimes. We are also involved with the Association of Chief Police Officers and Metropolitan Police working groups on the same subjects.

Consideration will be given to including forced marriage and so-called 'honour' crime outcomes in the VAW Indicator in 2009-10.

Case Study: 'Honour' crime

The defendant was charged with two counts of soliciting murder in respect of his ex-wife (Ms A) and her new partner (Mr B).

During their marriage Ms A had been subjected to violence by the defendant and members of his family. After many years Ms A fled to a refuge. Later she began a new relationship with Mr B, and the couple had a son together. The defendant found out where Ms A and Mr B lived and he and his family continued to cause problems for her.

The defendant's cousin was in a relationship with a man called Mr C. The defendant approached Mr C and asked if he knew anyone who could kill his wife as she had dishonoured his family. Mr C dismissed the proposal initially but then contacted a newspaper, who set up a meeting with the defendant with a newspaper reporter posing as a hit man.

The meeting was recorded on video. The defendant discussed the possibility of having Ms A and Mr B killed even though it would leave their baby with no parents. He was told the fee would be around £5000, and even haggled with the newspaper reporter to get the price reduced to £3000.

Although this was a complex prosecution, the defendant was convicted and sentenced to five and a half years imprisonment for each solicited murder, to run concurrently.

10 Forced marriage, so-called 'honour' crimes and female genital mutilation: key findings

The research conducted in support of the pilot identified 35 cases involving offences committed in the context of a forced marriage and/or so-called 'honour' crime during the nine month pilot period, of which 21 cases were finalised at the time of data collection. Despite the small numbers, the research revealed a number of patterns:

- prosecutions were more likely to be finalised at the Crown Court rather than the magistrates' courts;
- all defendants in the pilot were male, aged on average 29 years old, and most likely to be classified as Asian (Pakistani, Bangladeshi or Indian);
- a number of offences involved more than one victim and more than one defendant, revealing a pattern of multiple defendants and/or victims;
- where there was one victim and one defendant the relationship was mostly spouse/ex-spouse;
- often the relationship between the victim(s) and defendant(s) was complex and it was not unusual for the relationship to fall outside of a domestic violence situation; and
- victims were both male and female, but the male victims were in crimes revolving around a relationship with a women, who herself suffered harm within a situation of male family control.

Of the 21 finalised cases, 10 resulted in a conviction. Cases that did not result in a conviction were most often related to victim and/or witness concerns where a reason for the outcome was recorded. Sample limitations mean that these figures should be treated as indicative only and caution is advised in drawing conclusions without due consideration to these limitations⁹.

The research also highlighted the benefits for prosecutors of the training and guidance aspects of the pilot. Suggestions for future training, such as further training on cultural diversity, were identified. Improvements to guidance as well as ideas for future initiatives were also reported.

Proposals for future work within CPS on forced marriage and so-called 'honour' crime, based on findings from the research, focus on three main areas:

- the prosecution of cases;
- support for victims and witnesses; and
- future flagging of cases.

Recommendations in these areas are planned for implementation from April 2009 onwards. Work is planned for 2009-2010 to improve data collection and quality.

⁹ Further information on the limitations is available in the 'Approach and Limitations' chapter in the 'Findings from the CPS Pilot on Forced Marriage and So-Called 'Honour Crime' Report'. The report is available on line at www.cps.gov.uk/publications/research

11 Children and child abuse

The CPS Children and Young People Policy was published in 2006. Safeguarding Children – Guidance on Children as Victims and Witnesses was published in 2008. Both reflect the CPS' commitment to work with other agencies to safeguard children.

Children's organisations and young people themselves were involved in reviewing draft versions of the policy. Versions of the policy for children of the age ranges 5-9 years and 10-14 years have been produced. Both versions include illustrations or images to support the text, which ensures that the documents are suitable for children with learning disabilities.

A permanent external consultation group has been established to advise the CPS on children's issues.

Training concerning Safeguarding Children will be incorporated into existing courses. A specific, national CPS course on prosecuting child abuse cases is currently being drafted, as is Legal Guidance, planned for autumn 2008.

The Third Joint Chief Inspectors' Report on Safeguarding Children was published in July 2008. The overall picture regarding the CPS was positive. CPS policies and arrangements for the protection of children were recognised as strengths. The HMCPSI Second Review of the Role and Contribution of the CPS to Safeguarding Children Report was published in August 2008. The review recognised that the CPS *'had undertaken considerable work since our last report and, when combined with anticipated developments, there is much to be positive about.'*

The CPS is working closely with ACPO in their revisions of the Senior Investigating Officers' Handbook and their Guidance on Investigating Child Abuse and Safeguarding Children, both of which are due to be published in Autumn 2008. We have accepted an invitation by ACPO to join the National Child Protection Working Group to identify concerns, risks and milestones.

The CPS is working closely with OCJR in their Young Witnesses review. The Government's response to replies received from the Consultation exercise is due to be published in Autumn 2008.

Concerns have been raised, from a number of sources, that children are being denied pre-trial therapy out of fear of prejudicing criminal proceedings. This issue has been addressed by reminding Areas that the child's welfare is paramount, by repeating the message in all relevant publications (including external publications by, for example, ACPO and OCJR). A leaflet will also be designed to give the message direct to parents/carers.

In 2008-09 a CPS definition of "child abuse" will be agreed and disseminated to Areas for the purpose of monitoring prosecution performance. Consideration will be given to including child abuse outcomes in the VAW Indicator in 2009-10.

Case Study: Child abuse

A defendant was jailed after he admitted sexually abusing three schoolgirls.

He abused three girls – aged six to 15 – while working as a gymnastics and trampoline instructor at a club he founded. He gave the girls one to one tuition.

He had full sex with one victim and committed sex acts with all three over a 10-year period from 1976 to 1986. The assaults finally came to light last year when one victim complained to police. Two other girls then came forward.

He admitted 25 charges of indecent assault and 17 indecency offences.

The defendant, who has been in custody since January 2008, was sentenced to nine years imprisonment. He will also be put on the sex offenders register for life.

Key Findings

Child Abuse cases are identified by attaching to the case a monitoring flag applied by the CMS user at the pre-charge stage. In addition prosecution outcomes are reported by principal offence category; homicide, offences against the person and sexual offences, allocated at the conclusion of proceedings. Pending the finalisation of an agreed national CPS definition of child abuse during 2008-09, caution is needed in the interpretation of the child abuse data below.

(i) Homicide¹⁰

In the two years ending March 2008, 59 defendants were prosecuted for child abuse crimes with a principal offence category of homicide. Convictions fell from 83% in 2006-07 to 69% in 2007-08.

The proportion of men prosecuted in this category varied from 77% in 2006-07 to 69% in 2007-08. Women comprised the remaining 23% and 31%.

(ii) Offences against the person

In the two years ending March 2008, 4,654 defendants were prosecuted for child abuse crimes with a principal offence category of offences against the person. Convictions remained stable at 72% in both 2006-07 and 2007-08.

The proportion of men prosecuted in this category has remained virtually the same in the two years ending March 2008, at 76% in 2006-07 and 75% in 2007-08.

(iii) Sexual Offences

In the two years ending March 2008, 7,783 defendants were prosecuted for child abuse crimes with a principal offence category of sexual offences. Convictions rose from 69% in 2006-07 to 72% in 2007-08.

The proportion of men prosecuted in this category has remained virtually the same at 98% in 2006-07 and 2007-08.

¹⁰ Principal Offence Category 'Homicide' comprises offences of murder or manslaughter, conspiring or attempting to cause murder or manslaughter, and threats to kill.

12 Human trafficking

The CPS published legal guidance on human trafficking in 2007 which was updated in January 2008 to reflect legislative and policy changes.

The government-wide revised UK Action Plan on tackling trafficking in human beings was published in July 2008. There are a number of actions for which the CPS is responsible which will provide further victim support.

Victim initiatives piloted during Pentameter 2, and the forced labour pilot, informed changes needed for the ratification of the Council of Europe convention on trafficking planned for the end of 2008. Developments are on track to meet this milestone and will enhance existing arrangements by:

- introducing a forty-day reflection period which will be extendable in certain circumstances;
- introducing new (1 year renewable) temporary residence permits for victims of human trafficking that participate in the criminal justice process;
- expanding existing support arrangements for victims of human trafficking (including trafficking for forced labour); and
- Introducing a formal National Referral Mechanism to help identify and refer victims into appropriate support.

CPS has contributed to an impact assessment for potential additional prosecutions that might arise as a result of these arrangements. Policy guidance will be updated to reflect changes.

A pilot to tackle trafficking for forced labour commenced in May 2008 for 5 months in the East Anglia region. It is a multi agency response led by the Gangmasters Licensing Authority, Association of Chief Police Officers and the UK Border Agency. CPS Chief Crown Prosecutors have been briefed on the prosecution strategy and media handling for local liaison. Further victim support mechanisms are to be piloted for labour victims.

Training was held for Complex Case Unit (CCU) heads in October on trafficking. CCUs will be taking on some devolved work from the Organised Crime Division of CPS and will be better placed to deal with cross border crime (police force and CPS areas) which is a feature of trafficking cases.

The CPS is contributing to research and discussions to improve our response to internal trafficking and child trafficking, and is working with the Office for Criminal Justice Reform (OCJR) and Non-Governmental Organisations (NGOs) to identify ways in which to improve victims' access to compensation.

The CPS is working with United Kingdom Human Trafficking Centre in 2008-09 to monitor prosecution outcomes. Consideration will be given to including trafficking outcomes in the VAW Indicator in 2010-11.

Case Study: Trafficking

The victim was a 15 year old girl from Eastern Europe, brought to the UK on the pretext of a summer job in London selling ice creams. On arrival at the airport she was met by two "friends" from her country. However the job was not what she had expected – she was sold for £4,000 to a man who raped her; she was then taken to Birmingham to work in a brothel. She was shunted between four major cities in England and had to sleep with as many as ten men a day. She was then sold on again for £3,000 and moved to another city brothel before being transferred back to London. She was sold in total seven times. She was raped by those who bought her and assaulted when she refused them. She escaped and arrived at a police station in a distressed condition.

The two "friends" were charged with trafficking into and within the UK, the last man who bought her was charged with rape, and another man was charged with false imprisonment.

Three of the defendants were convicted by the jury. One "friend" was sentenced to 18 years imprisonment and appealed against the length of sentence. This appeal was dismissed. The "friend" who bought her admitted sexual intercourse. He claimed that it was consensual and was instigated by the victim, whom he believed to be over 16 years of age. The trial judge, in directing the jury, asked them to consider first if he was guilty of trafficking. If he was, could she realistically be expected to have consented? He was sentenced to a total of 15 years. The third defendant was convicted of false imprisonment and sentenced to five years.

This case illustrates many strands of Violence against Women

The victim was a 15 year old child; she was trafficked; sold into prostitution; raped; falsely imprisoned and sexually assaulted.

Cases like this illustrate the inter-connection of this work; the ways we can vigorously and successfully prosecute these cases and the need to ensure that victims are supported and are safe.

13 Prostitution

In February 2006 CPS Prostitution Guidance was published which advised that, in considering the public interest, more emphasis should be placed on arresting kerb crawlers and targeting for prosecution those who create the demand for street prostitutes and use their services. It also advised on an incremental approach to encourage prostitutes to find routes out of prostitution. Guidance was updated in January 2008 on street prostitution.

The CPS has contributed to the government-wide "Demand Review" through membership of the Steering Group. This has included research on legislation in other jurisdictions, accompanying Ministers on visits to Sweden and Amsterdam, where prostitution legislation is at opposite ends of the spectrum, facilitating workshops with police, prosecutors and those who provide projects to help prostitutes exit and contributing to audits and a marketing campaign.

In May 2008, as part of the demand review, the CPS led a national audit to establish both regional differences and local policies and strategies in place for the enforcement and prosecution of prostitution-related offences. The audit also examined the regional variations in sentencing practices. The findings from this audit have been analysed and will inform options for non legislative change for Ministers and inform guidance to police and prosecutors on best practice.

Following announcements made by the Home Secretary in September 2008, the CPS is working with Home Office officials on a number of provisions proposed to include in the forthcoming Police and Crime Reduction Bill.

The CPS is working with United Kingdom Human Trafficking Centre in 2008-09 to monitor some prostitution prosecution outcomes. Consideration will be given to including prostitution outcomes in the VAW Indicator in 2010-11.

Case Study 1: Prostitution

A solicitor was jailed for 12 months for living off the earnings of prostitution.

He had bought a large country house, a Porsche, a Mercedes and a BMW, as well as jewellery worth thousands of pounds with his part of the earnings of a group of escort girls.

He pleaded guilty to controlling prostitution for gain, and asked for three counts of living off immoral earnings to be taken into consideration when he appeared before the Crown Court. He operated a website from his home, listing over 30 prostitutes. He took 30% commission to arrange meetings and, over four years, had earned more than £500,000 by controlling escorts in London.

He had not declared any income since starting his sex business. That, and the large amounts of money in his bank account, led to his arrest. As an ancillary to the criminal proceedings a confiscation order was made of over £600,000 and paid in full.

Case Study 2: Prostitution

Three defendants (2 men and a woman) were convicted and sentenced for conspiracy to traffic prostitutes into the UK, conspiracy to control prostitution for gain, and conspiracy to facilitate a breach of immigration law. They were sentenced to imprisonment of 7 years, 5 years and 2 years and 9 months, although the sentences of 7 years and 5 years were later varied to 5 years and 4 years imprisonment.

The woman defendant worked as a prostitute in Spain where she met her co-defendant. They travelled to the UK, and with her co-defendant's nephew set up an escort agency. The defendant recruited women from Spain and South America by placing advertisements on the internet and advertising in Spanish newspapers. Other women were recruited by the nephew from Eastern Europe and Russia. Once recruited, they were assisted in entering the UK illegally, exploiting weaknesses in the immigration system.

The enterprise was well organised and, on arrival in the UK, the women prostitutes were put to work very quickly. They were encouraged to offer a wider range of sexual services than they originally expected. The three defendants controlled the work they undertook and kept 60% of their earnings, out of which the women also had to pay substantial expenses. The defendants made a number of flats available to the women for work.

Although evidence was given by a number of the women during the trial that they had not been coerced into coming to the UK or into working as prostitutes, there was clearly exploitation of them by the defendants once here. This was well organised importation of essentially vulnerable people because they came from countries which suffer from considerable poverty. The defendants exploited this and their illegal immigration status for their own commercial gain. During the six month police surveillance operation, it was estimated the defendants had benefited by more than £240,000.

14 Pornography

The majority of pornography offences are now internet/computer related and our specialist 'hi-tech' crime prosecutors lead on the prosecution of these cases.

Guidance on indecent photographs of children and obscenity for prosecutors has been updated. A pornography training seminar for prosecutors and caseworkers was held in October 2008.

The CPS works very closely with the Child Exploitation and Online Protection Centre (CEOP) which is part of UK law enforcement dedicated to eradicating the sexual abuse of children. The CPS is a member of the ACPO strategic group Combating Child Abuse on the Internet (CCAI) and the Deputy Chair of CCAI's legal sub group.

Key findings

CMS Offence records provide the volume of offences in which a prosecution commenced in magistrates' courts. Offences are recorded discretely from prosecution proceedings, and defendant outcomes cannot therefore be reported for specific offences. During the prosecution process an offence may be amended one or more times; therefore it is not possible to state whether the original offence remained the substantive charge at the time of finalisation.

During 2007-08 a number of pornography and other offences were charged and reached at least one hearing in magistrates' courts under the Protection of Children Act 1978; Obscene Publications Act 1959; Criminal Justice Act 1988; Malicious Communications Act 1988 and Communications Act 2003. It is not possible to distinguish between those communications, which are pornographic and those which are not, charged under the latter two Acts.

In 2007-08 a prosecution commenced in respect of 566 offences of indecent or grossly offensive material, 111 obscene publications, 1,037 offences of sending a grossly offensive or indecent communication and 568 offences of causing annoyance, inconvenience or needless anxiety to another person.

Offences in relation to children comprised 3,079 offences of possession of an indecent photograph of a child and 11,873 offences of sexual exploitation of children through photographs; of which 10,832 were offences of making an indecent photograph of a child, 678 were offences of distributing an indecent photograph of a child, 345 were offences of showing indecent photographs and 18 were offences of publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children.

Case Study 1: Pornography

The defendant was arrested for possession and distribution of indecent photographs of children. A collection of over 240,000 indecent photographs of children, in still and movie images, was seized. The images were mainly of young girls under 10 years of age, including images of bondage and penetrative sexual acts. One image was of an adult involved in a sexual act with a baby.

The defendant admitted he had collected and stored these images. He was also a moderator of a website wherein his role was to police the site for indecent images, allowing him to collect and store images on his own computer. He used the website to contact others and acquire and exchange indecent photographs of children.

He had also indecently photographed a five-year old child with whom he was in a position of trust since she was three-years old.

He was convicted and given an Indeterminate sentence for Public Protection (IPP, meaning a discretionary life sentence) and disqualified from working with children for life.

Case Study 2: Pornography

In a case thought to be the first of its kind, a defendant was convicted for making indecent computer-generated images of children. He received a supervision order of 18 months on condition that he attends a sex offender's treatment programme, and will also be placed on the sex offenders register for five years.

Previous cases have involved people cutting, pasting and merging photographs to create indecent images. Developments in computer software have enabled individuals to create indecent images which are not photographs, but are so realistic that they look like photographs. The most sophisticated were computer enhanced images or entirely computer generated images. The images appeared to be genuine or realistic indecent photographs of children.

The outcome of this case has established that these detailed images of child sexual abuse qualify as indecent pseudo-photographs of children, the making of which is illegal.

15 Crimes against older people

A public Policy statement on crimes against older people and Guidance for prosecutors on prosecuting these cases were published in July 2008. External reference groups involved in drafting the Policy included focus groups made up of older members of the public.

The development of a policy for prosecuting cases of elder abuse was a key requirement of the Age Equality Action Plan, contained within the CPS Single Equality Scheme (SES), 2006-2010 which was published in December 2006. As the CPS did not have a hate crime policy in place that dealt with crimes against older people, and there was no facility enabling crimes against older people to be identified on the COMPASS Case Management System (CMS), plans to establish this work were included within the SES actions.

This work brings CPS into the forefront of work on issues concerning older people and focuses prosecutors' attention on this important equality issue.

A flag to monitor crimes against older people was established in April 2008. Consideration will be given to including prosecution outcomes for crimes against older people in the VAW Indicator in 2009-10.

Annex 1: Prosecutions by Area

CPS total violence against women prosecutions

	2007-08				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	51,974	68.9%	23,478	31.1%	75,452
Avon & Somerset	1,407	71.5%	561	28.5%	1,968
Bedfordshire	447	67.9%	211	32.1%	658
Cambridgeshire	548	68.1%	257	31.9%	805
Cheshire	1,212	71.7%	478	28.3%	1,690
Cleveland	877	68.9%	396	31.1%	1,273
Cumbria	499	76.7%	152	23.3%	651
Derbyshire	1,248	70.5%	523	29.5%	1,771
Devon & Cornwall	991	68.6%	453	31.4%	1,444
Dorset	734	68.3%	340	31.7%	1,074
Durham	769	70.3%	325	29.7%	1,094
Dyfed Powys	406	80.9%	96	19.1%	502
Essex	1,020	69.4%	450	30.6%	1,470
Gloucestershire	670	77.5%	195	22.5%	865
Greater Manchester	3,487	71.6%	1,382	28.4%	4,869
Gwent	676	69.6%	295	30.4%	971
Hampshire	1,953	67.5%	942	32.5%	2,895
Hertfordshire	695	65.5%	366	34.5%	1,061
Humberside	1,120	79.9%	281	20.1%	1,401
Kent	1,383	68.3%	643	31.7%	2,026
Lancashire	2,874	75.3%	942	24.7%	3,816
Leicestershire	1,131	70.8%	466	29.2%	1,597
Lincolnshire	511	74.1%	179	25.9%	690
Merseyside	1,435	63.7%	817	36.3%	2,252
Metropolitan & City	5,268	59.0%	3,661	41.0%	8,929
Norfolk	850	80.0%	213	20.0%	1,063
Northamptonshire	408	77.0%	122	23.0%	530
Northumbria	1,752	66.3%	891	33.7%	2,643
North Wales	806	77.8%	230	22.2%	1,036
North Yorkshire	519	69.8%	225	30.2%	744
Nottinghamshire	954	61.9%	588	38.1%	1,542
South Wales	1,329	66.0%	684	34.0%	2,013
South Yorkshire	1,607	71.6%	638	28.4%	2,245
Staffordshire	1,169	67.1%	573	32.9%	1,742
Suffolk	694	80.4%	169	19.6%	863
Surrey	460	63.4%	266	36.6%	726
Sussex	1,152	67.5%	554	32.5%	1,706
Thames Valley	1,553	68.1%	728	31.9%	2,281
Warwickshire	413	83.3%	83	16.7%	496
West Mercia	832	70.5%	348	29.5%	1,180
West Midlands	3,281	67.2%	1,600	32.8%	4,881
West Yorkshire	2,261	70.9%	927	29.1%	3,188
Wiltshire	573	71.5%	228	28.5%	801

CPS total domestic violence prosecutions

	2007-08				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	43,977	68.9%	19,842	31.1%	63,819
Avon & Somerset	1,235	72.4%	471	27.6%	1,706
Bedfordshire	379	67.1%	186	32.9%	565
Cambridgeshire	476	68.6%	218	31.4%	694
Cheshire	1,059	71.7%	418	28.3%	1,477
Cleveland	750	68.2%	350	31.8%	1,100
Cumbria	427	77.6%	123	22.4%	550
Derbyshire	1,103	70.8%	454	29.2%	1,557
Devon & Cornwall	824	67.0%	406	33.0%	1,230
Dorset	656	69.1%	294	30.9%	950
Durham	660	70.4%	277	29.6%	937
Dyfed Powys	351	81.3%	81	18.8%	432
Essex	861	69.4%	379	30.6%	1,240
Gloucestershire	606	78.5%	166	21.5%	772
Greater Manchester	2,975	72.1%	1,152	27.9%	4,127
Gwent	573	69.9%	247	30.1%	820
Hampshire	1,691	68.3%	785	31.7%	2,476
Hertfordshire	557	65.8%	290	34.2%	847
Humberside	944	81.0%	221	19.0%	1,165
Kent	1,123	67.9%	531	32.1%	1,654
Lancashire	2,550	75.6%	822	24.4%	3,372
Leicestershire	1,005	71.0%	410	29.0%	1,415
Lincolnshire	437	73.6%	157	26.4%	594
Merseyside	1,246	63.0%	732	37.0%	1,978
Metropolitan & City	3,898	58.3%	2,790	41.7%	6,688
Norfolk	715	79.4%	185	20.6%	900
Northamptonshire	304	74.7%	103	25.3%	407
Northumbria	1,533	65.6%	805	34.4%	2,338
North Wales	716	77.4%	209	22.6%	925
North Yorkshire	429	71.7%	169	28.3%	598
Nottinghamshire	789	60.3%	520	39.7%	1,309
South Wales	1,153	66.1%	591	33.9%	1,744
South Yorkshire	1,427	71.5%	570	28.5%	1,997
Staffordshire	1,014	66.5%	511	33.5%	1,525
Suffolk	602	82.6%	127	17.4%	729
Surrey	376	63.9%	212	36.1%	588
Sussex	972	67.5%	468	32.5%	1,440
Thames Valley	1,318	68.3%	611	31.7%	1,929
Warwickshire	355	84.7%	64	15.3%	419
West Mercia	668	69.4%	295	30.6%	963
West Midlands	2,738	66.2%	1,398	33.8%	4,136
West Yorkshire	1,974	70.1%	842	29.9%	2,816
Wiltshire	508	71.5%	202	28.5%	710

CPS total rape prosecutions

	2007-08				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	2,021	57.7%	1,482	42.3%	3,503
Avon & Somerset	53	56.4%	41	43.6%	94
Bedfordshire	16	61.5%	10	38.5%	26
Cambridgeshire	11	50.0%	11	50.0%	22
Cheshire	20	55.6%	16	44.4%	36
Cleveland	27	69.2%	12	30.8%	39
Cumbria	12	50.0%	12	50.0%	24
Derbyshire	38	66.7%	19	33.3%	57
Devon & Cornwall	41	69.5%	18	30.5%	59
Dorset	16	55.2%	13	44.8%	29
Durham	41	70.7%	17	29.3%	58
Dyfed Powys	12	63.2%	7	36.8%	19
Essex	26	57.8%	19	42.2%	45
Gloucestershire	22	61.1%	14	38.9%	36
Greater Manchester	167	62.1%	102	37.9%	269
Gwent	33	64.7%	18	35.3%	51
Hampshire	64	54.7%	53	45.3%	117
Hertfordshire	32	51.6%	30	48.4%	62
Humberside	50	62.5%	30	37.5%	80
Kent	49	51.6%	46	48.4%	95
Lancashire	85	63.4%	49	36.6%	134
Leicestershire	28	70.0%	12	30.0%	40
Lincolnshire	11	64.7%	6	35.3%	17
Merseyside	36	59.0%	25	41.0%	61
Metropolitan & City	387	45.5%	464	54.5%	851
Norfolk	22	71.0%	9	29.0%	31
Northamptonshire	22	73.3%	8	26.7%	30
Northumbria	50	62.5%	30	37.5%	80
North Wales	14	70.0%	6	30.0%	20
North Yorkshire	20	47.6%	22	52.4%	42
Nottinghamshire	50	62.5%	30	37.5%	80
South Wales	54	61.4%	34	38.6%	88
South Yorkshire	42	61.8%	26	38.2%	68
Staffordshire	38	55.9%	30	44.1%	68
Suffolk	18	58.1%	13	41.9%	31
Surrey	16	57.1%	12	42.9%	28
Sussex	47	66.2%	24	33.8%	71
Thames Valley	55	55.0%	45	45.0%	100
Warwickshire	16	69.6%	7	30.4%	23
West Mercia	33	68.8%	15	31.3%	48
West Midlands	131	61.5%	82	38.5%	213
West Yorkshire	100	75.8%	32	24.2%	132
Wiltshire	16	55.2%	13	44.8%	29

CPS total sexual offences excluding rape prosecutions

	2007-08				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	5,976	73.5%	2,154	26.5%	8,130
Avon & Somerset	119	70.8%	49	29.2%	168
Bedfordshire	52	77.6%	15	22.4%	67
Cambridgeshire	61	68.5%	28	31.5%	89
Cheshire	133	75.1%	44	24.9%	177
Cleveland	100	74.6%	34	25.4%	134
Cumbria	60	77.9%	17	22.1%	77
Derbyshire	107	68.2%	50	31.8%	157
Devon & Cornwall	126	81.3%	29	18.7%	155
Dorset	62	65.3%	33	34.7%	95
Durham	68	68.7%	31	31.3%	99
Dyfed Powys	43	84.3%	8	15.7%	51
Essex	133	71.9%	52	28.1%	185
Gloucestershire	42	73.7%	15	26.3%	57
Greater Manchester	345	72.9%	128	27.1%	473
Gwent	70	70.0%	30	30.0%	100
Hampshire	198	65.6%	104	34.4%	302
Hertfordshire	106	69.7%	46	30.3%	152
Humberside	126	80.8%	30	19.2%	156
Kent	211	76.2%	66	23.8%	277
Lancashire	239	77.1%	71	22.9%	310
Leicestershire	98	69.0%	44	31.0%	142
Lincolnshire	63	79.7%	16	20.3%	79
Merseyside	153	71.8%	60	28.2%	213
Metropolitan & City	983	70.7%	407	29.3%	1,390
Norfolk	113	85.6%	19	14.4%	132
Northamptonshire	82	88.2%	11	11.8%	93
Northumbria	169	75.1%	56	24.9%	225
North Wales	76	83.5%	15	16.5%	91
North Yorkshire	70	67.3%	34	32.7%	104
Nottinghamshire	115	75.2%	38	24.8%	153
South Wales	122	67.4%	59	32.6%	181
South Yorkshire	138	76.7%	42	23.3%	180
Staffordshire	117	78.5%	32	21.5%	149
Suffolk	74	71.8%	29	28.2%	103
Surrey	68	61.8%	42	38.2%	110
Sussex	133	68.2%	62	31.8%	195
Thames Valley	180	71.4%	72	28.6%	252
Warwickshire	42	77.8%	12	22.2%	54
West Mercia	131	77.5%	38	22.5%	169
West Midlands	412	77.4%	120	22.6%	532
West Yorkshire	187	77.9%	53	22.1%	240
Wiltshire	49	79.0%	13	21.0%	62

Glossary

Violence against women

Domestic violence: any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those¹¹ who are or have been intimate partners or family members, regardless of gender or sexuality. Family members include mother, father, son, daughter, sister, and grandparents, whether directly related, in laws or step family.

