

Violence against Women and Girls Crime Report

2011-2012

- CPS data on successful rape prosecutions include not only cases initially charged and flagged as rape, but also cases where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the Ministry of Justice (MoJ) data on convictions of cases charged and convicted for rape. The flag is applied from the onset of the case; this flag will remain in place even if the rape charge is subsequently amended. The MoJ data is provided to contextualise the CPS performance data. This is for a calendar, rather than financial, year and only includes cases where the final conviction was for rape.
- Since 2007-08⁷, CPS performance management data has illustrated an increase of 10% in the volume of prosecutions and 19% in the volume of defendants convicted; the volume of defendants prosecuted has fallen slightly over the last year to 3,864;
- However, in 2011-12, most Areas⁸ increased the proportion of cases charged by CPS following referral from the police;
- More than half of the Areas⁹ also increased their caseload as a proportion of all indictable only offences;
- CPS successful outcomes¹⁰ rose by 4% in the last year to 62.5% - the highest recorded CPS conviction rate for rape since recording began;
- Ten Areas improved their attrition in the last year, three by over 10%;
- Guilty pleas increased even more - by 4.2% - from 35.7% in 2010-11 to 39.9% in 2011-12. Of all successful outcomes, 64% were due to guilty pleas, an increase of 3% from 61% in the previous year;
- Unsuccessful outcomes due to victim issues fell from 13.9% to 12% in 2011-12;
- A sample of approximately 25% of rape cases in each Area were assessed in more detail as part of the VAWG Assurance system bi-annually identifying local good practice and improvements;
- By February 2012, 849 rape specialist prosecutors were trained in the merits-based approach to deal with rape prosecutions;
- Guidance on charging perverting the course of justice in cases involving complainants in rape and/or domestic violence cases was published in July 2011; all potential cases were referred to the DPP for decisions for one year;
- A number of case studies are provided illustrating improvements in rape prosecutions through the merits-based approach; the introduction of Rape and Serious Sexual Offences (RASSO) Units; victim confidence; youth cases; multi-agency training and local support for victims through Independent Sexual Violence Advisers (ISVAs).

Sexual offences (excluding rape)

- 8,334 defendants were prosecuted in 2011-12 for sexual offences, excluding rape;
- The proportion of successful outcomes rose to 75.7%, with a rise of nearly 3% in guilty pleas to 63% (83% of all successful outcomes);

⁷ CPS monitoring of rape cases started later than domestic violence.

⁸ 10 Areas increased their Charge to No Further Action ratio

⁹ Eight Areas increased their rape caseload as a percentage of all indictable only offences

¹⁰ Outcomes from charge to conviction.

Gang rape

In a London case, two 13 year old gang members were convicted for the rape of an 11 year old girl. The first incident involved one boy coercing the victim into anal sex reluctantly. The next week a group of boys informed her that 'she would have to do it with all of them'. Again she was coerced into acquiescing, crying throughout the experience. She later told a health worker that she had agreed but in the context of not wanting to go to the police. Another incident occurred at a later time. At first the victim did not want to co-operate with the police and when she did, she had to move out of the area because of the youth community hostility.

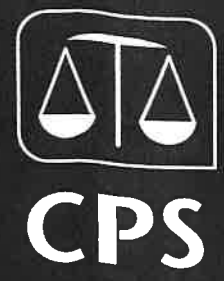
The CPS prosecuted this case robustly with the reviewing lawyer applying the merits-based approach. The victim's account and capacity raised questions for the prosecution who were well aware that it was likely that she was targeted precisely because of these vulnerabilities. However these concerns were outweighed by the merits of her evidence, which clearly identified her assailants and confirmed the nature of the assaults she had suffered. This was reflected in the judge's findings in