Rape: any defendant charged with one or more of the following offences –

- S1 Sexual Offences Act 1956
- S5 Sexual Offences Act 1956
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981
- S1 Sexual Offences Act 2003
- S5 Sexual Offences Act 2003
- S30(3) Sexual Offences act 2003
 - An attempt to commit one of the above offences under the Criminal Attempts Act 1981

Incitement or conspiracy to commit any of the above offences

Sexual offences exc. rape: any defendant whose principal offence category, at finalisation, is a sexual offence excluding rapes.

Monitoring flags: sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case.

Case outcomes

Pre-charge decisions: In all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be, in accordance with the Director's Guidelines.

Charged: cases where the CPS' decision is to charge.

Request for further evidence: where further information or action is requested or deemed necessary.

No prosecution: those cases where the CPS' decision is not to prosecute, for evidential or public interest reasons.

All other decisions: where a caution, reprimand or final warning are given; where the offence has been taken into consideration in relation to other charges; or where the defendant has failed to answer to bail and a warrant is outstanding.

Prosecutions:	all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
<u>Unsuccessful outcomes:</u>	all completed prosecutions where the defendant is not convicted, comprising the following:
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.
Discharged committals:	committal proceedings in which the defendant is discharged. Following a discharge a case can be reinstated.
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences which are heard by the court in the absence of the defendant.

¹¹ In CPS cases are monitored for both adults and Under 18s.

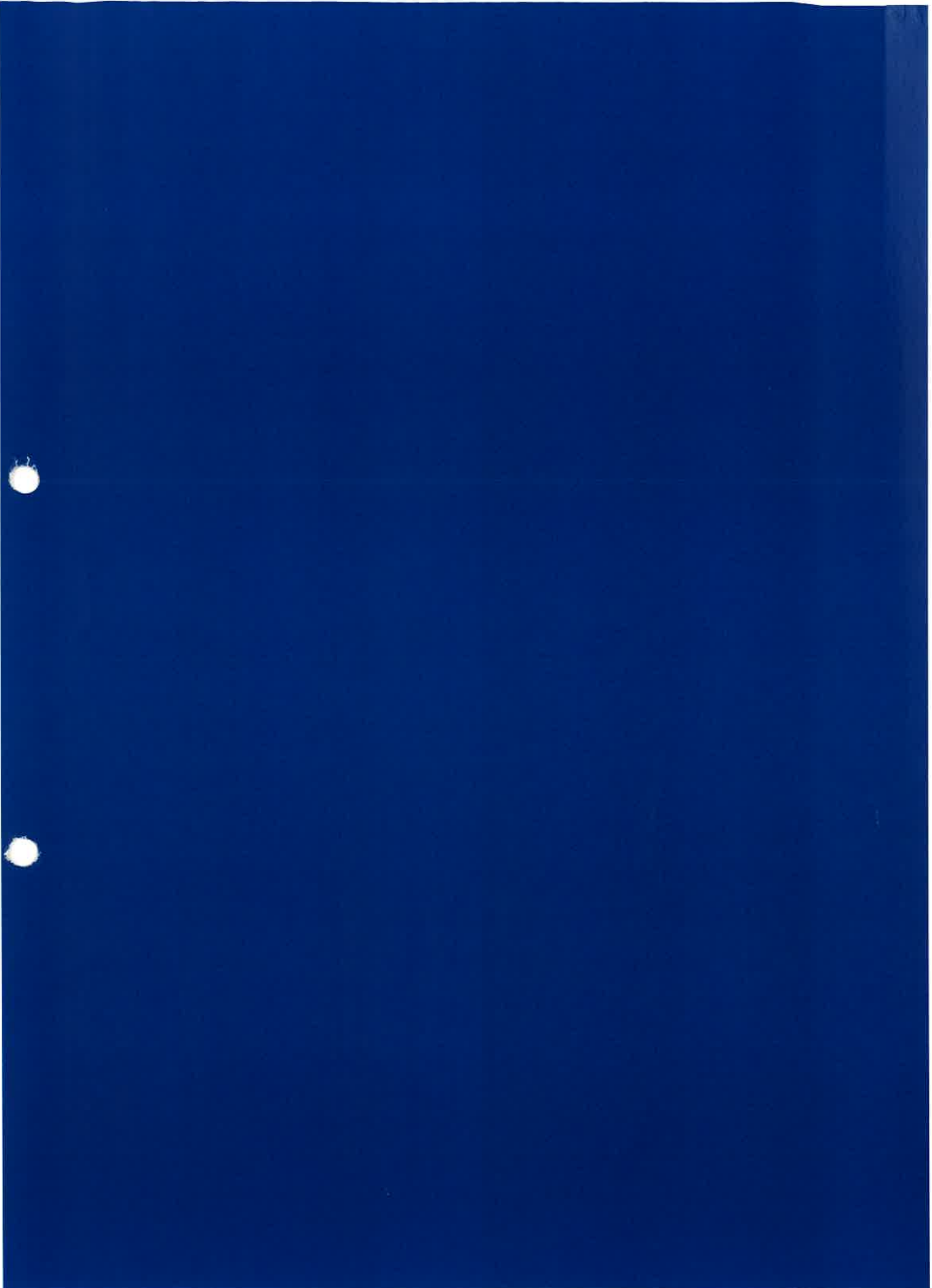
Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	CPS records an administrative finalisation when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead; or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Caution:	the defendant is charged with a criminal offence, but it is subsequently decided that a caution is more suitable than prosecution.
Bindover:	the defendant is charged with a criminal offence, but agrees to be bound over.
Essential legal element:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Witness or witnesses were unreliable:	the evidence of a prosecution witness or witnesses, other than the victim, is considered unreliable, leading to an unsuccessful outcome.
Conflicts of evidence:	Contradictions in prosecution evidence lead to an unsuccessful outcome.

Principal offence category: charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant.



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CPS

Violence against Women crime report

2008 – 2009

MANAGEMENT INFORMATION BRANCH

Contents

Foreword by the Director of Public Prosecutions	2
Executive summary	3
Introduction	6
Violence against Women crime: key findings	10
Domestic violence	19
Domestic violence crime: key findings	22
Rape	31
Rape crime: key findings	34
Sexual offences	42
Sexual offences excluding rape crime: key findings	43
Forced marriage, honour based violence and female genital mutilation	49
Child abuse	51
Child abuse crime: key findings	53
Human trafficking	55
Prostitution	63
Pornography	65
Crimes against older people	68
Annex 1: Prosecutions by Area	70
Glossary	74

Foreword by the Director of Public Prosecutions

I welcome the second Violence against Women (VAW) crime report, outlining prosecutions of offences across a range of VAW crimes in 2008-09.

CPS recognises that violence against women is both a cause and consequence of gender inequality. In April 2008 we set up the VAW strategy, with a VAW Indicator to measure performance across VAW crimes. The designation of the VAW Strategy as 'mission critical' in the organisation is in recognition of the importance we give to this work.

The VAW Indicator measures performance across domestic violence, rape and sexual offences. In addition, we record the prosecution of a number of other VAW strands, such as child abuse, prostitution and pornography. And this year, for the first time, we have started to work with the UK Human Trafficking centre to record data on the prosecution of trafficking cases. This report details prosecutions of VAW crimes in comparison, where possible, with previous years.

In 2009, there has been consultation on the development of a cross-government strategy on violence against women and girls (VAWG) which is planned for late 2009. This strategy will explicitly address ways to improve work across all government departments on dealing with VAWG. The CPS VAW strategy forms part of this work and we commit to producing these annual VAW crime reports to ensure public monitoring of our work.

Overall the report is good news, indicating not only an increase in successful outcomes across VAW but also an increase in the volume of cases being prosecuted. This data analysis has helped us understand the similarities and differences in prosecuting these cases. We are aware of the victim issues across all VAW crimes but we are also aware of the differences – for example, increased charging and guilty pleas for domestic violence compared with fewer charged cases and more acquittals for rape. This helps us focus on specific actions, for specific VAW strands, to improve prosecutions.

We recognise that we still have a long way to go, but we are committed to improving fair and just prosecutions in all VAW cases, with victim safety and support being addressed. Our thanks go to all the Area prosecutors and advocates dealing with these cases and the support agencies who work with us to provide support for victims.

Executive summary

This is the second Crown Prosecution Service (CPS) annual Violence against Women (VAW) performance report, and covers the following strands of Violence against Women for 2008-09: domestic violence; forced marriage; honour based violence; female genital mutilation; rape and sexual offences; human trafficking; prostitution; child abuse; and pornography.

These crimes have been grouped under a 'Violence against Women' umbrella because of their profile – cases committed primarily, although not exclusively, by men against women, within a context of power and control.

The report provides aggregated data on domestic violence, rape and sexual offences, followed by separate sections on each of these three strands.

In addition, further data is provided on child abuse, prostitution, trafficking and pornography. For all of the VAW strands information is detailed on current and planned work and a number of case studies are given as examples.

VAW: overall key findings

The VAW section of the report presents collated data on domestic violence, rape and sexual offences. The headline figures show that:

- In the three years ending March 2009, over 222,900 defendants were prosecuted for violence against women offences;
- 94% of defendants were men in 2008-09 (the same as in 2007-08);
- 85% of victims were women in 2008-09¹ (1% less than in 2007-08);
- 85% of VAW crimes were domestic violence; 5% were rape and 10% sexual offences;
- the number of VAW cases charged increased from 53% in 2006-07 to 63% in 2008-09;
- unsuccessful prosecutions fell from 35% in 2006-07 to 28% in 2008-09, exceeding the 29% target;
- successful prosecutions rose from 65% in 2006-07 to 72% in 2008-09;
- guilty pleas increased from 56% in 2006-07 to 63% in 2008-09;
- unsuccessful outcomes due to victim issues accounted for 15% of all VAW outcomes in 2006-07 falling to 12% in 2008-09.

Domestic violence: key findings

Domestic violence data is held as from 2005-06, enabling analysis over a four year period.

- In the four years ending in March 2009, over 238,000 defendants were prosecuted for domestic violence;
- 94% of defendants were men in 2008-09 (the same as 2007-08);
- 85% of victims were women in 2008-09² (the same as 2007-08);
- the number of DV cases charged³ increased from 56% in 2006-07 to 65% in 2008-09;
- unsuccessful prosecutions fell from 40% in 2005-06 to 28% in 2008-09, meeting the 28% target;

¹ Note 36% of victim gender for VAW cases was not recorded.

² Note 35% of victim gender for domestic violence cases was not recorded.

³ Data on charging are only available from 2006-07.

- successful prosecutions rose from 60% in 2005-06 to 72% in 2008-09;
- guilty pleas increased from 58% in 2006-07 to 65% in 2008-09;
- unsuccessful outcomes due to victim issues accounted for 17% of all domestic violence outcomes in 2006-07 falling to less than 14% in 2008-09.

Rape: key findings

- In the three years ending in March 2009, over 10,200 defendants were prosecuted for rape;
- 99% of defendants were men in 2006-07, 2007-08 and in 2008-09;
- 88% of victims were women in 2008-09⁴, 1% more than in 2007-08;
- the proportion of rape cases in which the CPS took a decision to charge increased from 30% in 2006-07 to 39% in 2008-09;
- unsuccessful prosecutions remained unchanged at 42% in 2008-09 and 2007-08, just missing the 41% target;
- successful prosecutions remained at 58% in 2007-08 and 2008-09;
- guilty pleas remained at 35% in 2007-08 and 2008-09.

Sexual offence: key findings⁵

- In the three years ending in March 2009, over 24,300 defendants were prosecuted for sexual offences (other than rape);
- 95% of defendants were men in 2008-09 (little changed compared with the two previous years);
- unsuccessful prosecutions fell from 32% in 2005-06 to 25% in 2008-09, exceeding the 28% target;
- successful prosecutions rose from 68% in 2005-06 to 75% in 2008-09;
- guilty pleas increased from 53% in 2006-07 to 62% in 2008-09.

Child abuse

The report also provides data on the prosecution of child homicides; offences against the person and sexual offences.

- In the three years ending in March 2009, 103 defendants were prosecuted for homicide⁶; 6,730 defendants were prosecuted for offences against the person and 11,810 defendants were prosecuted for child sexual offences;
- in 2008-09, 73% of defendants in homicide cases, 74% of defendants for offences against the person, and 98% of defendants in sexual offence were men;
- in 2008-09 there were conviction rates of 75% for homicides⁷; 73% for offences against the persons and 75% for sexual offences.

⁴ Note 52% of victim gender for rape cases was not recorded.

⁵ CPS data on sexual offences are more limited than for domestic violence and rape. Sexual offences are identified only at the conclusion of a prosecution, while data on domestic violence and rape is additionally held for pre-charge proceedings.

⁶ Homicide, within the CPS Case Management System comprises offences of murder or manslaughter, conspiring or attempting to kill and threats to kill.

⁷ Please note the small numbers of proceedings.

Trafficking

Data on the prosecution of human trafficking offences for 2008-09, available in a later chapter of this report, is provided by the UK Human Trafficking Centre. In 2008-09, 80 defendants were prosecuted for trafficking for sexual exploitation under Sections 57, 58 and 59 of the Sexual Offences Act 2003. There were 227 victims, 140 were women and 87 were men, in all trafficking crimes. The majority of victims were aged between 21 and 25.

Prostitution

Some data are provided on the number of offences prosecuted in relation to the control of prostitution, managing a brothel, kerb crawling or advertising prostitution by placing adverts in phone boxes. In 2008-09, 134 offences of controlling prostitution, 91 of managing a brothel, 341 offences of kerb crawling and 349 offences of advertising prostitution were prosecuted.

Pornography

Some data are also provided on the number of offences prosecuted in relation to indecent or grossly offensive materials, obscene publications and sexual exploitation of children by the making, distribution, showing and advertisement of indecent photographs. In 2008-09, 4,241 offences of possession of an indecent photograph of a child and 14,656 of sexual exploitation of children through photographs were prosecuted.

Introduction

This is the second Crown Prosecution Service (CPS) annual Violence against Women performance report. The report covers a range of Violence against Women (VAW) strands for 2008-09:

- domestic violence;
- rape and sexual offences;
- human trafficking, with a focus on trafficking for sexual exploitation;
- prostitution, including child prostitution;
- forced marriage, honour based violence; and female genital mutilation;
- child abuse;
- pornography;
- crimes against older people.

These crimes have been grouped under a 'Violence against Women' umbrella because of their profile – cases committed primarily, although not exclusively by men against women, within a context of power and control. For domestic violence, rape, sexual offences and where possible for child abuse, prosecution performance in 2008-09 is compared with data from previous years. Data are also included on the prosecution of crimes against older people in 2008-09. The United Kingdom Human Trafficking Centre has provided data on the prosecution of human trafficking cases. Some data are also provided on the numbers of offences prosecuted for prostitution and pornography crimes.

The report provides data in separate sections on each of the VAW strands, including current and planned work under each topic and a number of case studies. The best available data are reported, while recognising that there are some short comings in what is available. We are committed to continuous improvement of data quality.

CPS VAW strategy and action plans

In April 2008 CPS published the first government department VAW strategy and action plans. The strategy is linked to the current CPS Public Service Agreement Indicators (PSAs) of:

- Improving the effectiveness and efficiency of the CJS through bringing more offenders of VAW crimes to justice;
- improving public and VAW stakeholder confidence in the CPS;
- improving VAW victim and witness support, safety and satisfaction; and
- addressing any disproportionality across all the equality strands within VAW.

The VAW strategy is designated as one of nine 'mission critical' projects within the CPS, indicating the importance given to this work. Although this report focuses primarily on the quantitative assessment of prosecutions across VAW, the work overall recognises that 'success' in VAW cases is not solely measured by improvements in prosecutions. The service also is planning to assess improvements across the other PSA targets. A VAW stakeholder satisfaction survey will be developed and carried out in 2009-10. In addition, plans are underway to set up systems to measure VAW victim support, safety and satisfaction for implementation in 2010-11. Research is also looking into any potential disproportionality in relation to the prosecution of VAW cases by ethnicity, planning to address ways to develop any needed improvements.

From April 2008 a VAW Indicator was implemented, as one of the key priorities in Area Performance Reviews to monitor performance in bringing more VAW offenders to justice. Each Area is assessed on a six monthly basis, and reports to the Director of Public Prosecutions and Chief Executive, either by a written report or meeting. All Areas have at least one meeting a year.

In 2008-09 the CPS addressed performance through the VAW Indicator in relation to domestic violence, rape and sexual offences. The aim was to reduce unsuccessful outcomes, from charge to completion, to the March 2009 targets of: VAW as a whole 29%; domestic violence 28%; rape 41% and sexual offences 28%.

Implementation of VAW action plans 2008-09

Improving the effectiveness and efficiency of the criminal justice system through bringing more offenders of VAW crimes to justice:

- *Reducing unsuccessful prosecution outcomes:*
The target to reduce unsuccessful outcomes to 29% for all VAW prosecutions was exceeded at 28%. The 28% target was met for domestic violence, but the target of 41% unsuccessful rape outcomes was just missed at 42%. That of 28% for sexual offences was exceeded, at 25%.

This report provides further detailed data within each section. Overall, sexual offences and domestic violence have shown the greatest improvements in prosecutions year on year, compared with a large and increased volume of domestic violence cases. More domestic violence cases were charged (65%); and more successfully prosecuted (72%), with increased guilty pleas (65%). The majority of unsuccessful cases of domestic violence were due to victim issues, which indicates that support for victims is the key to continued improvements. The 122⁸ Specialist Domestic Violence Courts aim to provide such support and improved prosecution outcomes.

Rape prosecutions have continued to be the most challenging and plans are in place for 2009-10 as outlined in the rape section of this report. Charging of rape has remained low (39%). This may be indicative of the difficulties involved in prosecuting rape, especially when the issue in the case is whether or not the victim consented to sexual intercourse. Guilty pleas were also much lower than for domestic violence, at 35% of completed cases. The prospect of a lengthy sentence of imprisonment if convicted may mean that defendants are reluctant to plead guilty when charged with rape. Outcomes for sexual offence prosecutions have improved, due to an increase in guilty pleas (62%), against a slight fall in volume of cases prosecuted.

While many domestic violence cases can be dealt with by magistrates, rape (and other serious sexual offences), can only be tried in the Crown Court by a judge and jury. This indicates some key differences in prosecuting these cases. More unsuccessful outcomes for both rape and other sexual offences were due to acquittals after trial, particularly jury acquittals, when compared with domestic violence.

This indicates the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the criminal justice system.

Discontinuance of cases fell for all three VAW strands, with fewer cases being unsuccessful due to no evidence being presented.

Targets for 2009-10 have been set at: 26% for VAW as a whole; 26% for domestic violence, 39% for rape and 23% for sexual offences. In 2009-10, Area performance reviews will consider the volume of cases prosecuted in Areas, as well as their attrition rates.

⁸ Five further SDVc were accredited in October 2009

Work is under development to monitor outcomes on child abuse, trafficking, forced marriage and honour based violence. In addition offences of prostitution and pornography are being monitored.

- *Developing VAW Guidance for prosecutors:*
VAW Guidance was issued to all prosecutors in June 2009, describing the gendered nature of these offences, providing information on common patterns and key requirements for prosecuting VAW crimes. It advised on ways to improve both prosecution of these cases and the safety of victims. Details of VAW support organisations are also included.
- *Coordinating and rationalizing VAW coordinators and considering rationalization of specialist prosecutors:*
During 2008-09, Areas rationalised the roles of coordinators of VAW work to integrate learning and coordinate work across the strands. A seminar for all VAW coordinators was held in April 2009.

Consideration was given to the rationalisation of specialist prosecutors, and it was agreed to continue with specialist prosecutors dealing with rape and high tech crimes (pornography), and for additional specialists to be selected in 2009-10 to prosecute forced marriage and honour based violence. Dedicated prosecutors in Specialist Domestic Violence Courts will also continue.

- *Developing cases for VAW training:*
Work is underway to develop VAW case studies for use across a range of training programmes within CPS. Training for new staff on prosecuting domestic violence crime continues. Training on prosecuting crimes related to indecent images of children as well as trafficking was also carried out in 2008-09. All rape specialists will be trained by 2011, and a new training programme for selected specialist prosecutors on forced marriage and honour based violence is planned for 2009-10.

Improving public and stakeholder confidence in the CPS

- *Involving community stakeholders locally and nationally:*
A permanent external consultation group involving key national VAW stakeholders was established to advise the CPS on VAW issues and has now been running for two years.

Locally Areas involve their stakeholders and a number of Areas have specific domestic violence hate crime scrutiny panels to scrutinise local cases and draw out learning points. Any extension to the panels will be considered in 2009-10.

In addition work is planned in 2009-10 to review Area VAW community engagement and stakeholder involvement.

- *Developing a system to measure stakeholder satisfaction:*
A system was implemented during 2009-10 to measure the satisfaction of VAW stakeholders through questionnaires and focus groups.

Improving victim support, safety and satisfaction

- *Working with the Victim & Witness Care Delivery Unit (V&WCDU) to consider support systems for VAW victims:*
The V&WCDU is considering providing further information on supporting VAW victims through Witness Care Units, additional to the current range of support agencies, for victims and witnesses the Witness Care Units already access. The V&WCDU carried out an exercise on domestic violence prosecutions in 2008-09 to plan improved assistance to victims in 2009-10. The Equality and Diversity Unit is also working with the V&WCDU aiming to improve the monitoring of victim information.

- *Area support systems for victims:*
The VAW Guidance includes lists of national VAW organisations able to provide advice to Areas on local groups.
- *Support for VAW victims:*
By April 2009 there were 122 Specialist Domestic Violence Courts, with support for victims through Independent DV Advisers (IDVAs), and further accredited courts are planned for 2009-11.
- *VAW employee policies:*
The extension of the domestic violence employee policy to address the needs of any CPS staff facing other forms of VAW will be considered in 2009-10.
- *Developing a system to measure victim support, safety and satisfaction:*
The CPS is leading a cross criminal justice system steering group developing a system to measure support, safety and satisfaction for VAW victims. This is to be completed during 2009-10.

Addressing any disproportionality across all of the equality strands

- *Analysing the equality profiles of VAW defendants and victims:*
Equality profiles of defendants, by gender and ethnicity, are assessed and reported on in this report. Data on victims is still under development.
- *Assessment of prosecutions by ethnicity:*
Following the VAW Equality & Diversity Impact Assessment work is underway to assess prosecutions by ethnicity of defendant and address any disproportionality.
- *Ensuring Witness Care Units have support systems and information on support for victims and witnesses from all communities:*
Within the work of the V&WCDU support systems for a range of communities are being addressed.

Cross-government work on Violence against Women

The CPS was part of the consultation on the development of a cross-government strategy on Violence against Women in 2008-09. The CPS is involved in a number of cross-government groups working on the separate VAW strands, which are reported on in this report.

Violence against Women crime: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of Violence against Women (VAW) crimes as part of the performance review process, measuring outcomes against a performance indicator aimed at reducing unsuccessful outcomes. VAW crimes included in this indicator, and in this section of the report, comprise domestic violence, rape, and sexual offences other than rape. Prior to April 2008, domestic violence was recorded and reported on as a hate crime. Data on VAW crimes are recorded within the Compass Case Management System (CMS), and extracted from the related Compass Management Information System (MIS).

There are slight procedural differences in the ways in which data is captured. Domestic violence and rape cases are identified by attaching to the case monitoring flags applied by the CMS user at the pre-charge stage. By contrast, sexual offences are identified by CMS users at the conclusion of proceedings. Thus, while it is possible to identify pre-charge decisions in respect of domestic violence and rape proceedings, there is no corresponding record of pre-charge decisions for sexual offences; only a record of the eventual outcome of proceedings. The regular process of auditing data quality has revealed a number of errors and omissions in the identification of VAW cases but these represent less than 3% of a limited sample examined to date.

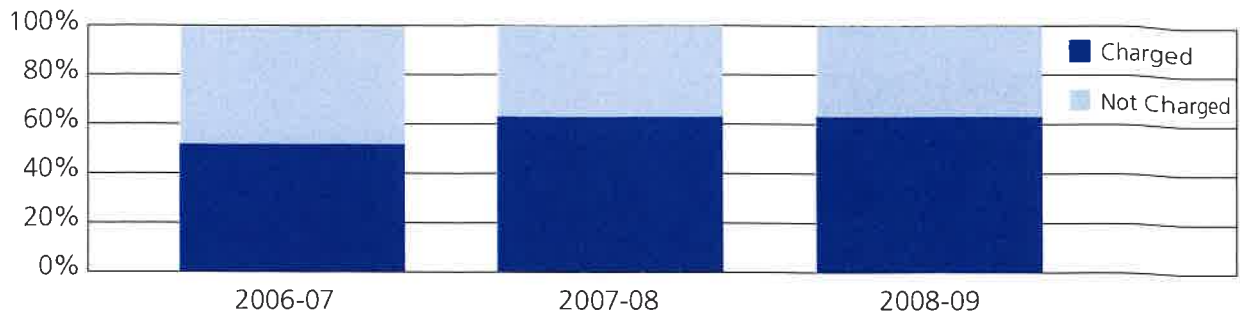
Completed prosecutions fall into two categories: convictions, consisting of guilty pleas, convictions after trial and cases proved in the absence of the defendant; and unsuccessful outcomes, comprising all other outcomes including discontinuances, administrative finalisations, discharged committals, dismissals after trial and dismissals no case to answer, judge directed acquittals and jury acquittals.

All outcomes are in relation to charged cases and include all defendants irrespective of their age and the age of their victim.

Charging

Statutory charging of defendants by CPS was fully rolled out in April 2006. In the three years following that date, 240,000 cases identified as involving violence against women were referred to the CPS for a charging decision. The table and chart below (1) show that over 143,000 of these were charged during the three year period. The charging figures do not include sexual offences other than rape, as these offences are only identified when a defendant is formally charged.

The proportion of cases charged rose from 53% of VAW cases referred to the CPS in 2006-07 to 63% in 2008-09. At the same time, the proportions of those not charged or requiring further evidence fell. The volume of cases submitted for a charging decision by CPS rose in the period. The proportion of cases charged within each offence type is reported in the relevant section of this report. Charging rates varied across the strands. In 2008-09, 65% of domestic violence cases were charged, reflecting the historical work done to improve domestic violence prosecutions. It may also be indicative of the difficulties involved in prosecuting rape, especially when there is a dispute about whether the victim gave her consent.

Table 1 – Charging decisions *

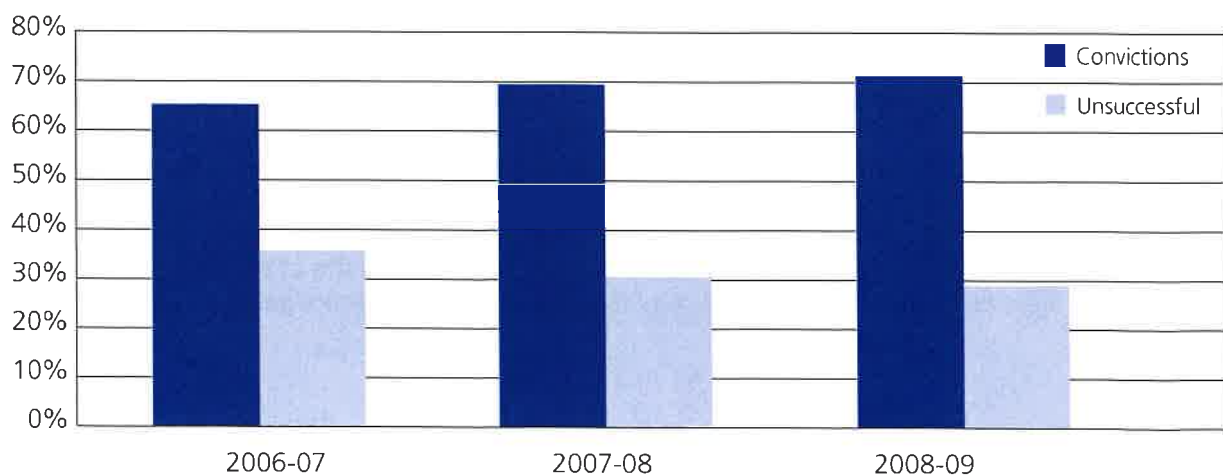
All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	38,920	53.1%	49,335	61.8%	54,983	63.2%
Request for further evidence	897	1.2%	565	0.7%	510	0.6%
No prosecution	21,699	29.6%	23,113	29.0%	23,977	27.6%
All other decisions	11,713	16.0%	6,774	8.5%	7,550	8.7%
Total	73,229		79,787		87,020	

Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report.

Convictions

In the three years ending March 2009, 222,900 defendants were prosecuted for Violence against Women. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 65% in 2006-07 to 72% in 2008-09.

Table 2 – Completed prosecutions by outcome

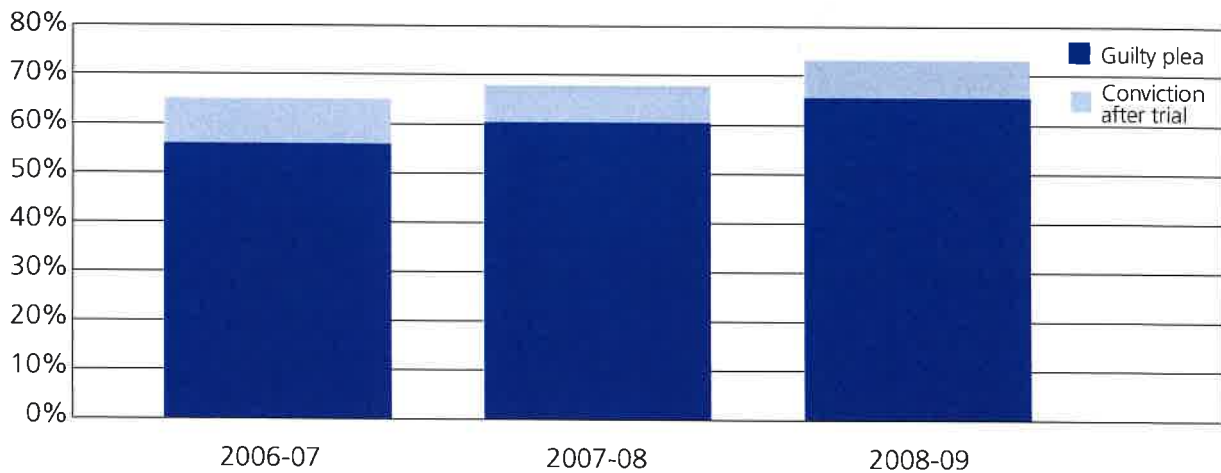
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%
Unsuccessful	24,094	35.0%	23,478	31.1%	22,085	28.1%
Total	68,930		75,452		78,523	

The table and charts below show a detailed breakdown of prosecution outcomes for VAW between 2006-07 and 2008-09. Guilty pleas increased from 56% to 63%, contributing to an improved conviction rate of 72% overall in 2008-09. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 26% to less than 21%.

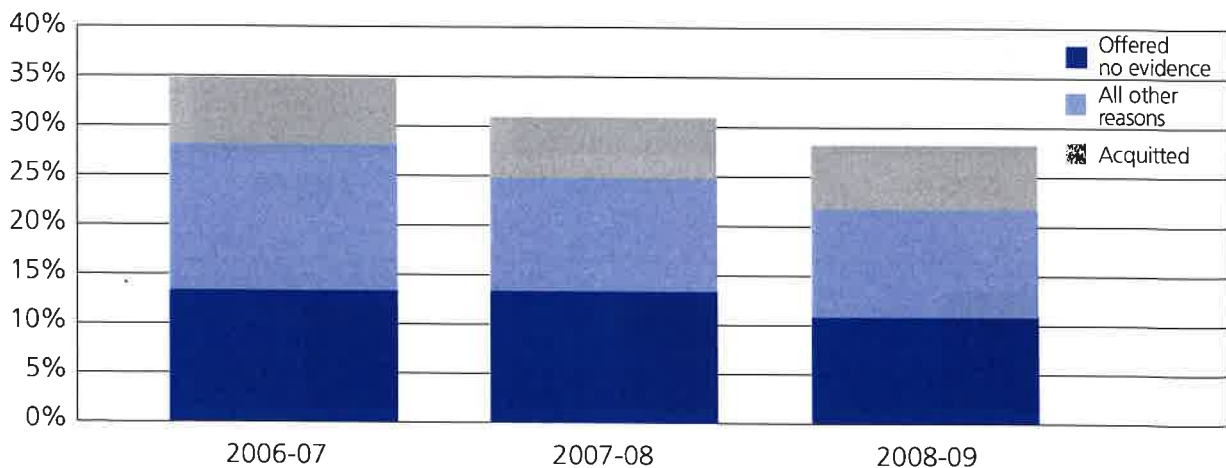
An overall target for reductions in unsuccessful outcomes in VAW crimes was set at 29% in 2008-09. This was exceeded with an outturn of 28% by the final quarter of the year. Within the overall target were separate sub targets for domestic violence, rape and sexual offences. While the targets for domestic violence and sexual offences were exceeded in the period, the target for rape was not met. Further details can be found in the rape section of this report.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



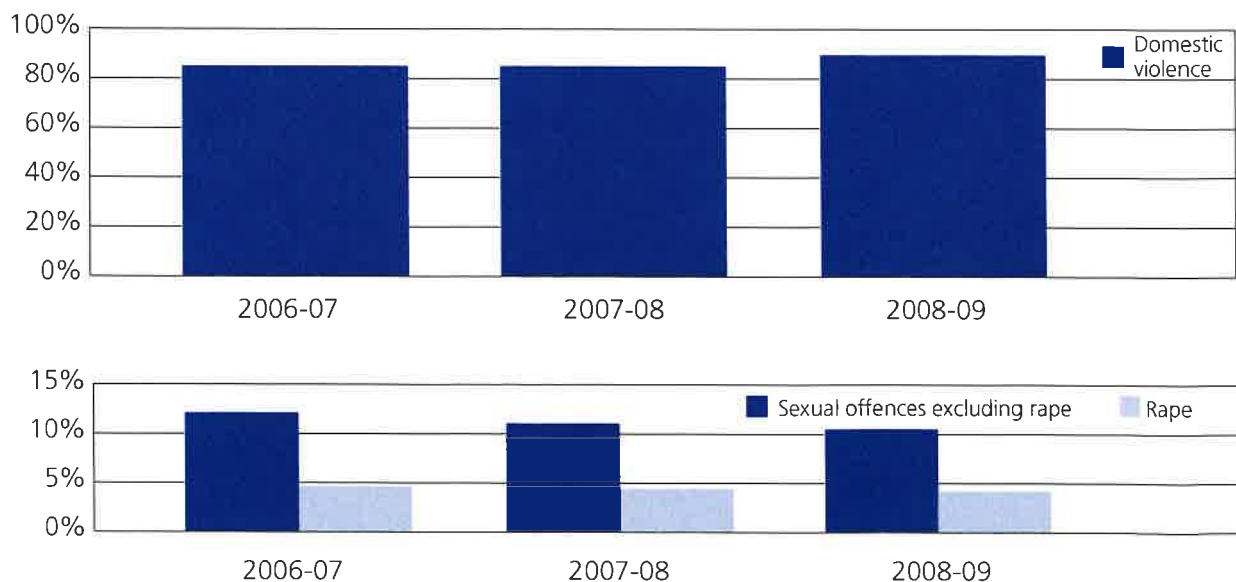
Completed prosecutions by VAW crime type

	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	774	1.1%	858	1.1%	701	0.9%
Discharged committal	199	0.3%	209	0.3%	203	0.3%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	18,142	26.3%	17,723	23.5%	16,197	20.6%
<i>of which - no evidence offered</i>	8,890	12.9%	9,635	12.8%	8,657	11.0%
Dismissed after trial	2,532	3.7%	2,559	3.4%	2,702	3.4%
No case to answer	313	0.5%	266	0.4%	293	0.4%
Judge directed acquittal	275	0.4%	252	0.3%	204	0.3%
Jury acquittal	1,859	2.7%	1,611	2.1%	1,785	2.3%
Unsuccessful outcomes	24,094	35.0%	23,478	31.1%	22,085	28.1%
Guilty plea	38,495	55.8%	45,307	60.0%	49,725	63.3%
Conviction after trial	6,209	9.0%	6,548	8.7%	6,605	8.4%
Proved in absence	132	0.2%	119	0.2%	108	0.1%
Convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%
Total prosecutions	68,930		75,452		78,523	

Prosecution by VAW crime type

The table and charts below (4) show prosecutions by VAW crime type for 2006-07 to 2008-09. Domestic violence comprised the largest proportion of the total at 83% in 2006-07 and 85% in 2008-09.

Table 4 – Prosecution by VAW crime types



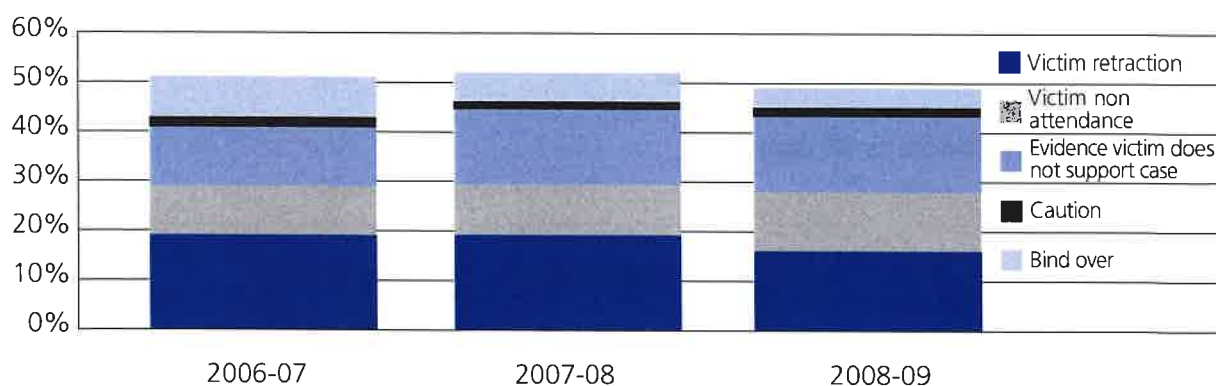
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Domestic violence	57,361	83.2%	63,819	84.6%	67,094	85.4%
Rape	3,264	4.7%	3,503	4.6%	3,495	4.5%
Sexual offences excluding rape	8,305	12.0%	8,130	10.8%	7,934	10.1%
Total	68,930		75,452		78,523	

Unsuccessful prosecutions

Cases mainly fail for reasons of insufficient evidence, because a prosecution is not in the public interest or because the defendant is acquitted at trial. In addition there are cases which are unable to proceed because of non-attendance or retraction by a victim or witness, and those proceedings subject to an administrative finalisation. The proportions falling within each category varied slightly from the previous year. In 2008-09, 3.2% were unsuccessful for administrative reasons compared with 3.7% in 2007-08; 39.1% for evidential reasons, an increase of 3 percentage points on the previous year; 6.7% for public interest reasons, a fall from 7.4% in 2007-08; 28.5% were unable to proceed, compared with 30.8% the year before; and 22.4% fell into other reasons, a rise of 1.5 percentage points on the earlier year.

Table 5 gives a more refined analysis, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bind over, and those in which the defendant was cautioned. Within these key reasons, victim retraction fell by 3 percentage points from 19.7% to 16.7% during the period under review, while there was a large rise of just over 5 percentage points in the proportion failing owing to non attendance of the victim and in the proportion in which the evidence of victims did not support the prosecution case. The proportion failing overall because of key reasons reduced slightly, from 51% to 49% of all unsuccessful outcomes.

Table 5 – Key reasons for unsuccessful prosecutions



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Victim retraction	4,747	19.7%	4,440	18.9%	3,690	16.7%
Victim non-attendance	1,976	8.2%	2,465	10.5%	2,280	10.3%
Evidence of victim does not support case	3,370	14.0%	3,654	15.6%	3,757	17.0%
Total victim issues	10,093	41.9%	10,559	45.0%	9,727	44.0%
Caution	332	1.4%	282	1.2%	219	1.0%
Bind over	1,942	8.1%	1,343	5.7%	900	4.1%
Total key reasons	12,367	51.3%	12,184	51.9%	10,846	49.1%
All other reasons	10,953	45.5%	10,436	44.5%	10,538	47.7%
Administrative finalisations	774	3.2%	858	3.7%	701	3.2%
Total	24,094		23,478		22,085	

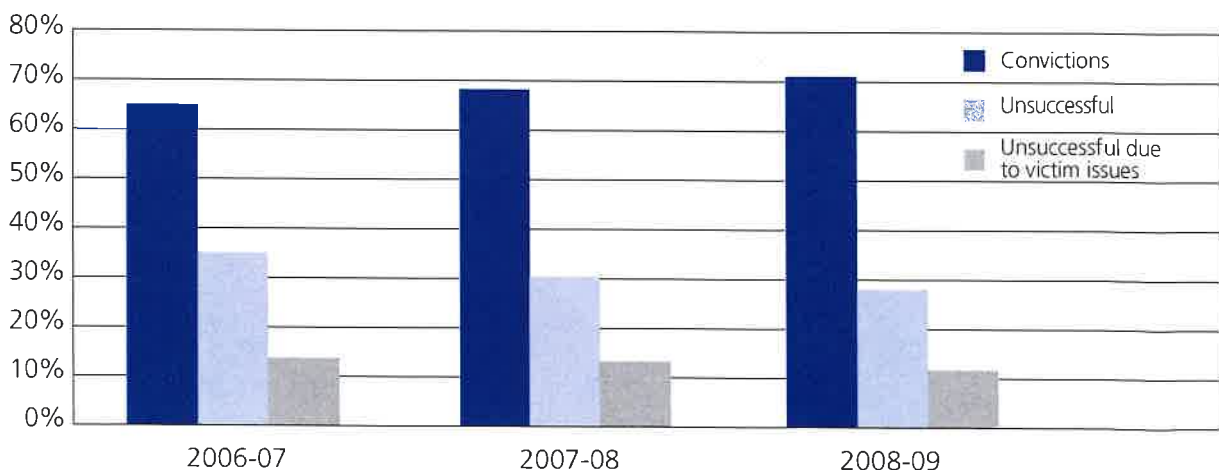
The reasons for unsuccessful outcomes in each individual strand of VAW crime are reported in the relevant section of this report. There were differences in the key issues responsible for unsuccessful outcomes across the strands: victim issues are particularly prevalent as a factor in the failure of domestic violence cases, but are less predominant for other crime strands. Key reasons for unsuccessful prosecutions in rape or sexual offences include acquittals, essential legal elements missing, unreliable witnesses, and conflicts of evidence.

Table and chart 6 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell, from 10,093 (14.6%) in 2006-07 to 9,727 (12.4%) in 2008-09. Total unsuccessful outcomes fell from 35% in 2005-06 to 28% in 2008-09.

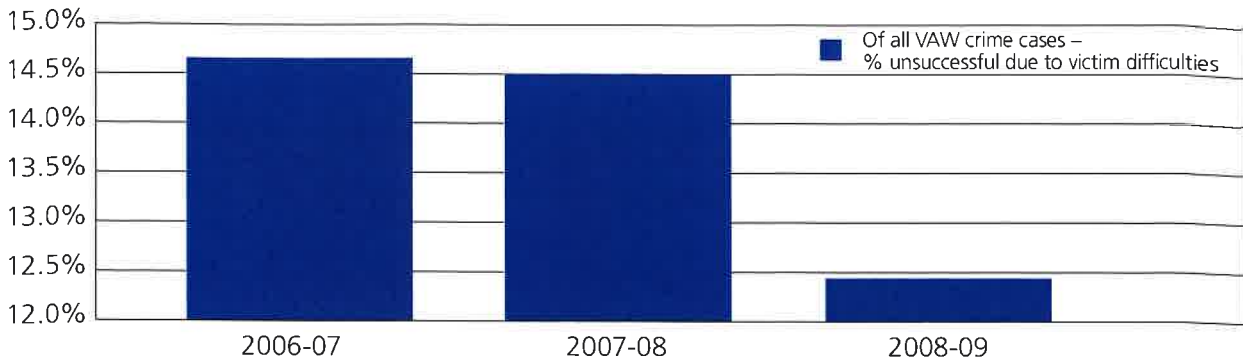
Victim issues accounted for 16.9% of domestic violence outcomes in 2005-06, falling to 13.8% in 2008-09.

Table 6 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	10,093	14.6%	10,559	14.0%	9,727	12.4%
Total unsuccessful	24,094	35.0%	23,478	31.1%	22,085	28.1%
Total convictions	44,836	65.0%	51,974	68.9%	56,438	71.9%
Total prosecutions	68,930		75,452		78,523	

Principal offence category

At the conclusion of proceedings each defendant case is allocated a principal offence category to indicate the type and seriousness of the charges brought.

Offences against the person were the most numerous category, representing 59% of VAW crime prosecutions in 2008-09; slightly lower than the previous year (62%). Sexual offences and criminal damage accounted for a further 16% and 11% respectively. Splitting each category by gender shows that a similar pattern was recorded for defendants who were men, with 59% being categorised as offences against the person, 16% as sexual offences and 11% as criminal damage. There was a slightly different pattern for defendants who were women, offences against the person and criminal damage being higher at 61% and 12%, while sexual offences were lower at 9%. Public order offences formed a higher proportion for women than for men, at 9% compared to 5%. Men comprised 94% of defendants whose principal offence was identified as offences against the person, similar to the previous year. In domestic violence cases, offences against the person were the most numerous for both men and women, at 69% and 66% respectively compared to 73% and 72% in 2007-08.

Retraction

While the facility to collect information on the issue of retraction has been in place since April 2007, the completeness and reliability of the data still remains under development. Work is underway in 2009-2010 to improve data collection and quality.

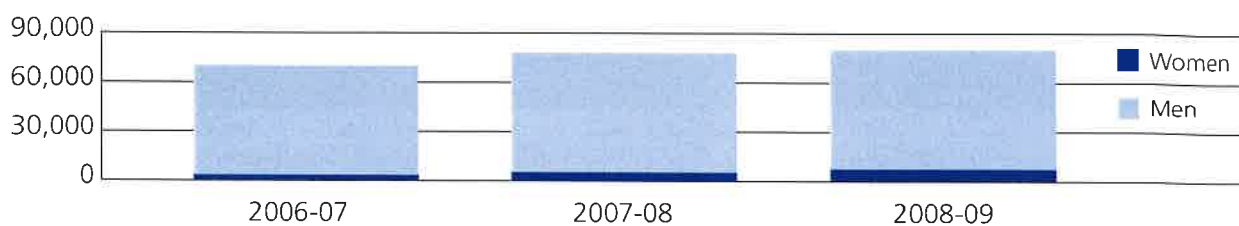
Equalities

(i) Defendants

Gender

Table 7 provides a breakdown of the gender of defendants and of victims respectively. The proportion of men prosecuted remained little changed, at 95% in 2006-07 and 94% in 2008-09. In the latter period 94% of defendants in domestic violence prosecutions, 99% in cases of rape, and 95% in sexual offences other than rape were men.

Table 7 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	3,339	4.8%	4,176	5.5%	4,668	5.9%
Men	65,580	95.1%	71,263	94.4%	73,827	94.0%
Unknown	11	0.0%	13	0.0%	28	0.0%
Total	68,930		75,452		78,523	

Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09 76% of VAW crime defendants were identified as belonging to the White British category and 79% were categorised as White (77% and 80% in 2007-08). 5% of defendants were identified as Asian, and a further 6% were identified as Black, a similar figure to the previous year. 3% of defendants did not state an ethnicity on arrest and in a further 4% of cases, the record of ethnicity was not completed.

Other equality data

Data on the religion or belief and disability of defendants has been collected since April 2007 and the completeness and accuracy of this data remain under development.

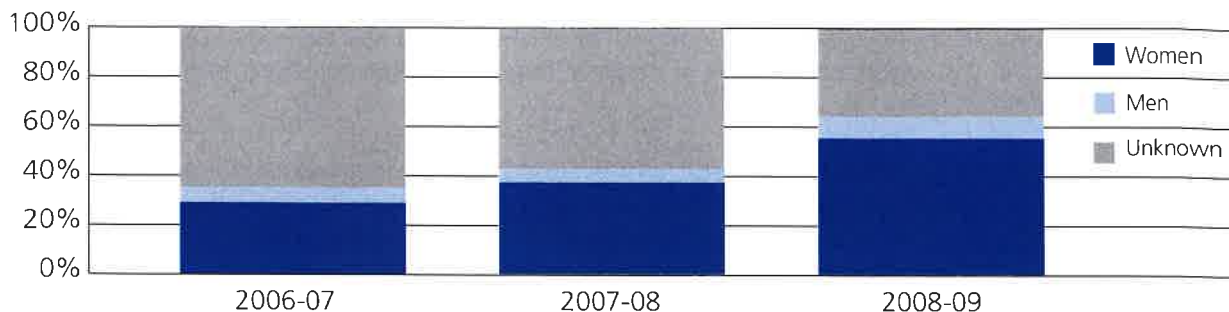
(ii) Victims

Gender

Table 8 provides a breakdown of the gender of victims. Data on victims is extracted from the Witness Management System, and is available only from April 2006. There were improvements in the recording of gender. In 2006-07, the gender of 66% of victims was not recorded. This fell to 36% in 2008-09.

However, the completeness and accuracy of this information remains under development. No data is held on the victims of sexual offences other than rape. Of those victims whose gender has been identified, the highest proportion, were women, at 85% in 2006-07, 86% in 2007-08 and 85% in 2008-09. Where gender has been identified, 85% of victims were women in domestic violence cases, and 88% were women in cases of rape.

Table 8 – Gender of victims*



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	7,892	29.3%	19,514	37.3%	34,705	54.5%
Men	1,405	5.2%	3,239	6.2%	6,064	9.5%
Unknown	17,682	65.5%	29,524	56.5%	22,914	36.0%
Total	26,979		52,277		63,683	

*Data does not include victims of sexual offences that exclude rape.

Data from 2006-07 was reported for all victims whether civilian or not, 2007-08 data only reports civilian victims.

Other equality data

Data on victims is extracted from the Witness Management System. Data on ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remain under development, and the figures have therefore not been included in the present report. Work is underway in 2009-2010 to improve data collection and quality.

Domestic Violence Crime Services

Information on specialist support services for hate crime victims, which previously included domestic violence, has been collected since April 2007, and also remains under development. No system has, as yet, been established for VAW overall, so the data below refers only to domestic violence cases in 2008-09. Of those victims and witnesses of domestic violence referred to a support service or specialist agency, just under 1% were recorded as being referred to a specific 'hate crime specialist agency'. The completeness and accuracy of this information remains under development: however, just over 76% were referred to either a victim or witness support agency, while 23% were subject to an 'other referral'.

Relationships – Domestic violence cases only

While the facility to collect information on the relationship between defendant and victim in domestic violence cases has been in place since April 2007, the completeness and reliability of the data remains under development. Work is underway in 2009-2010 to improve data collection and quality.

Domestic violence

The Crown Prosecution Service published the second revision of its Policy and Guidance on Prosecuting Cases of Domestic Violence in March 2009. This latest edition drew together the significant changes in law, policy and procedure that have occurred since the second revision in 2005. These included breach of non-molestation orders becoming a criminal offence and were also supported by a new victim and witness leaflet, which tackles some of the most frequently asked questions, arising in domestic violence cases.

The 2001 Policy and Guidance were supported by the establishment of a network of Domestic Violence Coordinators (DVCs) in each CPS Area. In 2008-09 all Areas considered the role of coordinators of Violence against Women work as a whole. Some Areas selected VAW Coordinators and others maintained separate DV and Rape coordinators, integrating the other VAW strands within their work. The Coordinators have an operational and strategic role within the Areas and are crucial in ensuring the implementation of the policy, locally.

The initial tranche of domestic violence training for CPS prosecutors and caseworkers was completed in December 2008. The training programme was evaluated in September 2008. The key findings from the evaluation were that the training had contributed to the increase in successful prosecutions and had had a positive impact on prosecutors' attitudes towards domestic violence.

A new case study based training programme was developed for use of staff from 2009. This face to face programme is supported by an e-learning module, which provides foundational learning. New staff⁹ will be required to complete this training within two years of joining the organisation.

The CPS is also part of the National Specialist Domestic Violence Court (SDVC) Programme. This programme continues to expand and the number of SDVCs reached 122¹⁰, by April 2009. In addition, Independent DV Advisers were provided to support victims, and over 200 Multi-Agency Risk Assessment Conferences were held. The programme is well on course to meet the government target of 128 SDVCs by 2011. Governance of SDVCs and their performance management has been devolved to Local Criminal Justice Boards (LCJBs), with 2009-10 acting as a transitional year.

Domestic violence is now monitored as part of the Violence against Women (VAW) indicator. The target of reducing unsuccessful prosecution outcomes to 28% by March 2009 was met and exceeded at 27.8% in 2008-09. The new target for unsuccessful cases for 2009-10 is 26% by March 2010.

In 2008-09, the decision to charge increased to 65% of pre-charge decisions, with fewer cases needing requests for further evidence, thereby increasing the speed of prosecutions. The increase in guilty pleas to 65% also indicated a reduction in time from charge to outcome, with proportionally fewer trials required.

94% of defendants were men as in the previous year. The proportion of victims who were women remained the same at 85%. The types of offences differed slightly by gender with more men responsible for offences against the person (69% for men and 66% for women, of all their offences) and more women responsible for public order offences (10% of offences committed by women compared with 6% of those committed by men). Men comprised 94% of defendants whose principal offence was identified as offences against the person. 81% of defendants were White, 5% Black and 5% Asian, with 3% not stating ethnicity and a further 4% not recorded.

⁹ This includes staff returning from any period of long term absence.

¹⁰ 127 SDVCs by October 2009

Fewer cases were discontinued, both in volume and proportional terms, including those where no evidence was offered. Out of *all prosecutions*, victim issues accounted for fewer unsuccessful cases by volume and proportion. However, victim issues accounted for half of all *unsuccessful cases*. The patterns however have changed recently, in that proportionally fewer cases were recorded as unsuccessful due to victim retraction. Proportionally more were due to victim non-attendance than in previous years and the highest proportion was due to the victims' evidence not supporting the case. This continues to indicate the need for support for victims, especially through Independent DV Advisers (IDVAs) to ensure not only a reduction in retractions, but also a willingness to attend court or continue with supportive evidence. Work with the Victim and Witness Care Delivery Unit to improve referrals may help.

The CPS is part of the national cross-government team delivering the government's work on domestic violence. The group is underpinned by a national delivery plan, which is reported on each year.

In March 2009, the CPS theme for the government's national domestic violence Month of Action was domestic violence and disability. As well as providing training for a range of community partners, particularly those offering specific support for disabled victims, CPS prosecutors also received training from the support service to enable them to better prosecute crimes of domestic violence involving disabled victims.

During 2009-10 the CPS DV leads will be working closely with the Victim and Witness Care Delivery Unit taking forward the findings of a domestic violence thematic review conducted during 2008-09.

Section 12 of the Domestic Violence Crime and Victims Act 2004 was implemented on the 30 September 2009. Detailed guidance was produced to help prosecutors obtain restraining orders on any offence. This should help victims in a criminal case to become safer, irrespective of the outcome of the decision of the case; given that orders will be available on conviction or acquittal in appropriate circumstances.

During 2009-10 there will be a cross-government review of the definition of domestic violence and implementation of the recommendations arising out of the Home Office lead consultation on 'Together we can end Violence Against Women and Girls'.

A domestic violence press pack will also be developed in 2009-10.

Double jeopardy

A defendant with a history of serious sexual violence against women became the first person in Britain to be convicted of a crime for which he had previously been found not guilty.

The defendant when aged fifteen had been given a four year prison sentence for serious sexual offences. In 2002 he was cleared of the murder of his girlfriend. She had suffered four or five hard blows to her head leaving her unconscious and had died shortly afterwards. As there was no evidence of a sustained assault or the use of weapons the Crown had to accept his plea to manslaughter.

However, six years later he attacked another girlfriend with a hammer. She suffered serious injuries but was able to identify her attacker. A change to the double jeopardy law was used to reopen the case of the original murder. He pleaded guilty and was given two life sentences.

Communication between agencies

In one case within the Sikh community, the Witness Care Service received regular phone calls from the defendant's father telling them that the victim wanted to withdraw her complaint. The WCS informed him that they would only discuss the case and issues with the victim. However, every time they tried to contact her, the father-in-law was present and it became quite clear that he was dominating the conversations. Whilst he was in the background, the victim told the WCS that she wished to withdraw her complaint.

The WCS contacted the prosecutor with this information who then spoke with the police and it was agreed that a female Asian officer would visit the victim at a time when she was out of the family home and away from her father-in-law. During this visit, she told the officer that she just wanted her husband to get help. She stated that she did not want to have to give evidence against him in court and CPS received a retraction statement. CPS contacted the officer and had a long discussion with her about the family set-up and cultural issues and asked her to speak with the victim about future risk. They wanted to be sure that they were not putting her at further risk by proceeding with the case. The officer spoke with the victim in private and the victim said she was quite happy for CPS to proceed with the prosecution without her.

The case came to trial and the victim, to the complete surprise of CPS, turned up on the day to give evidence. The defendant was convicted after trial and sentenced to a 12 month community order and 12 month supervision requirement.

The WCS were proactive in this case and were alert to the issues with the father-in-law from the outset. The use of a female Asian officer assisted and helped with the cultural issues faced by the victim. The different agencies were able to work together and communicate to get the result that they did.

The importance of appropriate charging

Following a two-year relationship where the defendant was drinking, gambling and in serious debt, the police were called to a breach of the peace. Following that incident the victim moved house but the defendant made numerous threats through texts, phone calls and voicemails, including threats to maim and threats to kill. Some days later the defendant savagely attacked the victim in her garden, using weapons and causing serious injuries in a prolonged assault.

The prosecutor charged attempted murder and s4 Harassment and continued to press these charges rather than offer a lesser charge of wounding with intent, which the defendant would have been ready to accept and plead guilty to. The prosecutor's continued determination resulted in the defendant pleading guilty on the day of the trial to attempted murder and s4 harassment. An indeterminate sentence for public protection (IPP) and a lifetime restraining order were imposed. The CPS prosecutor in the case was awarded a Chief Constable's Commendation for the work on this case.

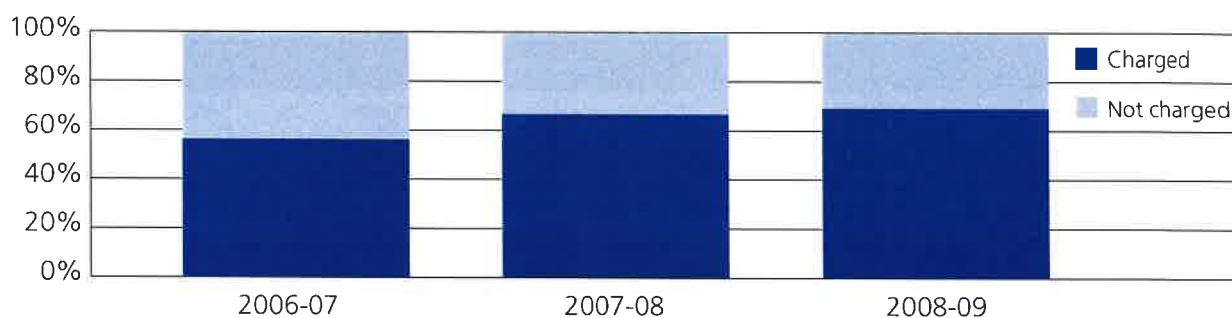
Domestic violence crime: key findings

Since April 2005 the Crown Prosecution Service has reported on the prosecution of domestic violence crimes as part of the performance review process. Domestic violence was included in CPS reports on hate crime up until March 2008, but from April 2008 was reported as part of the Violence against Women (VAW) strategy, measuring performance against a new VAW Indicator. All outcomes are in relation to charged cases and include all defendants irrespective of their age and the age of their victim.

Charging

Cases in which the CPS decided that a defendant should be charged rose from 55.5% of domestic violence cases referred to the Service in 2006-07 to 65.2% in 2008-09. The proportions of cases not charged or requiring further evidence reduced.

Table 1 – Pre-charge decisions*



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	36,957	55.5%	47,115	63.6%	52,418	65.2%
Request for further evidence	787	1.2%	510	0.7%	467	0.6%
No prosecution	18,140	27.2%	20,088	27.1%	20,466	25.4%
All other decisions	10,755	16.1%	6,352	8.6%	7,072	8.8%
Total	66,639		74,065		80,423	

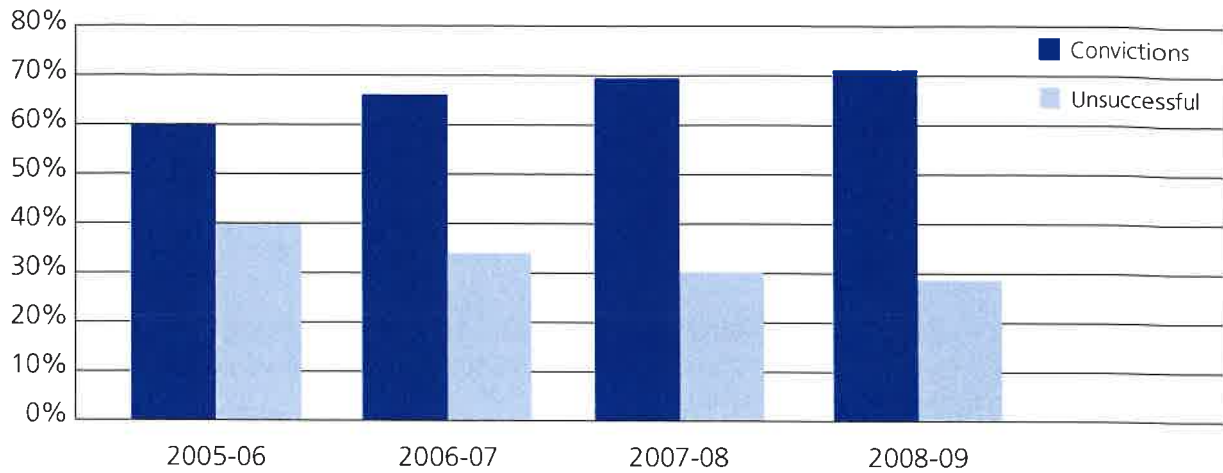
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report

Convictions

In the four years ending March 2009, over 238,000 defendants were prosecuted for crimes involving domestic violence. Table and chart 2 below provide a breakdown of prosecutions over the four year period, showing that convictions rose from 60% in 2005-06 to 72% in 2008-09.

Table 2 – Completed prosecutions by outcome



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%	48,465	72.2%
Unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%	18,629	27.8%
Total	49,782		57,361		63,819		67,094	

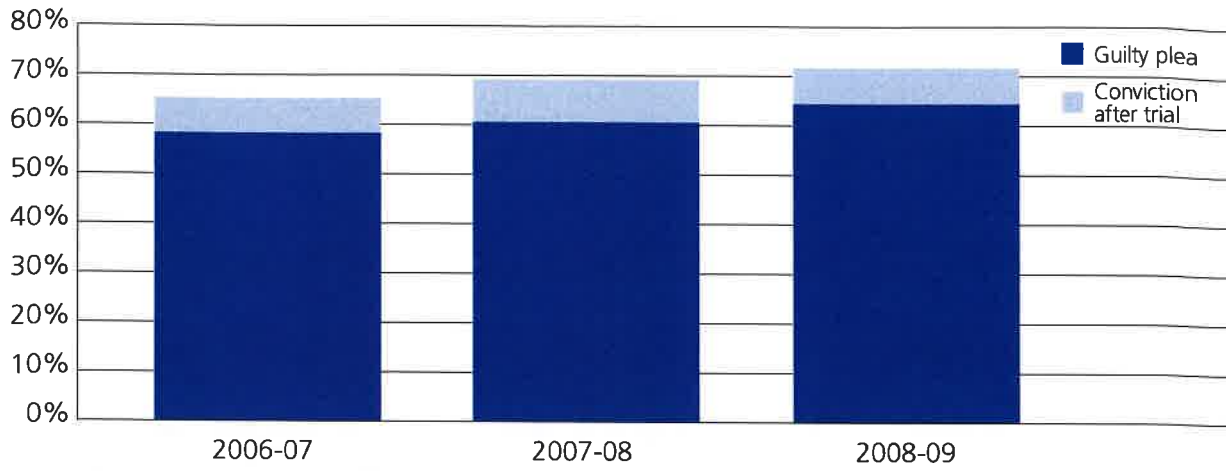
The table and charts below show a detailed breakdown of prosecution outcomes for domestic violence crimes from 2006-07 to 2008-09. Guilty pleas increased from 58% to 65%, contributing to an improved conviction rate of 72.2% overall in 2008-09. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 28% to less than 22%.

The 2008-09 target was to reduce unsuccessful domestic violence prosecutions to 28% of the total. This was exceeded by the end of the year at 27.8%.

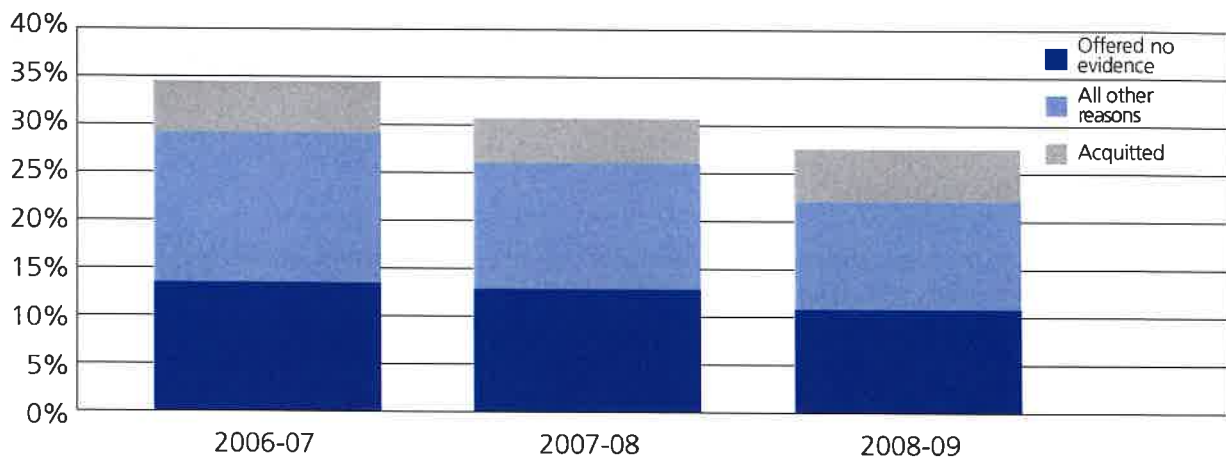
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Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



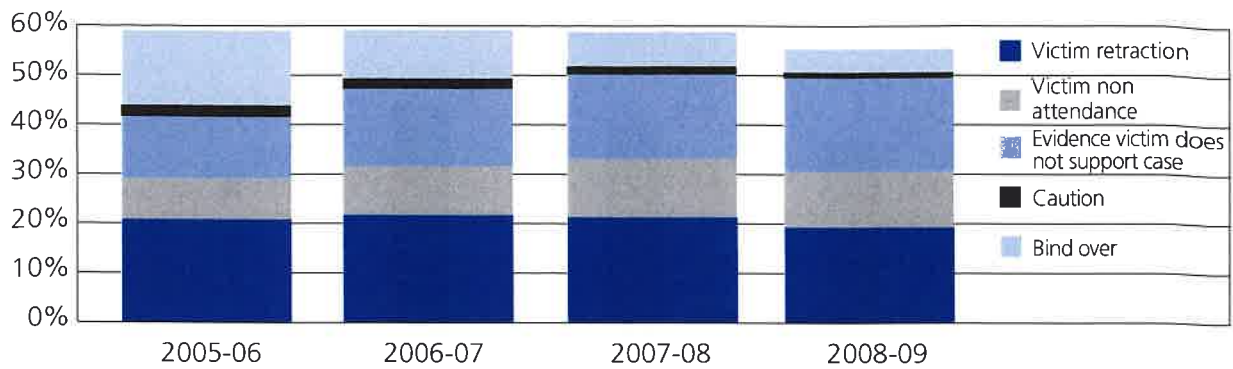
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	689	1.2%	772	1.2%	597	0.9%
Discharged committal	137	0.2%	146	0.2%	151	0.2%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	16,023	27.9%	15,788	24.7%	14,425	21.5%
<i>of which - no evidence offered</i>	7,730	13.5%	8,505	13.3%	7,632	11.4%
Dismissed after trial	2,302	4.0%	2,359	3.7%	2,554	3.8%
No case to answer	274	0.5%	253	0.4%	278	0.4%
Judge directed acquittal	87	0.2%	83	0.1%	77	0.1%
Jury acquittal	466	0.8%	441	0.7%	547	0.8%
Unsuccessful outcomes	19,978	34.8%	19,842	31.1%	18,629	27.8%
Guilty plea	33,020	57.6%	39,326	61.6%	43,586	65.0%
Conviction after trial	4,246	7.4%	4,552	7.1%	4,781	7.1%
Proved in absence	117	0.2%	99	0.2%	98	0.1%
Convictions	37,383	65.2%	43,977	68.9%	48,465	72.2%
Total prosecutions	57,361		63,819		67,094	

Unsuccessful prosecutions

Table 4 gives a more refined analysis of the reasons for unsuccessful outcomes, showing the proportion failing due to victim issues (including victim retraction and cases in which a victim failed to attend a court hearing), those resulting in a bindover, and those in which the defendant was cautioned. The second revision of the Policy and Guidance on prosecuting domestic violence cases suggests ways in which cases can proceed in the absence of the victim or where a victim is no longer supportive of the prosecution. These include using 'hearsay' provisions, 999 tapes or other corroborative evidence; and in some circumstances applying to the court for a witness summons to compel attendance at a trial hearing.

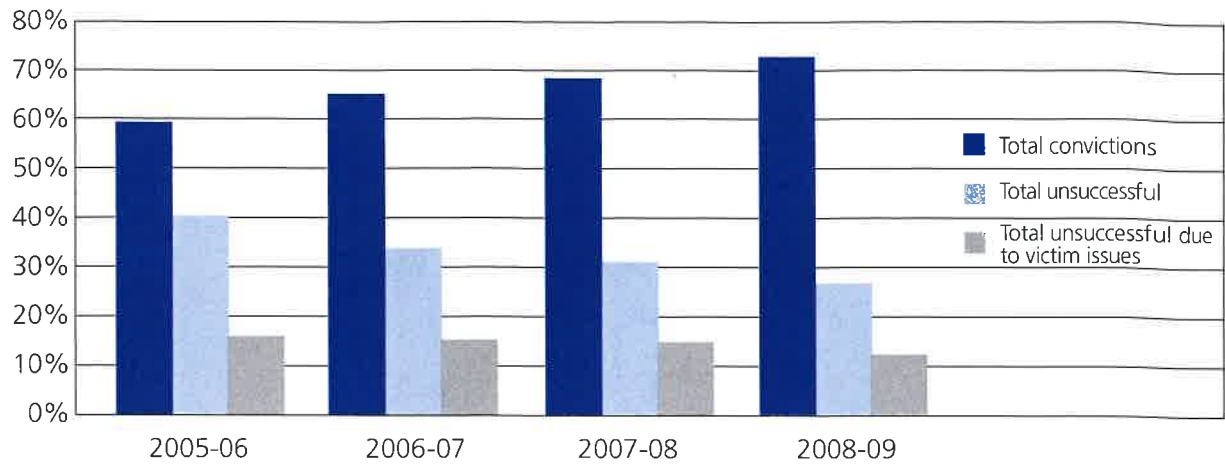
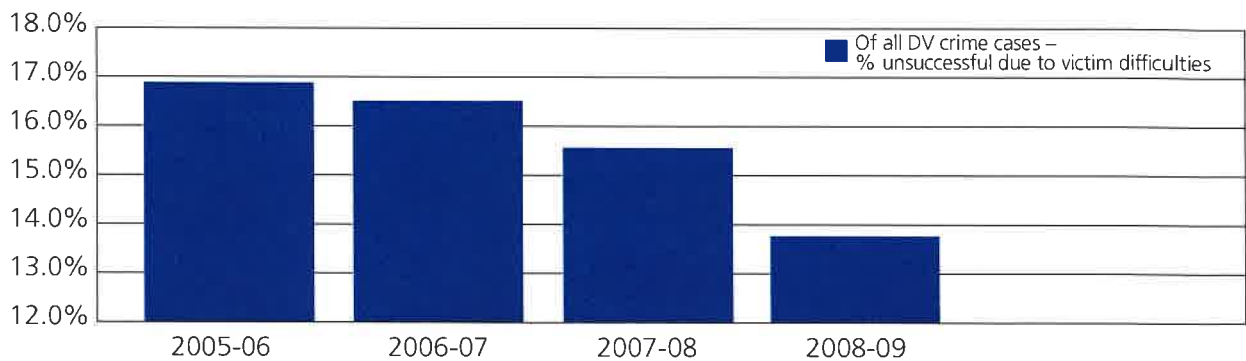
Within these key reasons the proportion failing due to victim retraction remained the largest single category; however the rate has fallen, from a peak of 22% to 18.6% in 2008-09. There was, however, a marked rise in the proportion failing owing to non attendance of the victim, from 8% to 12%, and in the proportion in which the evidence of victims did not support the prosecution case, from 13% to 19%. The proportion failing because of key reasons overall fell from 58% to 55% of all unsuccessful outcomes, mainly due to the reduction in bindovers from 15% to 5%.

Table 4 – Key reasons for unsuccessful prosecutions



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Victim retraction	4,214	21.0%	4,441	22.2%	4,207	21.2%	3,470	18.6%
Victim non-attendance	1,593	7.9%	1,914	9.6%	2,409	12.1%	2,226	11.9%
Evidence of victim does not support case	2,613	13.0%	3,142	15.7%	3,406	17.2%	3,536	19.0%
Total victim issues	8,420	42.0%	9,497	47.5%	10,022	50.5%	9,232	49.6%
Caution	296	1.5%	274	1.4%	234	1.2%	196	1.1%
Bind over	2,997	14.9%	1,909	9.6%	1,311	6.6%	881	4.7%
Total key reasons	11,713	58.4%	11,680	58.5%	11,567	58.3%	10,309	55.3%
All other reasons	7,585	37.8%	7,609	38.1%	7,503	37.8%	7,723	41.5%
Administrative finalisations	765	3.8%	689	3.4%	772	3.9%	597	3.2%
Total	20,063		19,978		19,842		18,629	

Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. While the volume of those unsuccessful due to victim difficulties increased, from 8,420 in 2005-06 to 9,232 in 2008-09, they fell in proportional terms, from 17% to less than 14%. Total unsuccessful outcomes fell from 40% in 2005-06 to 28% in 2008-09.

Table 5 – Comparison of key victim issues**Victim issues in relation to all outcomes****% Victim issues**

	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	8,420	16.9%	9,497	16.6%	10,022	15.7%	9,232	13.8%
Total unsuccessful	20,063	40.3%	19,978	34.8%	19,842	31.1%	18,629	27.8%
Total convictions	29,719	59.7%	37,383	65.2%	43,977	68.9%	48,465	72.2%
Total prosecutions	49,782		57,361		63,819		67,094	

Principal offence category

Offences against the person were the most numerous category, representing 69% of domestic violence crime prosecutions in 2008-09. Criminal damage and public order accounted for a further 13% and 7% respectively. Analysis by gender shows that a similar pattern was recorded for men, with 69% being categorised as offences against the person, 13% as criminal damage, and 6% as public order. The pattern for women differed only slightly, offences against the person being a lower at 66% and criminal damage the same at 13%, while public order was higher at 10%. Men comprised 94% of defendants whose principal offence was identified as offences against the person.

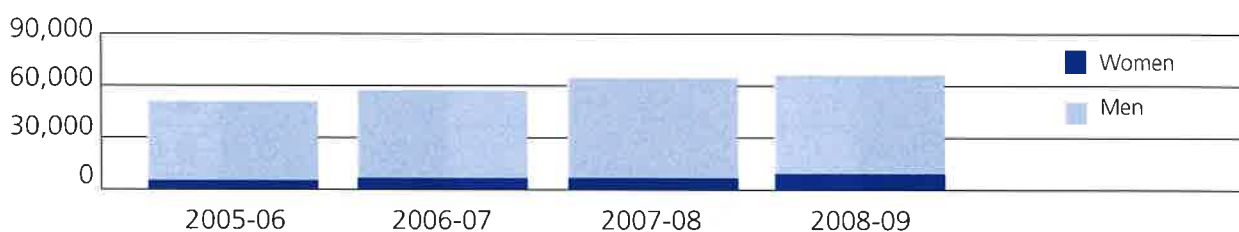
Equalities

(i) Defendants

Gender

Table 6 provides a breakdown of the gender of defendants. The proportion of defendants who were men stayed at 94% as in 2007-08.

Table 6 – Completed prosecutions by gender of defendant



	2005-06		2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%	Volume	%
Women	2,579	5.2%	2,956	5.2%	3,770	5.9%	4,266	6.4%
Men	47,198	94.8%	54,396	94.8%	60,037	94.1%	62,805	93.6%
Unknown	5	0.0%	9	0.0%	12	0.0%	23	0.0%
Total	49,782		57,361		63,819		67,094	

Ethnicity

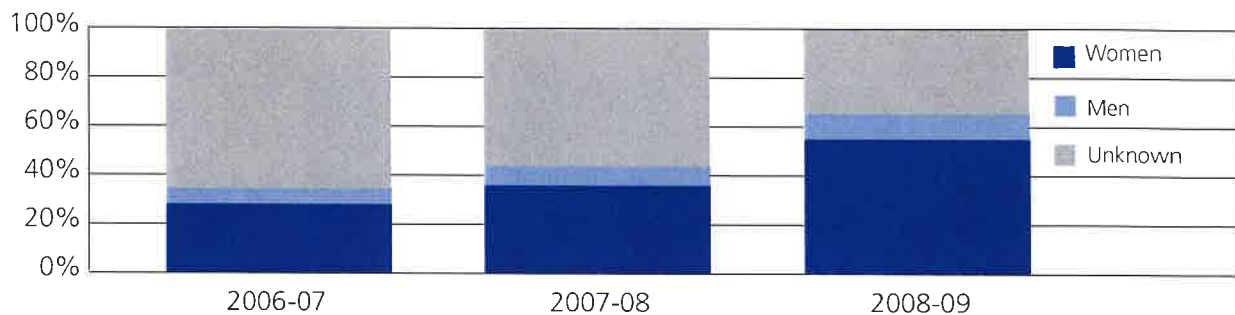
Data on defendant ethnicity are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, just under 78% of domestic violence crime defendants were identified as belonging to the White British category, and 81% were categorised as White. Just under 5% of defendants were identified as Asian, and a further 5% were identified as Black. 3% of defendants did not state an ethnicity on arrest and in a further 4% of cases, the record of ethnicity was not completed.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. Although the recording of this data has improved in the last year, from 56% of victim gender not recorded in 2007-08 to 35% in 2008-09, its completeness and accuracy remain under development. Of those victims whose gender was identified the highest proportion were women, at 85% in 2006-07 and in 2008-09.

Table 7 – Gender of victims



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	7,477	29.3%	18,461	37.5%	33,073	55.3%
Men	1,341	5.3%	3,078	6.3%	5,841	9.8%
Unknown	16,693	65.4%	27,695	56.3%	20,921	35.0%
Total	25,511		49,234		59,835	

Domestic Violence Crime Services

This information has been collected since April 2007, and also remains under development. Of those victims and witnesses referred to a support service or specialist agency, just under 1% were recorded as being referred to a specific 'specialist agency'. The completeness and accuracy of this information remain under development. However 76% were referred to either a victim or witness support agency compared to 22% in 2007-08, while 23% were subject to an 'other' referral compared to 77% in the previous year

Rape

Following a public consultation the Crown Prosecution Service published a revised version of its Policy for Prosecuting Cases of Rape in March 2009, aimed especially at those who support victims of rape, whether professionally or personally. The revised version reflects changes to the law, procedure, and other developments and includes:

- the admissibility of visually recorded evidence of adult victims (Section 27 of the Youth Justice and Criminal Evidence Act 1999);
- new initiatives relating to the care of victims and witnesses;
- an improved section on rape myths and stereotypes; and
- a glossary of legal terms.

Compulsory training for all rape specialist prosecutors, which was introduced in 2008, continues to be delivered by CPS Areas. The training emphasises the importance of pro-actively building the strongest possible cases and focusing on victims. It includes sessions from external partners on the effects of rape including rape trauma syndrome and the nature and extent of the forensic medical examination. It is complemented by an e-learning programme based on the CPS Rape Manual.

Rape is now being monitored as part of the VAW Indicator quarterly. More detailed qualitative assessments by local VAW/Rape Coordinators are provided to the national Rape Prosecutions Delivery Unit to help inform their Area Performance Review assessments. It is important to note that for CPS, successful outcomes include cases that were initially charged as rape but where convictions were obtained for an alternative or lesser offence. The target for reducing unsuccessful outcomes, from charge to conviction, (41%) was just missed at 42% in 2008-09. The new target for 2009 -10 is 39%, with an added emphasis on increasing the volume of cases prosecuted as well as improving attrition.

In 2008-09 charging increased to 39%. However this remains at a low level and indicates the need for further work with the police to identify ways to improve the possibility of charging where appropriate. The proportion of men prosecuted remained the same from 2006-2009 at 99%. The proportion of women victims rose slightly to 88%. 65% of defendants were White, 8% Asian and 12% Black, with 5% not stating ethnicity and a further 5% not recorded.

The increase in guilty pleas to 35% was welcome, but indicates the difficulties of securing guilty pleas given the seriousness of the charge and the likely sentence. However, more cases in volume, and proportionally, were convicted after trial. Proportionally fewer cases were discontinued, including those where no evidence was offered. Victim issues accounted for few unsuccessful cases by volume and proportion (7%). Victim issues were the reason for less than one in five unsuccessful outcomes. Similar to domestic violence, the patterns have changed in relation to victim issues. Proportionally fewer cases were recorded as unsuccessful due to victim retraction. Proportionally more were due to victim non-attendance (although small in number) and the greatest number and proportions were where the victims' evidence did not support the case. This indicates the need for support for victims, especially through Independent Sexual Violence Advisers (ISVAs). Work with the Witness Care Service to improve referrals may help. The greatest number and proportion of unsuccessful outcomes were due to jury acquittals at just under 40%. This indicates the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the criminal justice system.

Proving the absence of consent is usually the most difficult part of a rape prosecution, and is the most common reason for a rape case to fail. The capacity to consent at the time of the offence can also be an important issue, especially where the complainant was voluntarily intoxicated. CPS rape specialist prosecutors are trained to recognise myths and stereotypes¹¹ and challenge them at every opportunity.

Joint ACPO/CPS Guidance on Investigating and Prosecuting Rape was circulated in 2009, the first to be co-written by the National Policing Improvement Agency and CPS. To mark the launch of the joint guidance six regional police/ CPS workshops were held reinforcing the need to apply CPS policies and good practice consistently and to ensure the concept of joint working is fully understood and implemented.

The launch of the Guidance coincided with the introduction of another police/ CPS initiative that involves joint visits to CPS Areas and police forces by a team from the CPS Rape Prosecutions Delivery Unit and the Association of Chief Police Officers. Following receipt of comprehensive self-assessments from the CPS Area and local police force, the team will conduct interviews with CPS and police personnel responsible for handling rape cases to identify good practice and tease out obstacles to consistent high quality performance. The team will provide written reports that share good practice and provide recommended actions for improvement. Subsequent progress will be monitored against a local police/ CPS action plan.

In June 2009 the Director of Public Prosecutions wrote to all Chief Crown Prosecutors emphasising the importance of taking a decisive lead in driving up local performance in relation to rape cases. He also announced the introduction of specialist training for all Chief Crown Prosecutors on prosecuting rape including a session on myths and stereotypes and the psychological effects of sexual trauma on victims. He instructed that, when reviewing cases prosecutors should actively consider holding a pre-trial witness interview and record reasons for their decisions.

A rape press pack will be developed in 2009-10.

The CPS is supporting the Department of Health (DH) and Home Office initiative to develop a Sexual Assault Referral Centre (SARC) in every police force and to introduce minimum standards for new and existing facilities. This involves CPS specialists visiting areas as part of a cross-agency National Support Team of experts to deliver advice and guidance. There are currently 29 SARCs with a further 16 in development.

Youth rapes

A number of challenging rape convictions have been secured involving youth defendants. A seventeen-year-old was convicted after a re-trial and sentenced to eight years for attacking a fifteen-year-old girl.

In a second case two seventeen-year-old youths each received nine years for raping a teenage girl. The defendants were tried separately – at two courts. The trial judge commended the victim for her bravery in having to give evidence twice.

¹¹ Myths and stereotypes challenged in the rape guidance and training include: rape occurs between strangers in dark alleys; victims provoke rape by the way they dress or act; victims who drink alcohol or use drugs are asking to be raped; rape is a crime of passion; if they did not scream, fight or get injured, it was not rape; you can tell if they 'really' have been raped by how they act; victims cry rape when they regret having sex or want revenge; only gay men get raped/only gay men rape men; and prostitutes cannot be raped.

Domestic violence/rape case

This case first involved allegations of domestic violence by a man upon his seventeen-year-old girlfriend, including assault, criminal damage and false imprisonment. Shortly after this was reported to police, the victim indicated she did not want to proceed with the case and wanted to withdraw the allegations. Within days of this, the defendant raped her. She reported this, and the defendant was charged with various offences.

In the period before the trial it appeared likely that victim would withdraw as the police had difficulty in maintaining contact with her, but she did attend and gave evidence from behind screens. The defence tried to make much of the fact that the victim maintained contact with the defendant both after the initial offences and whilst he was in custody on remand. Despite this, the jury returned guilty verdicts and the defendant was sentenced to six years' imprisonment.

Rape by multiple offenders

Nine young men were found guilty of the rape, kidnap and false imprisonment of a fourteen-year-old girl.

Two of the defendants were given an indeterminate sentence for public protection. Another defendant was sentenced to nine years. A fourth was sentenced to eight years in a Young Offenders Institution and three defendants to six years. Two others were convicted of rape but on the basis they "aided and abetted." The fourteen-year-old was ordered to be detained in secure accommodation for two years and five months because of his age while the sixteen-year-old was sentenced to three years and nine months in a Young Offenders Institution.

The court heard how the victim was on her way home when she saw suspect 'A' with a group of men. She argued with them over an existing dispute in which she told the suspect's girlfriend that she shouldn't be with him, and one of the group took her mobile phone. She was taken to a number of addresses where the nine boys raped her, while recording it on a mobile phone.

The motive for this assault appeared to be that the victim had previously 'disrespected' suspect A. The others defendants were members of a local group and followed his lead. The police worked well within the community to gather evidence to ensure successful prosecution of these crimes.

Rape by multiple offenders of a young woman with learning difficulties – appeal against unduly lenient sentence

A young girl with learning difficulties befriended a young man and agreed to go with him with the intention of having sexual intercourse with him alone.

Once taken to a disused house she was then subjected to multiple rapes by various men, whilst others watched and kept her prisoner. After the ordeal one youth then picked up a bucket of what he thought was water and threw it over her. The bucket contained caustic soda, which burnt her skin.

Ten youths were originally charged with four convictions.

The main three offenders were given custodial sentences and the case was referred to the Attorney General for consideration of an unduly lenient sentence. The appeal was successful, with the sentences being increased. The main defendant's sentence was increased from nine to fourteen years in total for rape and causing grievous bodily harm with intent.

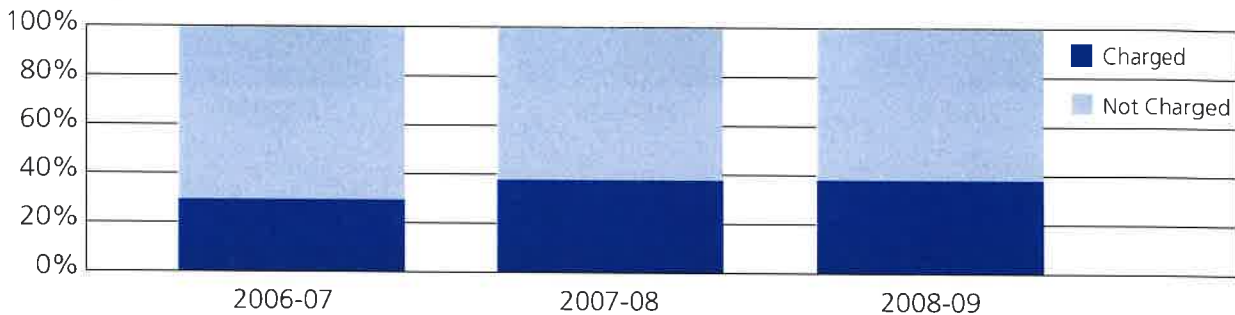
Rape crime: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of rape crimes as part of the Violence against Women (VAW) strategy, as well as measuring performance within the performance review process.

Charging

Cases in which the CPS decided that a defendant should be charged rose from 29.8% of rape cases referred to the Service in 2006-07 to 38.9% in 2008-09, similar to 2007-08. Further work is underway to improve charging rates.

Table 1 – Pre-charge decisions



All defendants	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Charged	1,963	29.8%	2,220	38.8%	2,565	38.9%
Request for further evidence	110	1.7%	55	1.0%	43	0.7%
No prosecution	3,559	54.0%	3,025	52.9%	3,511	53.2%
All other decisions	958	14.5%	422	7.4%	478	7.2%
Total	6,590		5,722		6,597	

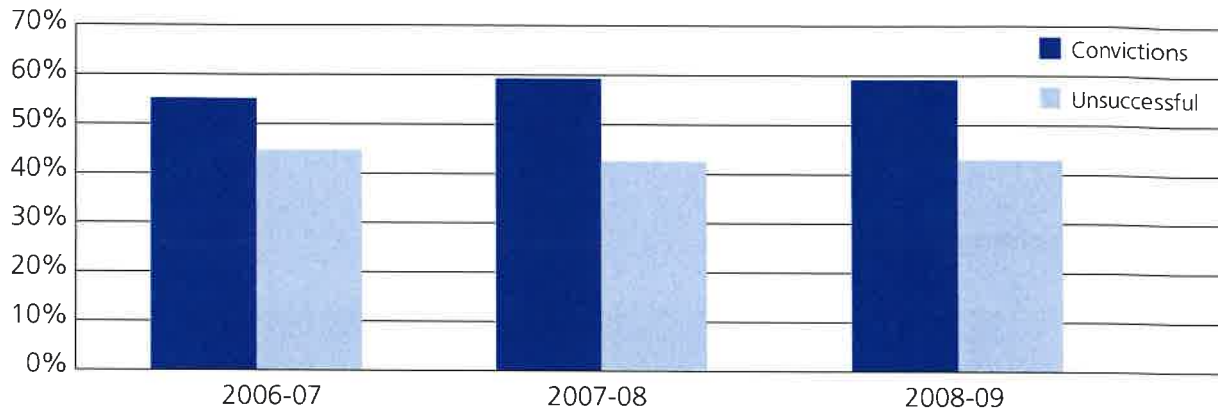
Statutory Charging was fully rolled out on 3 April 2006

* Figures included in the 2007-08 report are exclusive of those cases in which the outcome of the decision was not fully captured in CPS records. For the sake of completeness, these outcomes have been added in the present report. The above figures therefore differ from those in last year's report.

Convictions

In the three years ending March 2009, over 10,200 defendants were prosecuted for crimes involving rape. Table and chart 2 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 55% in 2006-07 to 58% in 2007-08 and remained at the same level in 2008-09. CPS records include the outcome of all charged cases. Successful outcomes include cases initially charged as rape, but where a conviction was obtained for an alternative or lesser offence.

Table 2 – Completed prosecutions by outcome

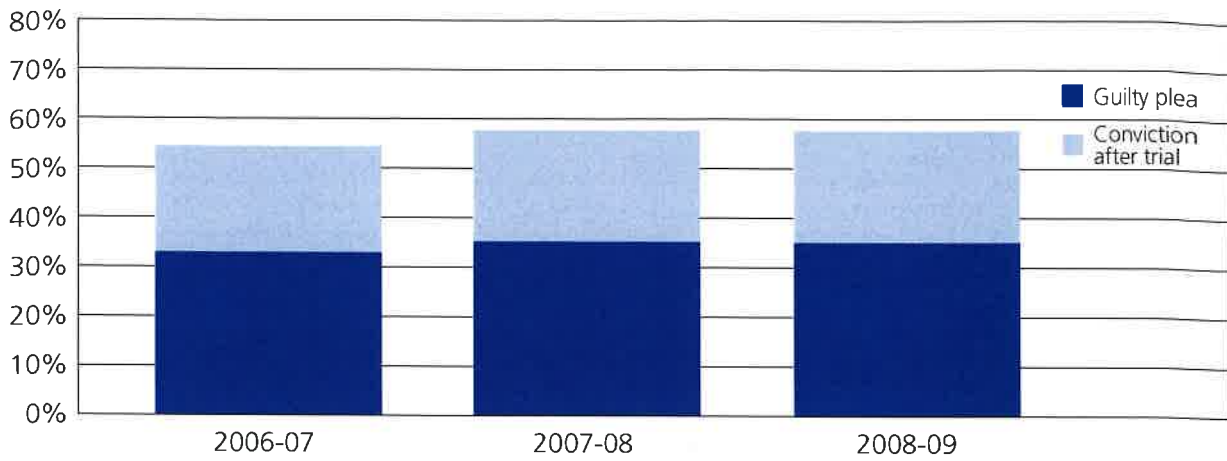


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Convictions	1,778	54.5%	2,021	57.7%	2,018	57.7%
Unsuccessful	1,486	45.5%	1,482	42.3%	1,477	42.3%
Total	3,264		3,503		3,495	

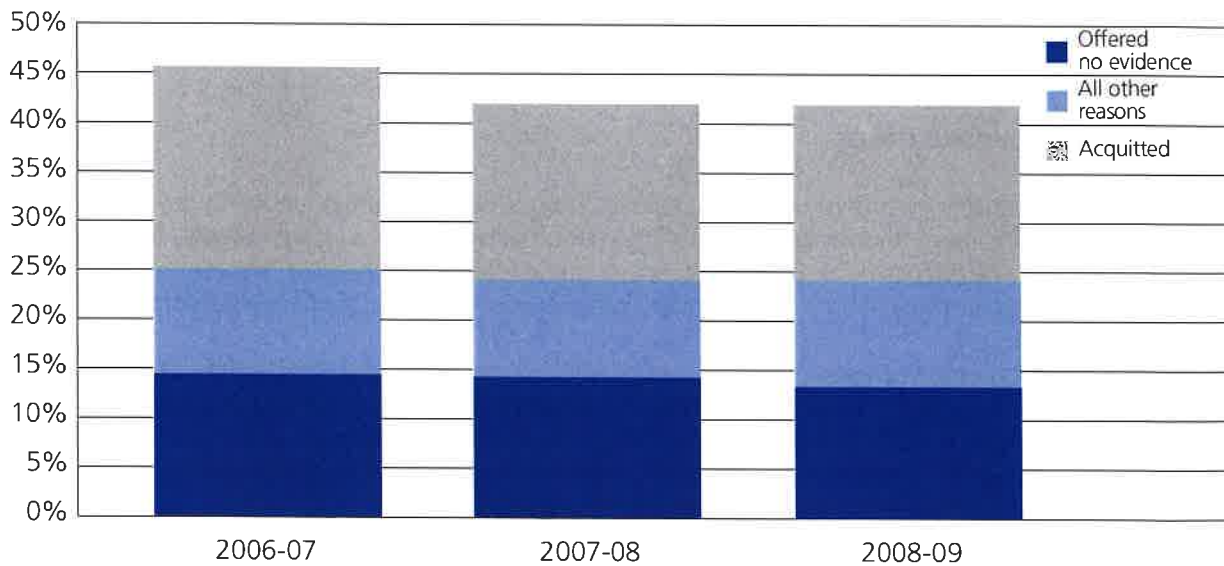
The table and charts below show a detailed breakdown of prosecution outcomes for rape crimes from 2006-07 to 2008-09. Guilty pleas increased from 33% to 35%, the same in both 2007-08 and 2008-09. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 24% to less than 23%.

Table 3 – Prosecution outcomes

Convictions



Unsuccessful outcomes



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	29	0.9%	37	1.1%	45	1.3%
Discharged committal	7	0.2%	7	0.3%	6	0.3%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	780	23.9%	795	22.7%	787	22.5%
<i>of which - no evidence offered</i>	486	14.9%	494	14.1%	474	13.6%
Dismissed after trial	7	0.2%	5	0.1%	0	0.0%
No case to answer	1	0.0%	0	0.0%	0	0.0%
Judge directed acquittal	84	2.6%	99	2.8%	64	1.8%
Jury acquittal	578	17.7%	539	15.4%	575	16.5%
Unsuccessful outcomes	1,486	45.5%	1,482	42.3%	1,477	42.3%
Guilty plea	1,077	33.0%	1,235	35.3%	1,230	35.2%
Conviction after trial	701	21.5%	786	22.4%	788	22.5%
Proved in absence	0	0.0%	0	0.0%	0	0.0%
Convictions	1,778	54.5%	2,021	57.7%	2,018	57.7%
Total prosecutions	3,264		3,503		3,495	

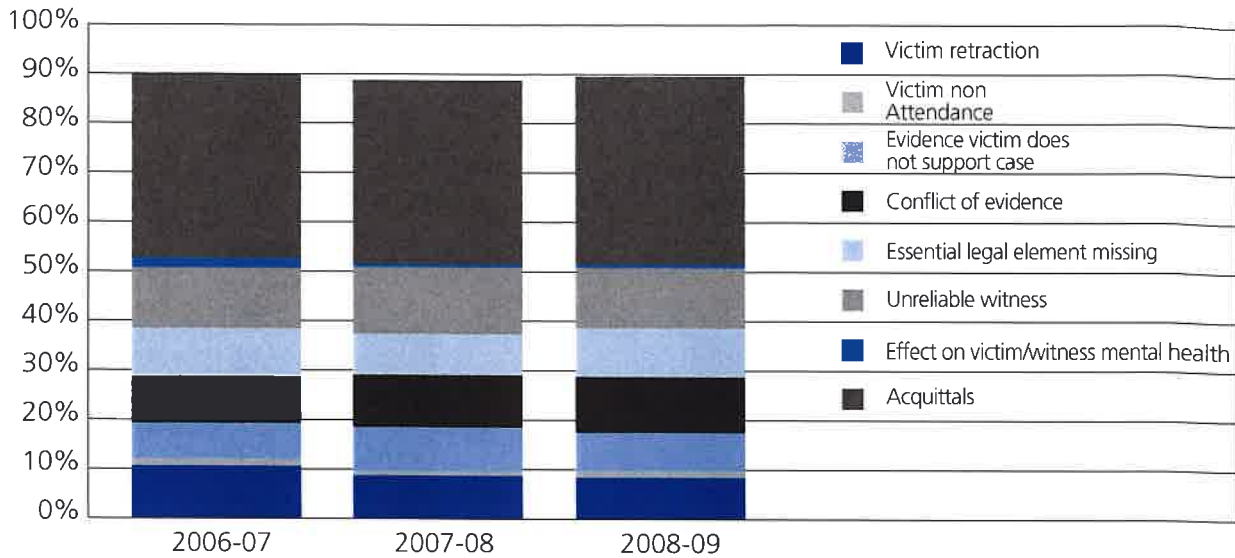
Unsuccessful prosecutions

Table 4 gives a more refined analysis of the reasons for unsuccessful outcomes, showing the proportion failing due to: victim issues (including victim retraction and cases in which a victim failed to attend a court hearing); conflicts of evidence or circumstances where the witness was unreliable; the absence of essential legal element; the effect on the victim or witness's mental health; and acquittals after trial.

Within these key reasons, acquittals after trial remained the largest category, varying little over the three year period, from 38.4% to 38.1%, the majority of which were acquittals by a jury rather than directed by the judge. Key victim issues fell slightly from 19.2% of all unsuccessful outcomes to 17.5% in 2008-09. Within victim issues, fewer were due to victim retractions than in earlier years and more cases failed because the victim's evidence did not support the prosecution case.

629

Table 4 – Key reasons for unsuccessful prosecutions

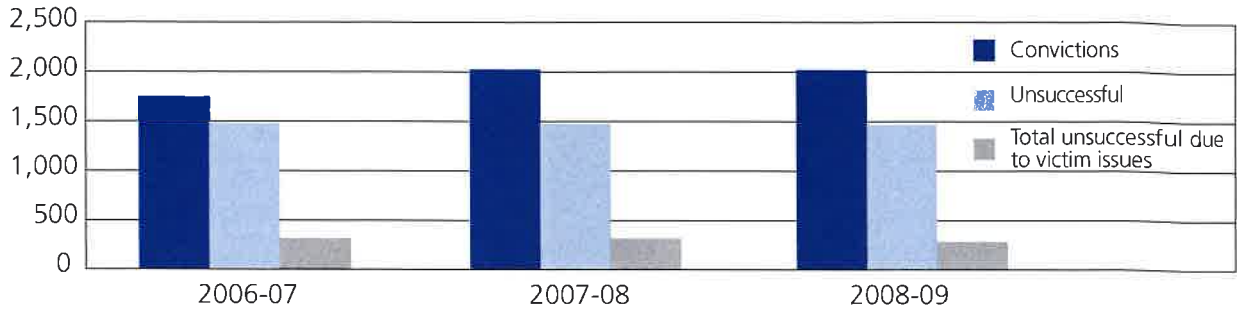


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Victim retraction	162	10.9%	128	8.6%	111	7.5%
Victim non-attendance	15	1.0%	9	0.6%	23	1.6%
Evidence of victim does not support case	109	7.3%	131	8.8%	124	8.4%
Total victim issues	286	19.2%	268	18.1%	258	17.5%
Conflict of evidence	134	9.0%	159	10.7%	164	11.1%
Essential legal element missing	128	8.6%	131	8.8%	141	9.5%
Unreliable witness	199	13.4%	197	13.3%	178	12.1%
Effect on victim/witness' mental health	19	1.3%	14	0.9%	18	1.2%
Acquittals	570	38.4%	530	35.8%	562	38.1%
Total key reasons	1,336	89.9%	1,299	87.7%	1,321	89.4%
All other reasons	121	8.1%	146	9.9%	111	7.5%
Administrative finalisations	29	2.0%	37	2.5%	45	3.0%
Total	1,486		1,482		1,477	

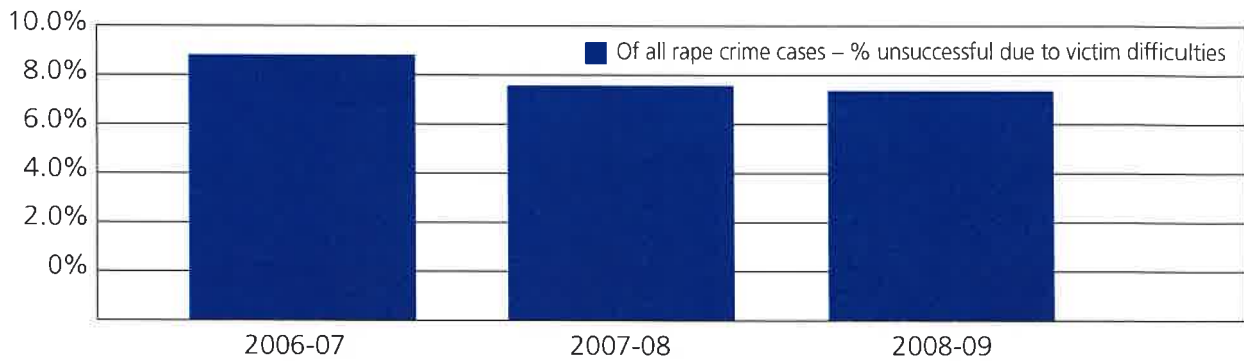
Table and chart 5 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 286 (8.8%) in 2006-07 to 258 (7.4%) in 2008-09. Total unsuccessful outcomes fell from over 45% in 2006-07 to 42% in 2008-09, just missing the annual target of 41%.

Table 5 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
<i>Total unsuccessful due to victim issues</i>	286	8.8%	268	7.7%	258	7.4%
Total unsuccessful	1,486	45.5%	1,482	42.3%	1,477	42.3%
Total convictions	1,778	54.5%	2,021	57.7%	2,018	57.7%
Total prosecutions	3,264		3,503		3,495	

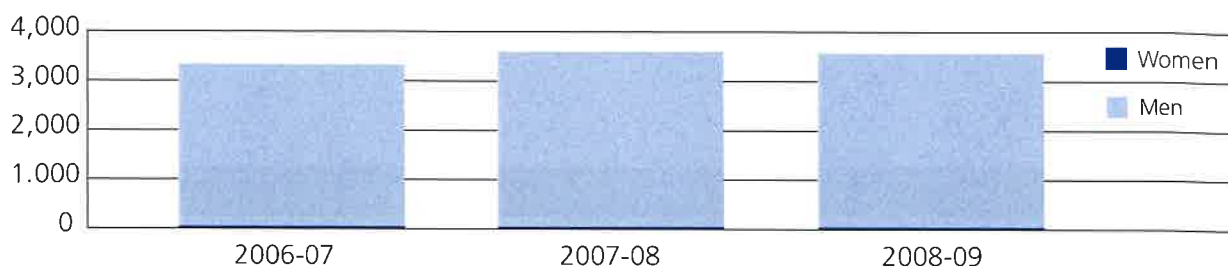
Equalities

(i) Defendants

Gender

Table 6 provide a breakdown of the gender of defendants and of victims respectively. The proportion of defendants who were men remained the same at 99% in 2006-07, 2007-08 and 2008-09.

Table 6 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	35	1.1%	38	1.1%	43	1.2%
Men	3,227	98.9%	3,465	98.9%	3,451	98.5%
Unknown	2	0.1%	0	0.0%	1	0.0%
Total	3,264		3,503		3,495	

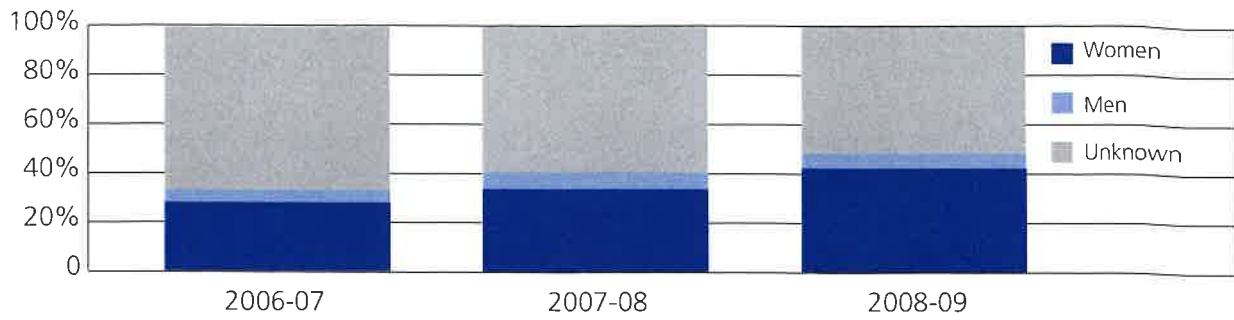
Ethnicity

Ethnicity data on defendants is collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 60% of rape crime defendants were identified as belonging to the White British category, and 65% were categorised as White, similar to the previous year. 8% of defendants were identified as Asian, and a further 12% were identified as Black. 5% of defendants did not state an ethnicity on arrest and in a further 5% of cases the record of ethnicity was not completed.

(ii) Victims

Gender

Table 7 provides a breakdown of the gender of victims. Data on victims are extracted from the Witness Management System, and are available only from April 2006. The completeness and accuracy of this information remain under development, with 52% of victim gender not recorded. Of those victims whose gender has been identified the highest proportion were women, rising from 87% in 2007-08 to 88% in 2008-09.

Table 7 – Gender of victims

	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	415	28.3%	1,053	34.6%	1,632	42.4%
Men	64	4.4%	161	5.3%	223	5.8%
Unknown	989	67.4%	1,829	60.1%	1,993	51.8%
Total	1,468		3,043		3,848	

Sexual offences

Sexual offences, other than rape, are now monitored as part of the VAW Indicator quarterly. The target for reducing unsuccessful outcomes for charged cases (28%) was exceeded at 25% in 2008-09. The new target for 2009-10 is 23%.

Data on charging and victims is not available for sexual offences as explained in the section below.

The proportion of defendants who were men remained the same from 2006-2009-at 95%. 74% of defendants were White, 7% Asian and 6% Black, with 4% not stating an ethnicity while in a further 6% of cases the record of ethnicity was not completed.

The increase in guilty pleas to 62% indicated a reduction in time from charge to outcome, with proportionally fewer trials required. Fewer cases, in volume and proportionally, were discontinued, including those where no evidence was offered. Victim issues accounted for few unsuccessful cases by volume and proportion (3%). Out of all the unsuccessful cases, victim issues only accounted for 12% of the reasons. The greatest proportion of unsuccessful outcomes were due to jury acquittals, at just below 34% of unsuccessful outcomes. As with rape, this may indicate the need for more multi-agency work with partners to address public awareness and challenge myths and stereotypes within and outside the criminal justice system.

Sexual abuse and learning disabilities – use of an intermediary

A man was convicted of sexually abusing four brothers after they gave evidence at trial with the help of an intermediary. The defendant was sentenced to 15 years' imprisonment, an indeterminate sentence for public protection and a sexual offences prevention order after he was found guilty of 19 counts, including six of *'sexual activity with a person with a mental disorder impeding choice'* and one of rape.

The victims were aged between seven and 18. Three had severe learning disabilities while the fourth suffered from Attention Deficit Hyperactivity Disorder. During the trial they provided evidence via a video link, with the intermediary sitting next to them in a separate room in the court. The reviewing lawyer said: "The intermediary built up a good rapport with the family members. We ensured that the prosecuting advocate introduced herself personally to each of the witnesses before they gave evidence. The judge and the defence barristers agreed a system for how they would intervene in the questioning."

Sexual offences excluding rape crime: key findings

Since April 2008 the Crown Prosecution Service has reported on the prosecution of sexual offences (excluding rape crimes) as part of the Violence against Women (VAW) strategy, as well as measuring performance within the performance review process.

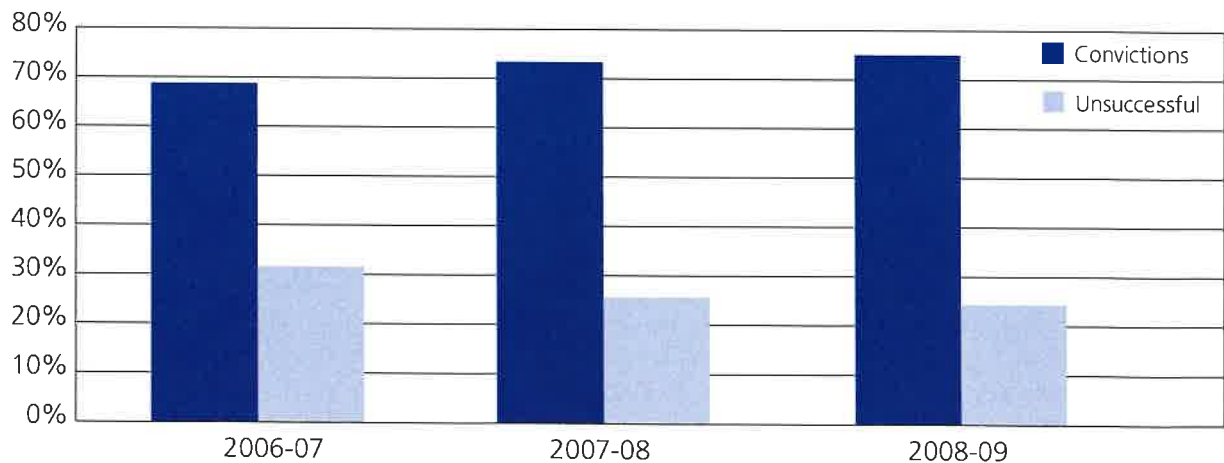
Charging

CPS records include no indication of pre-charge decisions regarding sexual offences, as a principal offence category is allocated to cases only at the conclusion of prosecution proceedings.

Convictions

In the three years ending March 2009, over 24,300 defendants were prosecuted for crimes involving sexual offences other than rape. Table and chart 1 below provide a breakdown of prosecutions over the three year period, showing that convictions rose from 68% in 2006-07 to 75% in 2008-09.

Table 1 – Completed prosecutions by outcome

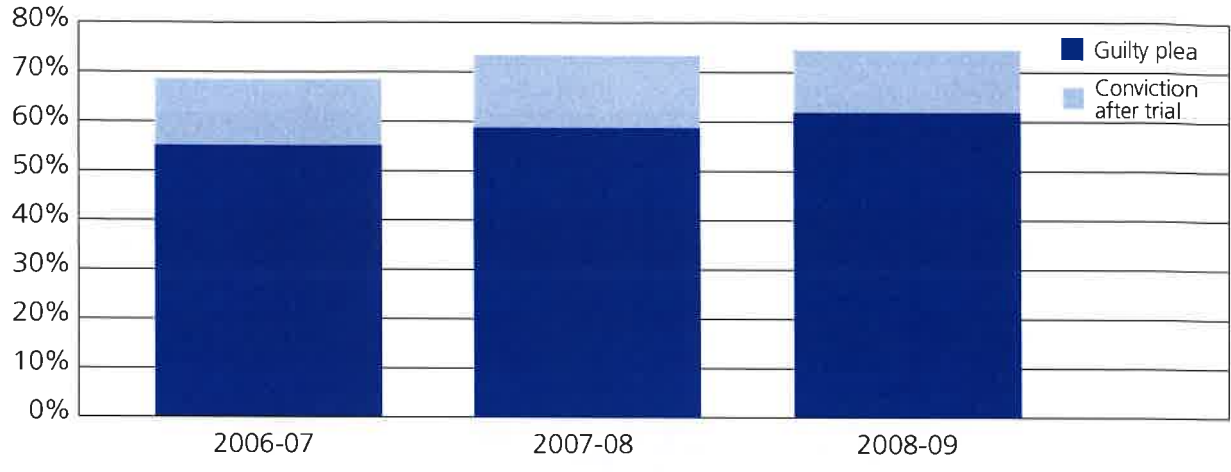


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Convictions	5,675	68.3%	5,976	73.5%	5,955	75.1%
Unsuccessful	2,630	31.7%	2,154	26.5%	1,976	24.9%
Total	8,305		8,130		7,934	

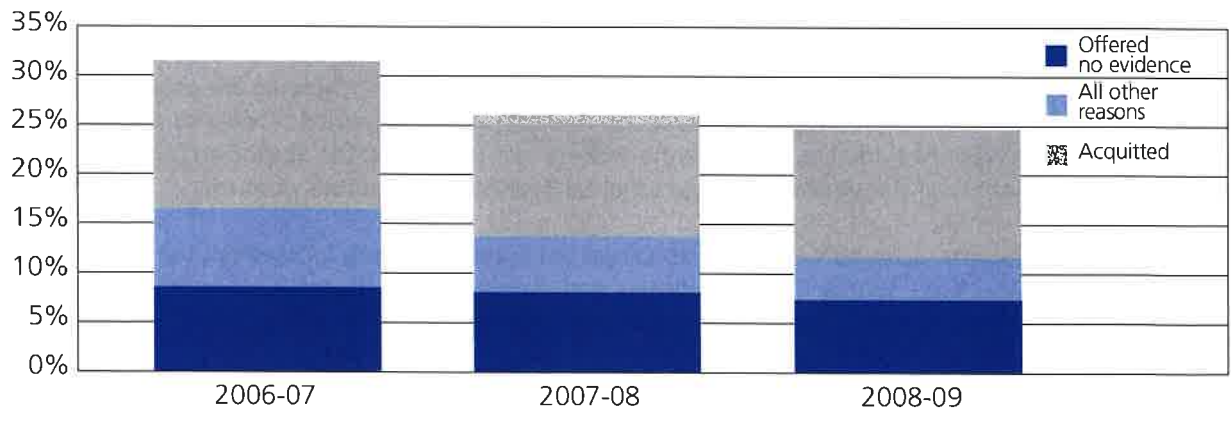
The table and charts below show a detailed breakdown of prosecution outcomes for sexual offences from 2006-07 to 2008-09. Guilty pleas increased from 53% to 62%, contributing to an improved conviction rate of 75% in 2008-09 compared with 68% in 2006-07. Prosecutions dropped by CPS, including discontinuances and those in which no evidence was offered, fell from 16% to just over 12%.

Table 2 – Prosecution outcomes

Convictions



Unsuccessful outcomes



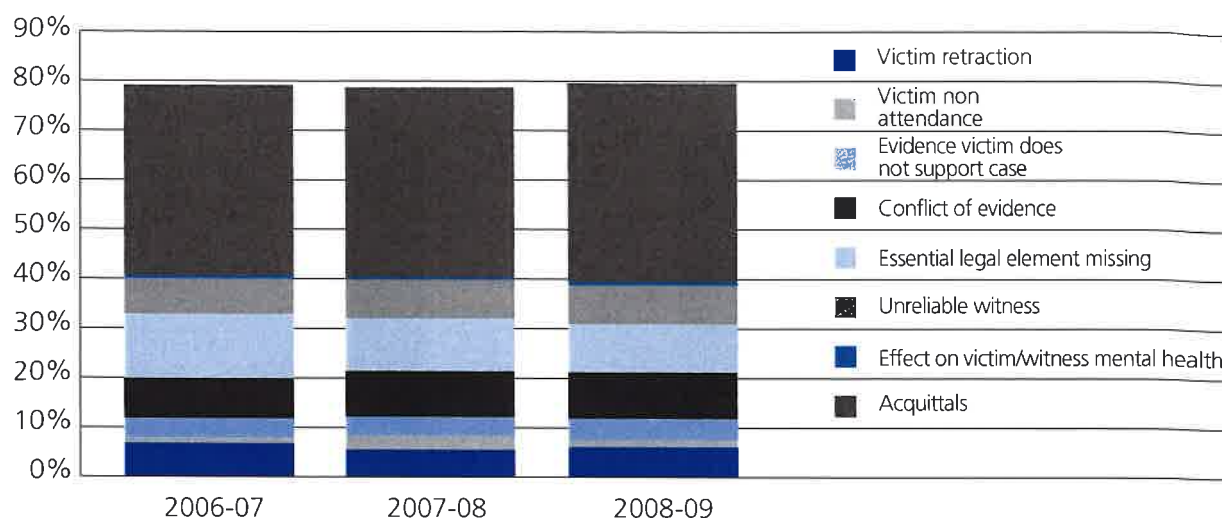
	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Administrative finalisation	56	0.7%	49	0.6%	59	0.7%
Discharged committal	55	0.7%	56	0.7%	46	0.6%
Prosecutions dropped <i>inc. discontinued, no evidence offered & withdrawn</i>	1,339	16.1%	1,140	14.0%	985	12.4%
<i>of which - no evidence offered</i>	674	8.1%	636	7.8%	551	6.9%
Dismissed after trial	223	2.7%	195	2.4%	148	1.9%
No case to answer	38	0.5%	13	0.2%	15	0.2%
Judge directed acquittal	104	1.3%	70	0.9%	63	0.8%
Jury acquittal	815	9.8%	631	7.8%	663	8.4%
Unsuccessful outcomes	2,630	31.7%	2,154	26.5%	1,979	24.9%
Guilty plea	4,398	53.0%	4,746	58.4%	4,909	61.9%
Conviction after trial	1,262	15.2%	1,210	14.9%	1,036	3.1%
Proved in absence	15	0.2%	20	0.2%	10	0.1%
Convictions	5,675	68.3%	5,976	73.5%	5,955	75.1%
Total prosecutions	8,305		8,130		7,934	

Unsuccessful prosecutions

Table 3 gives a more refined analysis of reasons for unsuccessful outcomes, showing the proportion failing due to: victim issues (including victim retraction and cases in which a victim failed to attend a court hearing); a conflict of evidence, or where the witness was unreliable; the absence of an essential legal element; the effect of the victim or witness's mental health; and acquittals after trial.

Within these key reasons, acquittals after trial remained the largest category, increasing over the three year period, from 36.3% to 39.9%. Table 2 indicates that the majority of these were acquittals by a jury rather than directed by the judge. Victim issues were little changed at 11.8% in 2006-07 compared with 12% in 2008-09.

Table 3 – Key reasons for unsuccessful prosecutions

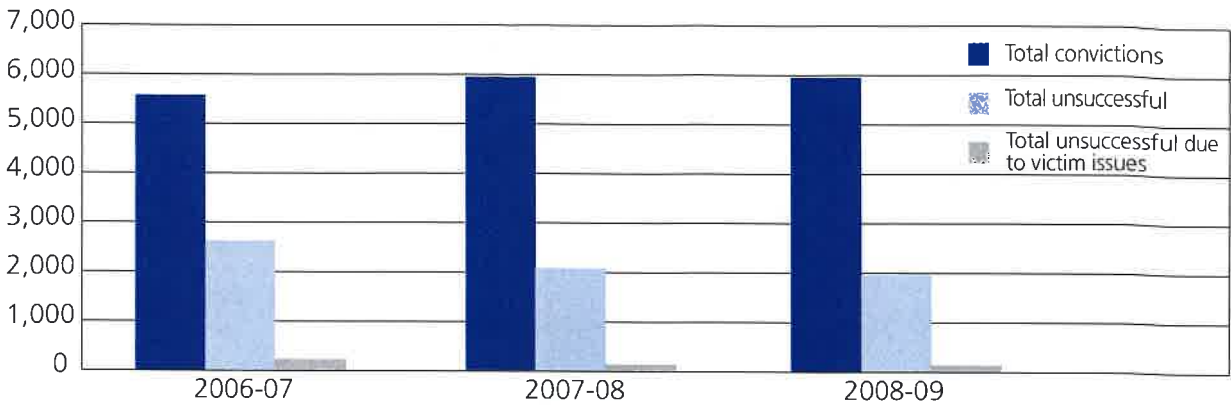


	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Victim retraction	144	5.5%	105	4.9%	109	5.5%
Victim non-attendance	47	1.8%	47	2.2%	31	1.6%
Evidence of victim does not support case	119	4.5%	117	5.4%	97	4.9%
Total victim issues	310	11.8%	269	12.5%	237	12.0%
Conflict of evidence	212	8.1%	188	8.7%	175	8.8%
Essential legal element missing	349	13.3%	252	11.7%	214	10.8%
Unreliable witness	204	7.8%	156	7.2%	126	6.4%
Effect on victim/witness' mental health	27	1.0%	16	0.7%	23	1.2%
Acquittals	954	36.3%	791	36.7%	790	39.9%
Total key reasons	2,056	78.2%	1,672	77.6%	1,565	79.1%
All other reasons	518	19.7%	433	20.1%	355	17.9%
Administrative finalisations	56	2.1%	49	2.3%	59	3.0%
Total	2,630		2,154		1,979	

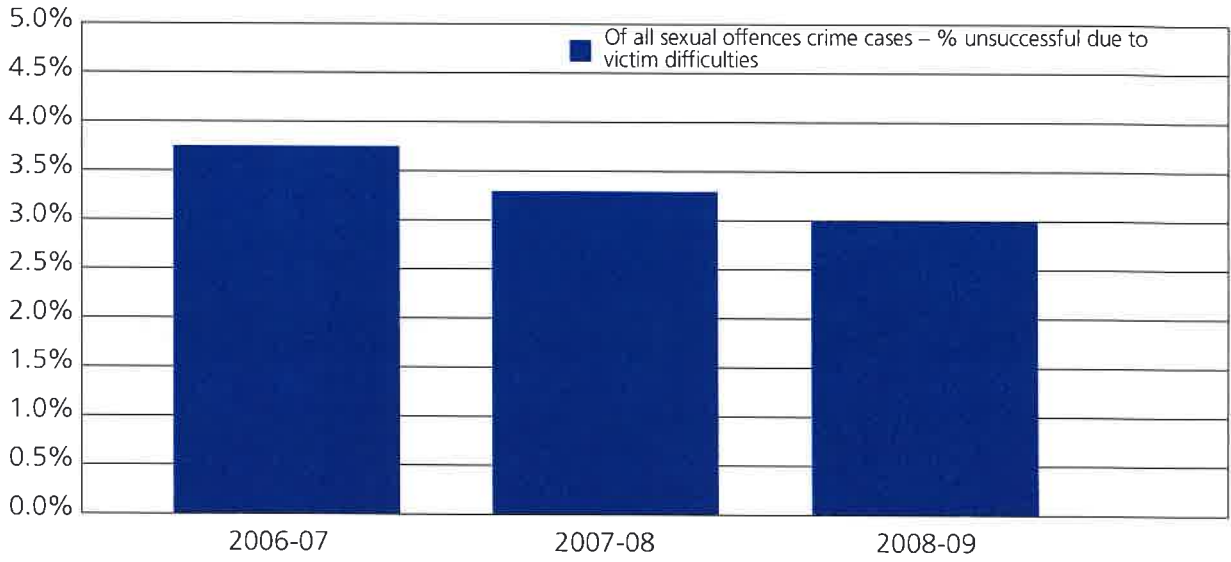
Table and chart 4 show the volume and proportion of victim issues in relation to all outcomes. The volume and proportion of those unsuccessful due to victim difficulties fell slightly from 269 (3.3%) in 2007-08 to 237 (3.0%) in 2008-09. Total unsuccessful outcomes fell from just under 32% in 2006-07 to just under 25% in 2008-09, exceeding the annual target of 28%.

Table 4 – Comparison of key victim issues

Victim issues in relation to all outcomes



% Victim issues



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Total unsuccessful due to victim issues	310	3.7%	269	3.3%	237	3.0%
Total unsuccessful	2,630	31.7%	2,154	26.5%	1,979	24.9%
Total convictions	5,675	68.3%	5,976	73.5%	5,955	75.1%
Total prosecutions	8,305		8,130		7,934	

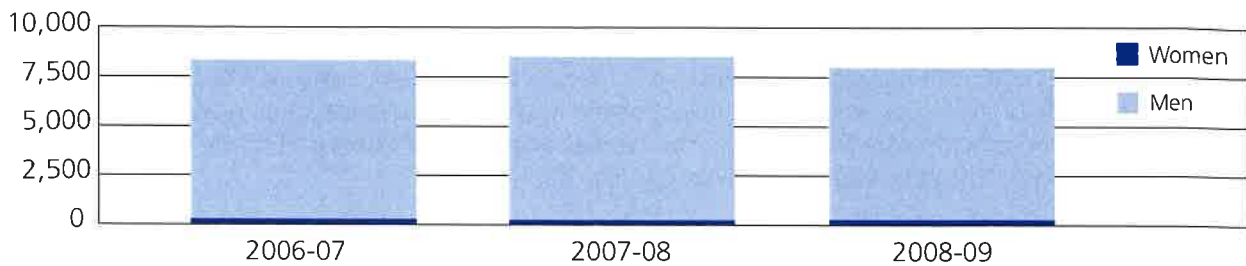
Equalities

(i) Defendants

Gender:

Table 5 provides a breakdown of the gender of defendants and of victims respectively. The proportion of defendants who were men remained little changed at 95% of the total.

Table 5 – Completed prosecutions by gender of defendant



	2006-07		2007-08		2008-09	
	Volume	%	Volume	%	Volume	%
Women	348	4.2%	368	4.5%	359	4.5%
Men	7,957	95.8%	7,761	95.5%	7,571	95.4%
Unknown	0	0.0%	1	0.0%	4	0.1%
Total	8,305		8,130		7,934	

Ethnicity

Ethnicity data on defendants are collected by the CPS in accordance with the agreed criminal justice system definitions for the 16+1 ethnic categories. In 2008-09, 69% of defendants in proceedings relating to sexual offences excluding rape were identified as belonging to the White British category, and 74% were categorised as White. 7% of defendants were identified as Asian, and a further 6% were identified as Black. These proportions were little changed compared with the preceding year. Just over 4% of defendants did not state an ethnicity on arrest, compared with 5% in 2007 - 08. In a further 6% of cases the record of ethnicity was not completed.

(ii) Victims

Gender

Data on victims are extracted from the Witness Management System but includes no record of the victims of sexual offences other than rape, as the information is compiled only at defendant level.

Forced marriage, honour based violence and female genital mutilation

The Crown Prosecution Service included honour based violence, forced marriage and female genital mutilation within the domestic violence policy and guidance. To date no cases of female genital mutilation (FGM) have been brought for prosecution. The CPS has however, continued to make prosecutors aware of the issues around this subject within its domestic violence training and has worked across government to help tackle this practice. This work is ongoing and forms part of the cross government National Domestic Violence Delivery Plan for 2009-10.

The Policy lead is part of a cross-governmental Steering Group aiming to identify and produce practical tools to assist victims and potential victims to tackle FGM.

The CPS conducted a pilot on forced marriage and honour based violence between July 2007 and March 2008 to identify and monitor these cases for the first time. Specialist prosecutors were specifically selected, provided with guidance and trained to lead on the prosecution of these cases. The project aimed:

- to identify the number and pattern of forced marriage and honour based violence cases;
- identify any issues facing prosecutors in accurately identifying, managing and prosecuting such cases; and
- inform the development of any national guidance and training for prosecutors.

A report on the 2007-08 pilot study on the prosecution of forced marriage and honour based violence cases was published in December 2008. The recommendations focused on three main areas:

- the prosecution of cases;
- support for victims and witnesses; and
- future flagging of cases.

Implementation of the recommendations started in 2008 - 09 and continues into 2009-10. Groups were requested to select specialist prosecutors to deal with these cases in 2009-10. Guidance for these prosecutors will be developed in 2009-10 in conjunction with CPS stakeholders including specialist support services. Training for the selected prosecutors will take place and flagging of all cases to record performance will then begin in April 2010.

The Policy lead on forced marriage and honour based violence has worked with Police leads to inform the ACPO honour based violence strategy. Launched in October 2008, it sought to improve the police response to honour-based violence, including forced marriage nationally.

The Forced Marriage (Civil Protection) Act 2007 was implemented in November 2008 and offers civil remedies to victims or potential victims of forced marriage. The Act allows the court the power to make Forced Marriage Protection Orders (FMPO). These can be used to prevent forced marriages occurring or to protect victims who have already been forced into marriage. Since the Act came into force, 23 Protection Orders have been issued.

The Policy lead has worked across government in 2008-2009 to develop multi-agency statutory guidance for dealing with forced marriage. Issued to coincide with the launch of the Act, this guidance makes clear the strategic functions that agencies must follow in order to improve handling of forced marriage cases. This government led statutory guidance will be supplemented by a revision of the existing front-line practitioner guidelines, which will be published in multi-agency single volume format during 2009.

The CPS will continue to work closely with ACPO and other government departments throughout 2009-10 to develop a co-ordinated community response to help prevent and reduce honour based violence including forced marriage.

Forced marriage

A mother was jailed for three years after forcing her two young daughters to marry their cousins in Pakistan. The Muslim woman tricked the pair, aged 14 and 15, into thinking they were going on a family holiday.

When the schoolgirls arrived they discovered preparations were being made for them to marry their first cousins in a joint ceremony. Following the marriage both girls faced extreme violence and forced sex with their 'husbands'.

The mother was prosecuted and convicted of child sex offences and attempting to pervert the course of justice as there is no current law which bans forced marriage.

Honour crime

A girl and two brothers were at a party consuming alcohol. The girl received a text message to say her brothers had been informed she had been drinking and as a result were on their way to the party to confront her and seek revenge on her friends for getting her to drink alcohol.

Her two brothers (the defendants) attended the party with a number of Asian men armed with weapons, including knives and chains. They sought out the two brothers (the victims) and attacked them with weapons. The other men also assaulted them, using different weapons. The attack was witnessed by the girl, who accompanied the victims to the hospital. Police attended the incident and identified three separate crime scenes. The victims received deep cuts and bruises. The case was prosecuted and both defendants received an 18 months custodial sentence.

Child abuse

The Crown Prosecution Service Children and Young People Policy was published in 2006. Children's organisations and young people themselves were involved in reviewing draft versions of the policy and children's versions of the policy have also been produced.

Safeguarding Children – Guidance on Children as Victims and Witnesses was published in 2008 and Guidance on Prosecuting Child Abuse cases was published in 2009.

All these documents reflect the CPS' commitment to working with other agencies to safeguard children. A permanent external consultation group works with the CPS on children's issues.

Training concerning Safeguarding Children is being incorporated into existing courses. A separate, specific, CPS course on prosecuting child abuse cases is available nationally.

Recommendations from the HMCPSI Second Review of the Role and Contribution of the CPS to Safeguarding Children Report (August 2008) are being implemented as are the recommendations for CPS from the 2009 NSPCC Report *Measuring Up? Evaluating government commitments to young witnesses in criminal proceedings*.

The CPS has worked closely with ACPO in their revisions of the Senior Investigating Officers' Handbook and their Guidance on Investigating Child Abuse and Safeguarding Children and with OCJR in their Young Witnesses review.

The CPS is represented on the working group looking at s.28 Youth Justice and Criminal Evidence Act 1999 (pre-trial video recorded cross-examination).

Work continues on agreeing a CPS definition of "child abuse" to be disseminated to Areas for the purpose of monitoring prosecution performance.

CPS has also been working on the quality of Achieving Best Evidence videos; advocacy in child witness cases; safeguarding disabled children; the new vetting and barring provisions; Lord Laming's review; cases involving very young witnesses; and responding to the Serious Case Review consultation.

Historic rape case - defendant prosecuted after leaving UK

The defendant was living abroad when the police initially consulted CPS on the case. The complainant was the ex-step daughter of the defendant. The allegations were dated from 1981 to 1987.

A European Arrest Warrant (EAW) was applied for and granted and the defendant arrested abroad and, although he appealed the extradition process, he was eventually successfully extradited to the UK.

He was indicted with three counts of gross indecency with a child and three counts of rape on his ex-step daughter between 1981 and 1987. He was convicted on all six counts and sentenced to 12 years' imprisonment.

The caseworker on the case kept the witnesses reassured and supported at Court. CPS and the police received an e-mail from the family after the trial thanking all the Prosecution Team for their hard work and efforts in bringing the case to Court.

Child abuse crime: key findings

Child Abuse cases are identified by attaching to the case a monitoring flag applied by the CMS user at the pre-charge stage. In addition prosecution outcomes are reported by principal offence category (homicide, offences against the person and sexual offences), allocated at the conclusion of proceedings. Pending the finalisation of an agreed national CPS definition of child abuse during 2009-10, caution is required in the interpretation of the child abuse data below.

The proportion of defendants prosecuted for child homicide who were men, prosecuted for child homicides fell from 77% in 2006-07 to 73% in 2008-09, with fewer convictions at 78%, compared with 87%. Similarly the proportion of men prosecuted for offences against the person fell from 76% in 2006-07 to 74% in 2008-09, whilst convictions remained the same at 72%. Men prosecuted for sexual offences remained similar at 98% with a rise in convictions from 69% to 75%.

Homicide

In the three years ending March 2009, 103 defendants were prosecuted for child abuse crimes with a principal offence category of homicide. This category includes proceedings for making threats to kill, assisting an offender in a case of murder, infanticide, child destruction, and causing death by careless driving when under the influence of drink or drugs, as well as murder and manslaughter. Convictions fell from 83% in 2006-07 (25 out of 30 defendants) to 75% in 2008-09 (33 out of 44 defendants).

The proportion of men prosecuted in this category varied from 77% in 2006-07 to 73% in 2008-09.

	2006-07				2007-08				2008-09			
	Men		Women		Men		Women		Men		Women	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	20	87.0%	5	71.4%	14	70.0%	6	66.7%	25	78.1%	8	66.7%
Unsuccessful	3	13.0%	2	28.6%	6	30.0%	3	33.3%	7	21.9%	4	33.3%
Total	23		7		20		9		32		12	

Offences against the person

In the three years ending March 2009, 6,730 defendants were prosecuted for child abuse crimes with the principal offence category of offences against the person. Convictions increased slightly to 73% in 2008-09 from 72% in both 2006-07 and 2007-08.

The proportion of men prosecuted in this category has fallen slightly from 76% in 2006-07 to 74% in 2008-09.

	2006-07				2007-08				2008-09			
	Men		Women		Men		Women		Men		Women	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	1,260	71.7%	408	72.9%	1,269	72.0%	417	72.5%	1,107	72.1%	406	75.2%
Unsuccessful	497	28.3%	152	27.1%	493	28.0%	158	27.5%	429	27.9%	134	24.8%
Total	1,757		560		1,762		575		1,536		540	

Sexual offences

In the three years ending March 2009, 11,810 defendants were prosecuted for child abuse crimes with the principal offence category of sexual offences. Convictions rose from 69% in 2006-07 to 75% in 2008-09.

The proportion of men prosecuted in this category has remained virtually the same at 98% in 2006-07, 2007-08 and 2008-09.

	2006-07				2007-08				2008-09			
	Men		Women		Men		Women		Men		Women	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	2,607	69.3%	53	67.9%	2,797	72.3%	43	58.1%	2,948	74.7%	63	75.9%
Unsuccessful	1,157	30.7%	25	32.1%	1,069	27.7%	31	41.9%	997	25.3%	20	24.1%
Total	3,764		78		3,866		74		3,945		83	

Human trafficking

The Crown Prosecution Service published updated legal guidance on human trafficking in March 2009 to reflect further policy changes; in particular those arising from the implementation of the Council of Europe Convention.

The Council of Europe Convention was ratified by the Government in December 2008 and implemented in April 2009. It introduced a number of provisions which will improve the ability of CPS to identify victims and bring more cases to justice. The provisions include:

- A national referral mechanism to enable efficient victim identification and referral to appropriate support;
- a reflection period of 45 days, which will be extendable in some circumstances, for example extreme trauma;
- a residence permit: granted for a minimum of one year and is renewable, for victims who cooperate with an investigation or criminal proceedings.

The CPS continued to contribute to the delivery of the government-wide UK Action Plan on tackling trafficking of human beings, published in July 2008. A revised plan was published in October 2009. There are a number of actions which the CPS is responsible for and can contribute to in terms of victim protection and support, and improving the prosecution rate. CPS continues to monitor human trafficking legislation and is working with Home Office officials to ensure it is sufficiently robust to enable successful prosecutions. One such amendment sought to enable prosecutors to prosecute those who traffic babies and young children to acquire benefits, was given Royal Assent in July 2009.

The CPS Policy lead now chairs the UK Human Trafficking Centre (UKHTC) Victim Care Group, whose remit is to contribute to the delivery of actions in the provision of protection and assistance to adult and child victims of trafficking. A senior prosecutor from Organised Crime Division also contributes to the UKHTC Prevention Group.

The numbers of cases of human trafficking prosecuted continued to rise year on year and last year saw the first convictions for trafficking for forced labour. In addition to prosecuting traffickers, CPS is also pursuing the financial assets of traffickers under Proceeds of Crime.

The CPS is actively pursuing capacity building projects in jurisdictions that are a priority for the UK; that is in countries where most can be done to reduce harm to the UK. By building capacity in the source country, the aim is to help to prosecute its offenders and its offences better, thereby reducing the potential harm through crime in both the home country and the UK. Currently there is work on a joint project with Netherlands to address trafficking from Nigeria through capacity building. Last year the UK became a signatory and a party to an ongoing Joint Investigation Team (JIT) with Romania to address the trafficking of Romanian children into the UK.

Training was delivered to an experienced prosecutor in each of the 42 CPS Areas, to the 14 Complex Casework Unit Heads and to prosecutors working in each of the three HQ Casework Divisions in 2008-09. In advance of the national police Operation Pentameter 2, prosecutors received the same briefing as senior investigating officers covering legislation, financial investigation, evidence gathering and victims. Further training is planned for prosecutors in South and West Yorkshire through their learning and development partner. A senior prosecutor contributes to the UK Human Trafficking Centre (UKHTC) led steering group which identifies the training needs of investigators and prosecutors and develops relevant training material.

The CPS is a member of the multi-agency steering group led by the UK Human Trafficking Centre on internal trafficking of young British girls within the UK; girls as young as 12 and 13 years of age who are groomed and trafficked for sexual exploitation within the UK. This work links closely to the cross-Government work on the preparation of the safeguarding guidance on sexually exploited children and on Young Runaways and Children Missing from Care and Home led by the Department for Children, Schools and Families and the Home Office.

CPS is working with the UKHTC and Home Office Officials to develop improved data collection and monitor prosecution outcomes. The aim is to develop an electronic monitoring system for human trafficking cases, sharing data across government departments.

The data provided for this report are from the UK Human Trafficking Centre for 2008-09. During 2008-09 219 arrests for human trafficking offences were recorded. Of these, 82 were for offences of trafficking for sexual exploitation, 26 for domestic servitude and 111 for forced labour.

80 defendants were prosecuted in 2008-09, for trafficking for sexual exploitation under Sections 57 - 59 Sexual Offences Act 2003, half from the European Union. 50 defendants were men. 28 defendants were found guilty; One was deported under European warrant, three convicted of conspiracy to traffic; three lie on file with no other offences and 21 lie on file with a conviction for other offences¹². 23 defendants were found not guilty.

Of the 227 victims for all trafficking crimes, 140 were female and 87 were male. The majority were aged 21-25.

Trafficking

The Organised Crime Division of the CPS successfully prosecuted a number of defendants who were trafficking female victims into the UK from or via Lithuania. The traffickers received substantial prison sentences.

When the Lithuanian authorities arrested those responsible in Lithuania for recruiting and deceiving the women, the CPS prosecutor supplied evidence in support of their prosecutions by utilising powers under section 74 of the Serious Organised Crime and Police Act 2005. This provides for a review of sentence for assistance provided by a defendant whereby a specified prosecutor may, at any time, refer the case back to the court by which the sentence was passed if the person is still serving his sentence, and the prosecutor thinks it is in the interests of justice to do so.

These powers enabled a convicted trafficker to travel from the UK to Vilnius in May 2008 to give evidence against the men from whom he had purchased the women. As a result, around 30 defendants in Lithuania were convicted of trafficking and other offences. The judge thanked the UK authorities for their great assistance to the case.

This was the first time that these powers had been used in respect of a defendant who helped to secure convictions in another jurisdiction and required the CPS prosecutor to use, innovatively, new legislation in order to assist foreign authorities. When the convicted trafficker returned to the UK, his original sentence was reviewed by the original sentencing court and was reduced from seven to three and half years to reward his assistance in bringing a substantial number of additional defendants to justice. He was subsequently deported.

¹² Lie on File - indicates a guilty plea and sentence for other offences.

664

Trafficking

A case was prosecuted by the first CPS Crown Advocate appointed to Queens Counsel. Four out of five defendants were convicted and the principal traffickers were sentenced to 13 years' and 12 years' imprisonment.

Two of the Albanian defendants trafficked a young teenage girl who lived in a children's home in a small Lithuanian town and did not speak English, into the UK with the promise of working in a shop for the summer holidays in 2007. When she arrived here, she was forcibly made to work as a prostitute in saunas and flats as well as having sex with her traffickers. She was assaulted when she attempted to get away.

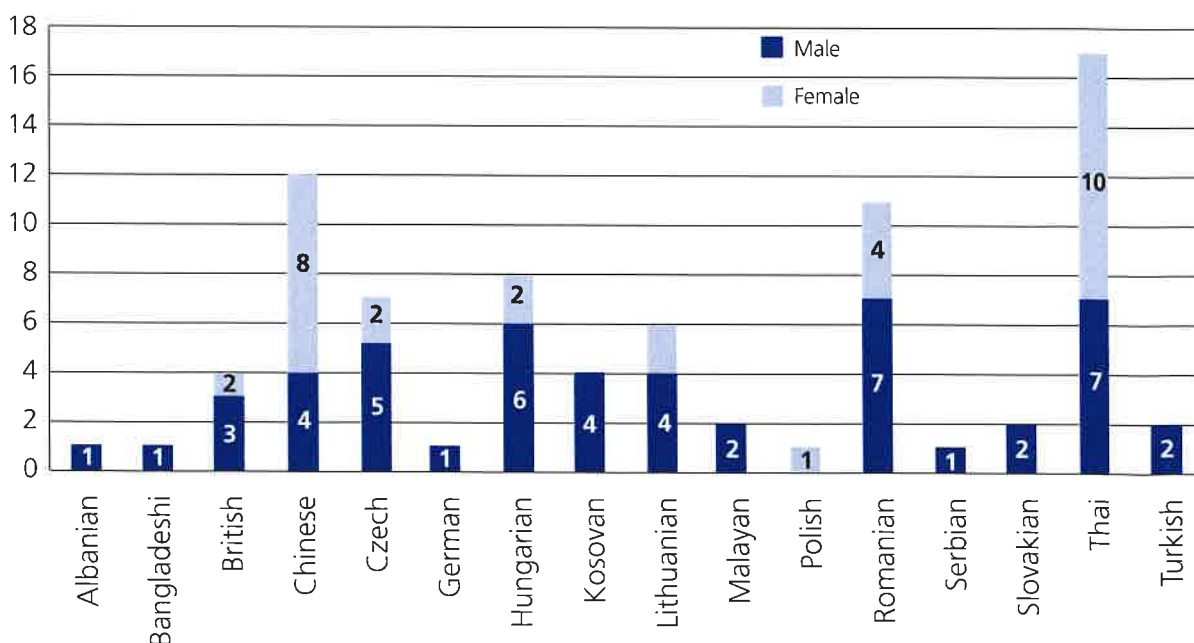
She was then sold onto the remaining defendants and driven to an address in South Wales where she met another young Lithuanian woman (victim 2) who had also been bought by the traffickers. The young women were threatened and forced to work as prostitutes in Wales; all their earnings were taken by the traffickers. Police recovered the girls in October 2007.

Human trafficking statistical data: 2008-09

The United Kingdom Human Trafficking Centre (UKHTC) has been in existence since October 2006, and in that time has commenced a programme of data collection, in relation to victims and suspects, connected to trafficking of human beings (THB), into, within and out of the UK. The data in this section has been compiled by the UKHTC. Queries in respect of data should be directed to Andy Eddison (Andy.Eddison@southyorks.pnn.police.uk) and any other queries to Glynn Rankin, Director of Legal Services, UKHTC (Glynn.Rankin@southyorks.pnn.police.uk).

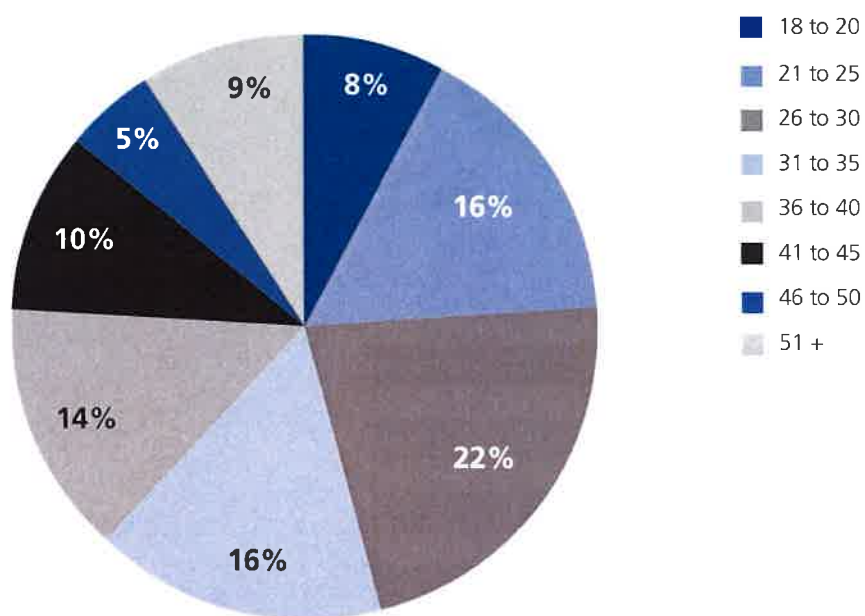
Defendants dealt with for trafficking for sexual exploitation under sections 57 - 59 Sexual Offences Act 2003

Table 1 – Nationality and gender of defendants appearing at court ‡



Nationality	Total	Male	Female
Albanian	1	1	0
Bangladeshi	1	1	0
British	4	3	1
Chinese	12	4	8
Czech	7	5	2
German	1	1	0
Hungarian	8	6	2
Kosovan	4	4	0
Lithuanian	6	4	2
Malayan	2	2	0
Polish	1	0	1
Romanian	11	7	4
Serbian	1	1	0
Slovakian	2	2	0
Thai	17	7	10
Turkish	2	2	0
Total	80	50	30

Table 2 – Age range of defendants ‡



‡ Data Source: UK Human Trafficking Centre

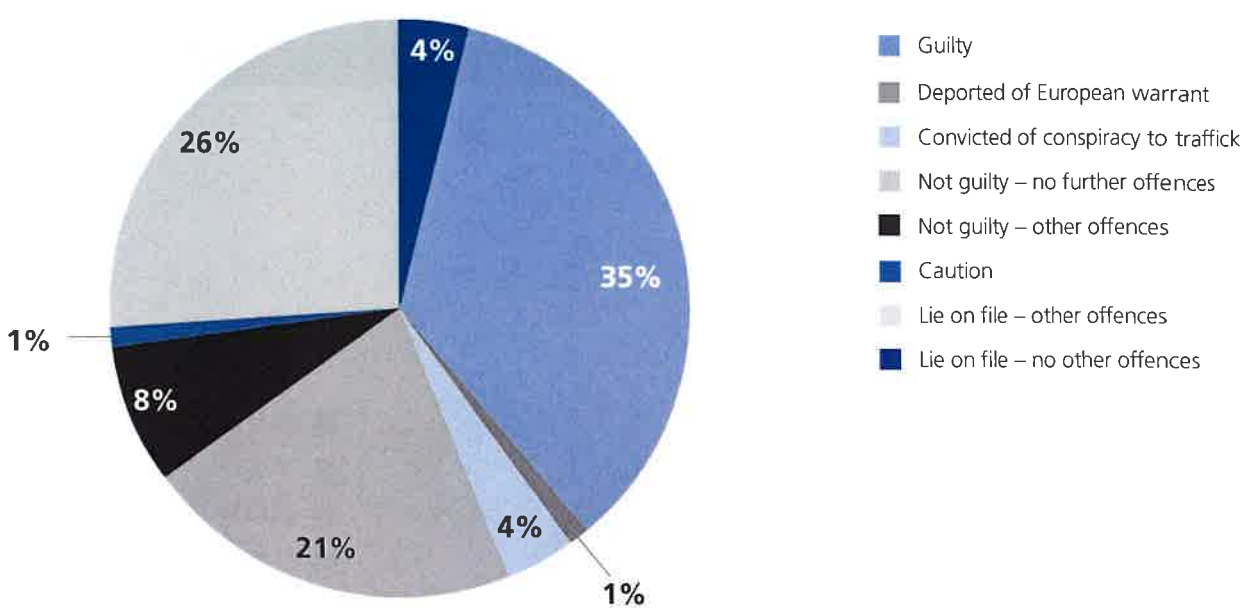
- 50% of all defendants are from the EU

646

Age range	Volume
18 - 20	6
21 - 25	13
26 - 30	18
31 - 35	13
36 - 40	11
41 - 45	8
46 - 50	4
51+	7
Total	80

‡ Data Source: UK Human Trafficking Centre

Table 3 – Disposal of defendants at court

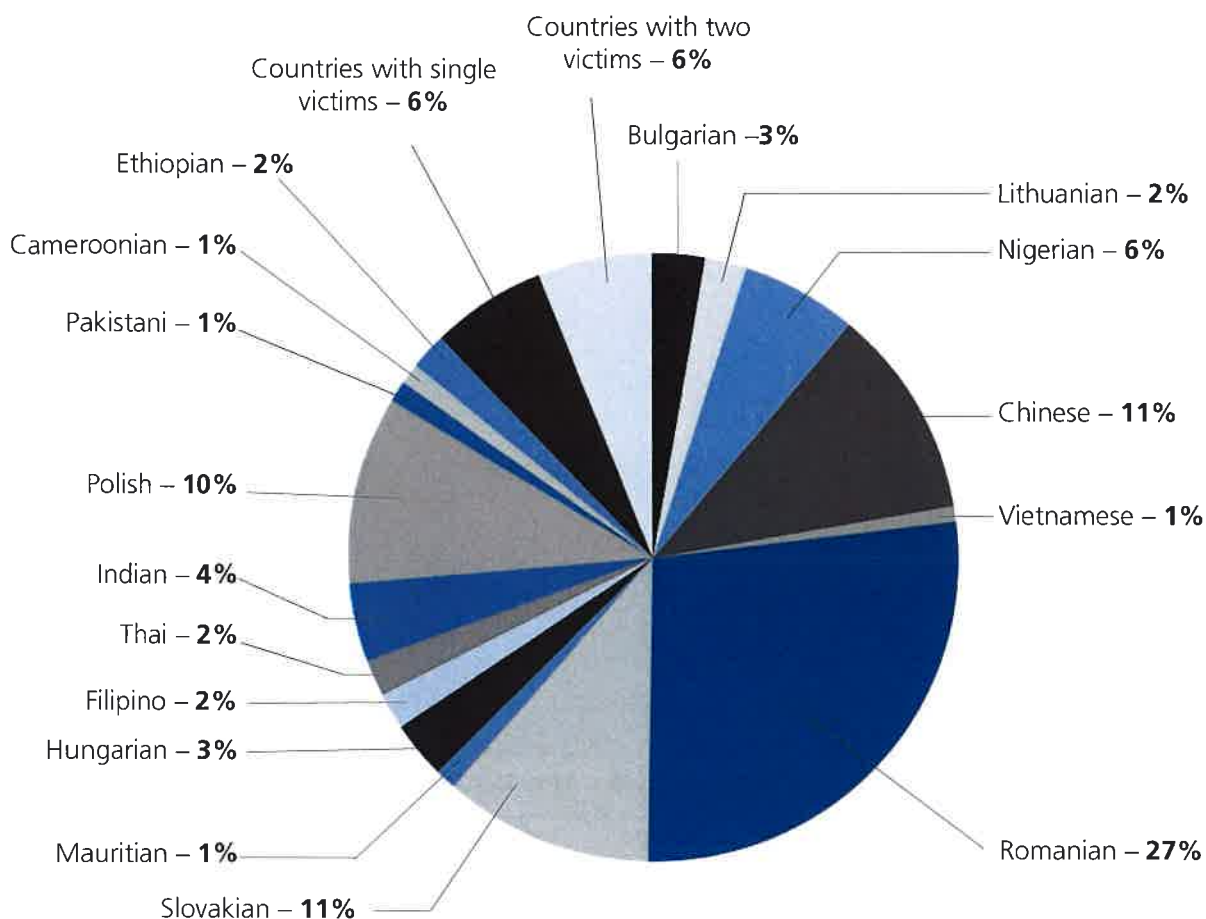


Outcome type	Volume
Guilty	28
Deported under European warrant	1
Convicted of conspiracy to traffick	3
Not guilty - no further offences	17
Not guilty - other offences	6
Caution	1
Lie on file - other offences*	21
Lie of file - no other offences*	3
Total	80

* Lie on File – indicates a guilty plea and sentence for other offences

- Labour Exploitation – There were four convictions this year under The Asylum and Immigration Act 2004.

Table 4 – Nationality of victims ‡

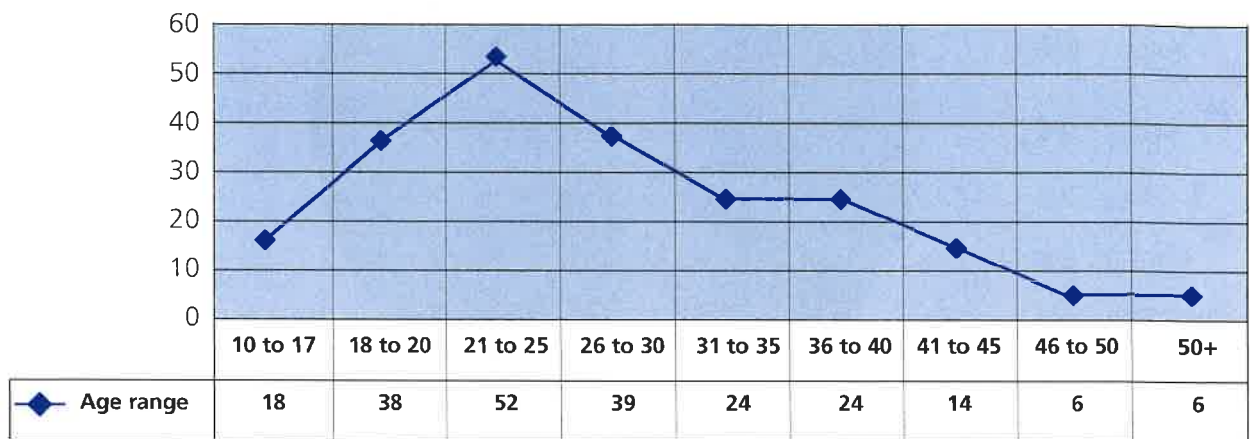


Nationality	Volume
Bulgarian	7
Lithuanian	4
Nigerian	13
Chinese	26
Vietnamese	3
Romanian	61
Slovakian	25
Mauritian	3
Hungarian	7
Filipino	4
Thai	5
Indian	8
Polish	22
Pakistani	3
Cameroonian	3
Ethiopian	5
Countries with single victims	14
Countries with two victims	14
Total	227

‡ Data Source: UK Human Trafficking Centre

- Of the 227 victims 140 were female and 87 were male.
- There were single victims from Estonia, Nepal, Czech Republic, Congo, Morocco, Gambia, Sierra Leone, Uganda, United Kingdom, Sri Lanka, Kenya, Angola, Iraq and Bangladesh.
- There were two victims from each of Zimbabwe, S Africa, Ghana, Indonesia, Belarus, Brazil and Eritrea.

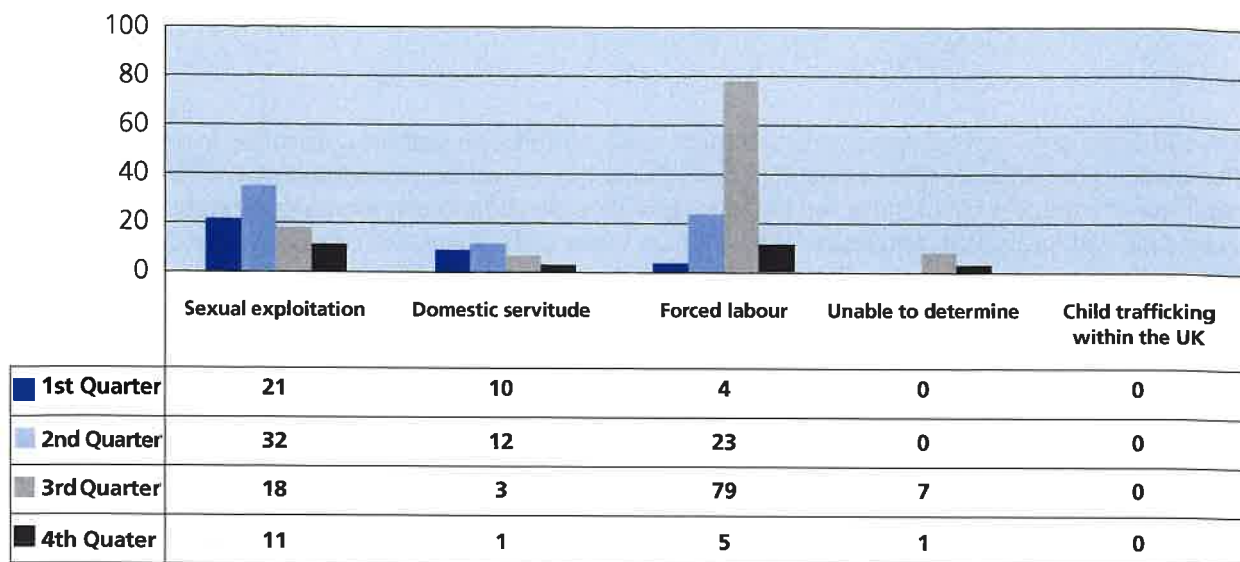
Table 5 – Age range of victims ‡



Age range	Volume*
10 - 17	18
18 - 20	38
21 - 25	52
26 - 30	39
31 - 35	24
36 - 40	24
41 - 45	14
46 - 50	6
51 +	6
Total	221

* 6 Victims whose age was not recorded at the time of encounter are not included.
 ‡ Data Source: UK Human Trafficking Centre

Table 6 – Types of exploitation ‡



‡ Data Source: UK Human Trafficking Centre

- ‘Child Trafficking within the UK’ – is defined as internal trafficking of UK children or those normally domiciled within the UK for sexual exploitation.
- ‘Unable to Determine’ – is defined as data not being recorded at the time the victim was encountered.

Prostitution

Revised policy and legal guidance on prostitution related offences is due for publication in autumn 2009. The guidance emphasises that prosecutors should view those involved in prostitution as victims and, in dealing with offences of soliciting and loitering, give consideration to diversion supported by conditions to engage with projects to find routes out. Links are made with other VAW crimes and the Corston Report, dealing with women as offenders, highlights the need for a multi-agency approach and alternative sentences to imprisonment. To inform the guidance, there has been some consultation with Sex Worker Project Groups, ACPO and cross government departments.

The CPS has continued to work with Home Office Officials on the provisions relating to prostitution in the Policing and Crime Bill. There are nine provisions which amend existing legislation, provide for Brothel Closure Orders, and change licensing arrangements for lap dancing clubs to give greater powers to local authorities and communities in controlling their opening and regulation.

CPS has been invited to work with the Mayor of London's office, the police and voluntary groups to help crack down on prostitution and human trafficking ahead of the London 2012 Games; in particular the advertising of brothels and prostitution services. The Chief Executives of the major mobile operators have also been invited to discuss how mobile numbers on advertising cards could be taken out of use. In clamping down on these services ahead of the Games, it is hoped that the demand for prostitution and the consequential trafficking of women to feed that demand can be reduced.

165 offences of controlling prostitution were prosecuted in 2007-08, and 134 in 2008-09, with more prosecuted for controlling prostitution for gain (93 in 2008-09 compared with 67 in 2007-08) and less for soliciting of a woman by a man (24 in 2008-09 compared with 82 in 2007-08). There was an increase in prosecution of offences related to managing a brothel (91 prosecutions in 2008-09 compared with 58 in 2007-08), in line with the government policy of focusing on those controlling prostitution and viewing those working within prostitution as victims, thereby aiming to divert them from the criminal justice system. There were also less prosecutions for kerb crawling possibly related to diversion of crimes e.g. conditional cautions and more prosecutions for advertising prostitution.

Prostitution

Eight people – six women and two men – were sentenced in February 2009 to a total of 17 and a half years' imprisonment for a range of offences including trafficking a woman for sexual exploitation, managing a brothel, conspiracy to control prostitution for gain, money laundering and causing or inciting prostitution for gain. All the defendants had pleaded guilty to the offences.

The court heard how the victim, a young mother of two, was trafficked into the UK to pay off a vast debt. She had been told she would be a waitress, but on arrival she was put to work against her will in a series of brothels across Britain. Each day she was forced to have sex with up to 15 men, some of whom beat her or forced her to perform perverse and violent sexual acts. At one stage she fled her "owners'" clutches only to be tricked into the hands of another trafficker. She was eventually rescued by one of her clients who alerted police. In sentencing them the judge said that each of them were exploiting her and profiting from her.

Offences reaching a hearing in magistrates' courts

Table 1 - Control of prostitution

	2007-08	2008-09
	Volume	Volume
Causing or inciting prostitution for gain Sexual Offences Act 2003 {52}	16	17
Controlling prostitution for gain Sexual Offences Act 2003 {53}	67	93
Persistent soliciting of a woman by a man for the purpose of prostitution Sexual Offences Act 1985 {2(1)}	82	24
Total	165	134

Table 2 - Managing a brothel

	2007-08	2008-09
	Volume	Volume
Keeping a brothel Sexual Offences Act 1956 {33}	56	83
Landlord letting for use as a brothel Sexual Offences Act 1956 {34}	0	0
Tenant permitting premises to be used as a brothel Sexual Offences Act 1956 {35(1)}	1	6
Tenant permitting premises to be used for prostitution Sexual Offences Act 1956 {36}	1	2
Total	58	91

Table 3 - Kerb crawling

	2007-08	2008-09
	Volume	Volume
Sexual Offences Act 1985 {1(1)(a)}	439	331
Sexual Offences Act 1985 {1(1)(b)}	13	10
Total	452	341

Table 4 - Advertising prostitution

	2007-08	2008-09
	Volume	Volume
Placing of adverts in phone boxes Criminal Justice and Police Act 2001{46}	330	349

* The figures in Tables 1 to 4 represent numbers of offences in which a prosecution commenced, not defendants.

Pornography

Crown Prosecution Service records identify by Act and Section the volume of offences in which a prosecution commenced in magistrates' courts. However, no information is held on the outcome of proceedings at this level of detail, case outcomes being recorded at defendant rather than at specific offence level. During the prosecution process an offence may be amended one or more times, but CPS records provide no information as to whether the original offence remained the substantive charge at the conclusion of proceedings.

The Pornography and Obscenity seminar held in October 2008 equipped prosecutors with an understanding of the relevant laws and procedure required to prosecute cases involving indecent images of children, obscenity offences, and the new offence of possession of extreme pornography.

During 2008-09, a number of pornography and other offences were charged and reached at least one hearing in magistrates' courts under the Protection of Children Act 1978; Obscene Publications Act 1959; Malicious Communications Act 1988; Criminal Justice Act 1988; Public Indecent Displays (Controls) Act 1981; Criminal Justice and Immigration Act 2008 and Communications Act 2003. CPS records identify the volume of proceedings commencing under the Communications Act but do not distinguish communications related to pornography from those which were not.

Pornography offence findings

In 2008-09 a prosecution commenced in respect of 791 offences of indecent or grossly offensive material, 152 offences related to obscene publications, 1,278 offences of sending a grossly offensive or indecent communication, 659 offences of causing annoyance, inconvenience or needless anxiety to another person, and 2 (new) offences of possession of extreme pornographic images. Table 1 shows the numbers of obscenity offences in 2007-08 and 2008-09.

Table 1 - Obscenity offences

	2007-08	2008-09
	Volume	Volume
Malicious Communications Act 1988 Sections {1(1)(a) & (1)(b)} - indecent or grossly offensive material	566	791
Obscene Publications Act 1959 {2(1)} - obscene publications	111	152
Communications Act 2003 {127(1)(a), (1)(b) and (3)} - grossly offensive or indecent communications	1,037	1,278
Communications Act 2003 {127(2)(a), (2)(b), (2)(c) and (3)} - causing annoyance, inconvenience or needless anxiety to another person	568	2,659
Criminal Justice and Immigration Act 2008 {63(1), (7)(d) and (67)(3)} - possession of extreme pornographic images	0	2

Table 2 shows the number of offences involving images of child abuse in 2007-08 and 2008-09. These comprised 4,241 offences of possession of an indecent photograph of a child, and 14,656 offences of sexual exploitation of children through photographs, of which 13,454 were offences of making an indecent photograph of a child, 931 were offences of distributing an indecent photograph of a child, 258 were offences of showing indecent photographs, and 13 were offences of publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children.

Table 2 - Child abuse image offences

	2007-08	2008-09
	Volume	Volume
Criminal Justice Act 1988 (160) - possession of an indecent photograph of a child	3,079	4,241
<i>Sexual exploitation of children through photographs... of which</i>	<i>11,873</i>	<i>14,656</i>
Protection of Children Act 1978 {1(1)(a)} - making an indecent photograph of a child	10,832	13,454
Protection of Children Act 1978 {1(1)(b)} - distributing an indecent photograph of a child	678	931
Protection of Children Act 1978 {1(1)(c)} - showing indecent photographs of children	345	258
Protection of Children Act 1978 {1(1)(d)} - publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	18	13

* The figures in Tables 1 and 2 represent numbers of offences in which a prosecution commenced, not defendants.

Case study 1

A sex offender received an indeterminate sentence of imprisonment with a minimum term of five years after raping a child and sexually assaulting young children. The defendant had a sexual preference for young girls and was arrested as part of a Scotland Yard operation.

The defendant admitted one charge of raping a child under 13, six sexual assaults of children and two sexual assaults by penetration of children. He also admitted two offences of making indecent images of children, four charges of distributing indecent photographs of children and ten offences of possessing indecent photographs of children.

36,146 indecent pictures of children and 660 movies were found on the defendant's computer. There was evidence that the defendant had distributed images and traded them with others and that the defendant had groomed his victims before taking advantage of them.

The defendant has been placed on the sex offenders' register and is disqualified from working with children for life.

Case study 2

A defendant caught with more than 1,000 indecent images of children, including an "instructional video" on how to abuse babies, has been jailed for 16 months.

The defendant also created an online alter ego of a young girl to trick other children into chatting with him. One of the movies he sent to a fellow chat room user was called Pre-teen Story, which showed how to abuse children of all ages.

He was sentenced after admitting to 20 charges of making indecent images, five of possession of images and five of distributing indecent images of children. He also asked for a further 37 offences of distributing indecent images to be taken into account.

Many of the pictures were at category five, the most serious level. The defendant has to sign the sex offenders' register for 10 years, and was also made the subject of a sexual offences prevention order.

Case study 3

A man caught with indecent images of children was apprehended by officers after authorities in Italy alerted police to the fact he had been accessing child abuse websites and sharing indecent images of children. Police discovered he had sent out more than 3,100 indecent images of children to other people through chat rooms.

The defendant was sentenced to 18 months' imprisonment, and was also indefinitely banned from working with children and ordered to sign the sex offenders' register for the next 10 years. He was also made the subject of a sexual offences prevention order, which means he has to notify police if he uses a computer, and cannot use software which deletes images.

Crimes against older people

The Crown Prosecution Service recognises that crimes against older people (CAOP) take place in a context of a growing older population in which older people can experience negative and even prejudiced attitudes. CPS addresses the effective and successful prosecution of CAOP as an age equality issue. CPS is determined to play its part in challenging negative attitudes towards older people manifest as crimes against them.

To this end, the crimes against older people public policy statement and guidance for prosecutors was launched in July 2008. The CPS published the public policy statement and guidance for prosecutors to help older people, their families, communities and the general public to be confident that the serious nature of these crimes is understood.

In order to monitor the effectiveness of CPS prosecutions in this area, the crimes against older people 'flag' was created for use on the electronic case management system. The flag applies to crimes:

- where there is a relationship and an expectation of trust. For example, theft or assault by a carer or family member;
- which are specifically targeted at the old person because they are perceived as being vulnerable or an 'easy target'. For example, a distraction burglary or a mugging;
- which are not initially related to the older person's age but later do so. For example, a burglary where the burglar does not know the age of the householder but later exploits the situation on discovering that the householder is an older person; and
- which appear to be in part, or wholly motivated by hostility based on age, or perceived age. For example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age.

The volume of cases coming through the system, and the successful prosecution outcome rate during this first year that the policy has been in place, are encouraging. However, of course there is always room for improvement.

The CPS is planning a themed review of the progress in implementing the crimes against older people policy and guidance across the country which will commence later in 2009-10. Themed reviews allow further analysis of factors affecting the performance of a particular service delivery area and help Areas to identify action needed to improve outcomes. This review will provide the necessary focus to respond to concerns about CPS performance and send the clear message that CPS is committed to improving the service to older people.

Historically CAOP were included in the VAW work as the majority of older people are women and therefore more women are likely to be victims of these crimes. The research also indicates that there can be an overlap with domestic violence - abuse by partners over decades or abuse by a family carer - within a pattern of power and control. However, CPS recognises that CAOP are different from other VAW crimes in that the prime factor within CAOP is age rather than gender. In addition, the 2008-09 data also indicates that more perpetrators are women (24%) than in VAW crimes generally, where the pattern is primarily of violence by men against women.

1004 defendants were prosecuted in 2008-09 as crimes against older people, with 78% successful and 21% unsuccessful outcomes. 76% of defendants were men.

Table 1 - Crimes against the older person in 2008-2009

	Male		Female		Unknown	
	Volume	%	Volume	%	Volume	%
Convictions	601	79.1%	188	77.4%	1	100.0%
Unsuccessful	159	20.9%	55	22.6%	0	0.0%
Total	760		243		1	

Annex 1: Prosecutions by Area**CPS total violence against women prosecutions**

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	56,438	71.9%	22,085	28.1%	78,523
Avon & Somerset	1,359	73.6%	488	26.4%	1,847
Bedfordshire	467	68.3%	217	31.7%	684
Cambridgeshire	673	73.0%	249	27.0%	922
Cheshire	1,247	73.4%	451	26.6%	1,698
Cleveland	933	69.9%	402	30.1%	1,335
Cumbria	595	75.6%	192	24.4%	787
Derbyshire	1,265	71.1%	513	28.9%	1,778
Devon & Cornwall	1,202	75.1%	398	24.9%	1,600
Dorset	683	72.0%	265	28.0%	948
Durham	897	79.7%	229	20.3%	1,126
Dyfed Powys	395	79.5%	102	20.5%	497
Essex	1,110	68.9%	502	31.1%	1,612
Gloucestershire	712	75.0%	237	25.0%	949
Greater Manchester	3,515	74.3%	1,219	25.7%	4,734
Gwent	663	68.8%	301	31.2%	964
Hampshire	2,143	68.4%	988	31.6%	3,131
Hertfordshire	706	68.1%	330	31.9%	1,036
Humber-side	1,297	81.8%	288	18.2%	1,585
Kent	1,417	75.5%	459	24.5%	1,876
Lancashire	3,745	77.8%	1,070	22.2%	4,815
Leicestershire	1,052	71.1%	428	28.9%	1,480
Lincolnshire	530	75.5%	172	24.5%	702
Merseyside	1,635	68.1%	765	31.9%	2,400
Metropolitan & City	5,791	62.0%	3,545	38.0%	9,336
Norfolk	979	80.2%	242	19.8%	1,221
Northamptonshire	412	73.2%	151	26.8%	563
Northumbria	1,901	70.1%	812	29.9%	2,713
North Wales	964	80.7%	230	19.3%	1,194
North Yorkshire	577	75.4%	188	24.6%	765
Nottinghamshire	1,001	70.0%	429	30.0%	1,430
South Wales	1,527	68.4%	707	31.6%	2,234
South Yorkshire	1,595	75.1%	530	24.9%	2,125
Staffordshire	1,220	72.8%	455	27.2%	1,675
Suffolk	814	83.3%	163	16.7%	977
Surrey	445	73.0%	165	27.0%	610
Sussex	1,357	72.1%	524	27.9%	1,881
Thames Valley	1,726	69.5%	758	30.5%	2,484
Warwickshire	396	85.5%	67	14.5%	463
West Mercia	989	81.1%	230	18.9%	1,219
West Midlands	3,320	69.4%	1,465	30.6%	4,785
West Yorkshire	2,475	72.2%	953	27.8%	3,428
Wiltshire	708	77.5%	206	22.5%	914

CPS total domestic violence prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	48,465	72.2%	18,629	27.8%	67,094
Avon & Somerset	1,186	75.0%	396	25.0%	1,582
Bedfordshire	412	68.4%	190	31.6%	602
Cambridgeshire	547	73.5%	197	26.5%	744
Cheshire	1,107	73.4%	401	26.6%	1,508
Cleveland	789	68.7%	360	31.3%	1,149
Cumbria	537	77.7%	154	22.3%	691
Derbyshire	1,132	71.6%	449	28.4%	1,581
Devon & Cornwall	1,022	74.7%	347	25.3%	1,369
Dorset	580	70.9%	238	29.1%	818
Durham	785	80.8%	187	19.2%	972
Dyfed Powys	339	80.3%	83	19.7%	422
Essex	953	69.1%	427	30.9%	1,380
Gloucestershire	650	76.7%	198	23.3%	848
Greater Manchester	3,022	75.1%	1,001	24.9%	4,023
Gwent	569	69.0%	256	31.0%	825
Hampshire & IOW	1,839	68.9%	829	31.1%	2,668
Hertfordshire	618	69.1%	277	30.9%	895
Humberstone	1,143	82.6%	240	17.4%	1,383
Kent	1,152	75.5%	373	24.5%	1,525
Lancashire	3,436	78.3%	954	21.7%	4,390
Leicestershire	929	71.8%	365	28.2%	1,294
Lincolnshire	459	76.2%	143	23.8%	602
Merseyside	1,458	67.5%	702	32.5%	2,160
Metropolitan & City	4,452	61.9%	2,741	38.1%	7,193
Norfolk	839	80.0%	210	20.0%	1,049
Northamptonshire	317	72.9%	118	27.1%	435
Northumbria	1,695	70.2%	712	29.8%	2,416
North Wales	854	80.4%	208	19.6%	1,062
North Yorkshire	477	76.7%	145	23.3%	622
Nottinghamshire	863	69.7%	376	30.3%	1,239
South Wales	1,354	69.0%	607	31.0%	1,961
South Yorkshire	1,388	74.8%	468	25.2%	1,856
Staffordshire	1,042	72.8%	389	27.2%	1,431
Suffolk	732	84.2%	137	15.8%	869
Surrey	339	74.2%	118	25.8%	457
Sussex	1,160	72.7%	436	27.3%	1,596
Thames Valley	1,487	69.4%	657	30.6%	2,144
Warwickshire	345	87.1%	51	12.9%	396
West Mercia	840	81.6%	189	18.4%	1,029
West Midlands	2,799	68.8%	1,269	31.2%	4,068
West Yorkshire	2,183	72.2%	842	27.8%	3,025
Wiltshire	635	77.9%	180	22.1%	815

CPS total rape prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	2,018	57.7%	1,477	42.3%	3,495
Avon & Somerset	37	47.4%	41	52.6%	78
Bedfordshire	9	39.1%	14	60.9%	23
Cambridgeshire	29	58.0%	21	42.0%	50
Cheshire	34	69.4%	15	30.6%	49
Cleveland	26	63.4%	15	36.6%	41
Cumbria	9	37.5%	15	62.5%	24
Derbyshire	38	53.5%	33	46.5%	71
Devon & Cornwall	35	71.4%	14	28.6%	49
Dorset	22	68.8%	10	31.3%	32
Durham	53	69.7%	23	30.3%	76
Dyfed Powys	6	46.2%	7	53.8%	13
Essex	50	65.8%	26	34.2%	76
Gloucestershire	25	56.8%	19	43.2%	44
Greater Manchester	179	60.9%	115	39.1%	294
Gwent	27	58.7%	19	41.3%	46
Hampshire & IOW	72	55.0%	59	45.0%	131
Hertfordshire	25	54.3%	21	45.7%	46
Humber-side	39	70.9%	16	29.1%	55
Kent	68	65.4%	36	34.6%	104
Lancashire	77	64.7%	42	35.3%	119
Leicestershire	21	43.8%	27	56.3%	48
Lincolnshire	13	61.9%	8	38.1%	21
Merseyside	37	62.7%	22	37.3%	59
Metropolitan & City	340	47.0%	384	53.0%	724
Norfolk	29	67.4%	14	32.6%	43
Northamptonshire	16	53.3%	14	46.7%	30
Northumbria	42	58.3%	30	41.7%	72
North Wales	23	67.6%	11	32.4%	34
North Yorkshire	19	55.9%	15	44.1%	34
Nottinghamshire	29	69.0%	13	31.0%	42
South Wales	52	52.5%	47	47.5%	99
South Yorkshire	55	72.4%	21	27.6%	76
Staffordshire	50	64.1%	28	35.9%	78
Suffolk	12	48.0%	13	52.0%	25
Surrey	19	59.4%	13	40.6%	32
Sussex	44	58.7%	31	41.3%	75
Thames Valley	46	52.3%	42	47.7%	88
Warwickshire	16	66.7%	8	33.3%	24
West Mercia	34	69.4%	15	30.6%	49
West Midlands	127	57.7%	93	42.3%	220
West Yorkshire	106	65.4%	56	34.6%	162
Wiltshire	28	71.8%	11	28.2%	39

CPS total sexual offences excluding rape prosecutions

	2008-09				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
42 Areas	5,955	75.1%	1,979	24.9%	7,934
Avon & Somerset	136	72.7%	51	27.3%	187
Bedfordshire	46	78.0%	13	22.0%	59
Cambridgeshire	97	75.8%	31	24.2%	128
Cheshire	106	75.2%	35	24.8%	141
Cleveland	118	81.4%	27	18.6%	145
Cumbria	49	68.1%	23	31.9%	72
Derbyshire	95	75.4%	31	24.6%	126
Devon & Cornwall	145	79.7%	37	20.3%	182
Dorset	81	82.7%	17	17.3%	98
Durham	59	75.6%	19	24.4%	78
Dyfed Powys	50	80.6%	12	19.4%	62
Essex	107	68.6%	49	31.4%	156
Gloucestershire	37	64.9%	20	35.1%	57
Greater Manchester	314	75.3%	103	24.7%	417
Gwent	67	72.0%	26	28.0%	93
Hampshire & IOW	232	69.9%	100	30.1%	332
Hertfordshire	63	66.3%	32	33.7%	95
Humberside	115	78.2%	32	21.8%	147
Kent	197	79.8%	50	20.2%	247
Lancashire	232	75.8%	74	24.2%	306
Leicestershire	102	73.9%	36	26.1%	138
Lincolnshire	58	73.4%	21	26.6%	79
Merseyside	140	77.3%	41	22.7%	181
Metropolitan & City	999	70.4%	420	29.6%	1,419
Norfolk	111	86.0%	18	19.4%	129
Northamptonshire	79	80.6%	19	19.4%	98
Northumbria	164	72.9%	61	27.1%	225
North Wales	87	88.8%	11	11.2%	98
North Yorkshire	81	74.3%	28	25.7%	109
Nottinghamshire	109	73.2%	40	26.8%	149
South Wales	121	69.5%	53	30.5%	174
South Yorkshire	152	78.8%	41	21.2%	193
Staffordshire	128	77.1%	38	22.9%	166
Suffolk	70	84.3%	13	15.7%	83
Surrey	87	71.9%	34	28.1%	121
Sussex	153	72.9%	57	27.1%	210
Thames Valley	193	76.6%	59	23.4%	252
Warwickshire	35	81.4%	8	18.6%	43
West Mercia	115	81.6%	26	18.4%	141
West Midlands	394	79.3%	103	20.7%	497
West Yorkshire	186	77.2%	55	22.8%	241
Wiltshire	45	75.0%	15	25.0%	60

Glossary

Violence against Women

Domestic violence:	any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those ¹³ who are or have been intimate partners or family members, regardless of gender or sexuality. Family members include mother, father, son, daughter, sister, and grandparents, whether directly related, in laws or step family.
Rape:	any defendant charged with one or more of the following offences – <ul style="list-style-type: none"> • S1 Sexual Offences Act 1956 • S5 Sexual Offences Act 1956 <ul style="list-style-type: none"> – An attempt to commit one of the above offences under the Criminal Attempts Act 1981 • S1 Sexual Offences Act 2003 • S5 Sexual Offences Act 2003 • S30(3) Sexual Offences act 2003 <ul style="list-style-type: none"> – An attempt to commit one of the above offences under the Criminal Attempts Act 1981 Incitement or conspiracy to commit any of the above offences
Sexual offences exc. rape:	any defendant whose principal offence category, at finalisation, is a sexual offence excluding rapes.

Monitoring flags:	sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case.
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Case outcomes

Pre-charge decisions:	In all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be, in accordance with the Director's Guidelines.
Charged:	cases where the CPS' decision is to charge.
Request for further evidence:	where further information or action is requested or deemed necessary.
No prosecution:	those cases where the CPS' decision is not to prosecute, for evidential or public interest reasons.
All other decisions:	where a caution, reprimand or final warning are given; where the offence has been taken into consideration in relation to other charges; or where the defendant has failed to answer to bail and a warrant is outstanding.

¹³ In CPS cases are monitored for both adults and under 18s

Prosecutions:	all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
<u>Unsuccessful outcomes:</u>	all completed prosecutions where the defendant is not convicted, comprising the following:
Administrative finalisation:	when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died, or is found unfit to plead; or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.
Discharged committals:	committal proceedings in which the defendant is discharged. Following a discharge a case can be reinstated.
Discontinued and withdrawn:	consideration of the evidence and of the public interest may lead the CPS to discontinue proceedings at any time before the start of the trial. Included here are cases formally discontinued in advance of the hearing, those in which no evidence was offered, and those withdrawn at court. Also included are cases in which the defendant was bound over to keep the peace.
Dismissed after full trial:	cases in which the defendant pleads not guilty and proceedings are dismissed by the magistrates after hearing the defence case.
No case to answer:	cases in which the defendant pleads not guilty and prosecution evidence is heard, but proceedings are dismissed by the magistrates without hearing the defence case.
Judge directed acquittal:	cases where at the close of the prosecution case against the defendant, a successful submission of 'no case' or 'unsafe' is made on behalf of the defendant, and the judge directs an acquittal rather than allow the case to be determined by the jury.
Jury acquittal:	when the defendant pleads not guilty and, following a trial, is acquitted by the jury.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Guilty plea:	where the defendant pleads guilty.
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Proof in absence:	these are lesser offences which are heard by the court in the absence of the defendant.

Reason categories for unsuccessful outcomes

Evidential:	where the prosecutor decides there is insufficient evidence to provide a realistic prospect of conviction.
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Public interest:	where there is considered to be sufficient evidence but the prosecutor decides that public interest factors weigh against prosecution.
Unable to proceed:	where the evidence and the public interest support a prosecution, but circumstances make it impossible for the case to proceed.
Other reasons:	where the defendant is bound over, acquitted or dismissed after trial, or no other option is appropriate.
Administrative finalisation:	CPS records an administrative finalisation when a prosecution cannot proceed because a defendant has failed to appear at court and a Bench Warrant has been issued for his or her arrest; or the defendant has died; or is found unfit to plead; or where proceedings are adjourned indefinitely. If a Bench Warrant is executed the case may be reopened.

Reasons for unsuccessful outcomes

Victim retraction:	where the evidence of the victim supports the prosecution case, the victim refuses to be called as a witness, or retracts, or withdraws a complaint.
Victim non attendance:	the victim is called as a witness in a trial, but fails to attend court.
Victim evidence does not support case:	the evidence of the victim of an offence does not support the prosecution of the defendant, leading to an unsuccessful outcome, but the victim however, has not retracted.
Caution:	the defendant is charged with a criminal offence, but it is subsequently decided that a caution is more suitable than prosecution.
Bindover:	the defendant is charged with a criminal offence, but agrees to be bound over.
Essential legal element:	the prosecution cannot continue because an essential legal element is missing from the prosecution case.
Witness or witnesses were unreliable:	the evidence of a prosecution witness or witnesses, other than the victim, is considered unreliable, leading to an unsuccessful outcome.
Conflicts of evidence:	contradictions in prosecution evidence lead to an unsuccessful outcome.
Effect on victim or witness's physical or mental health:	the case does not proceed because the victim or witness is in ill health, whether physical or mental.
Acquittals after trial:	the defendant is found not guilty by the magistrates or jury after a contested hearing in which the defence is called on to present its case.
Principal offence category:	charged offences are allocated one of twelve offence categories to indicate the type and seriousness of the charges brought against the defendant.

664

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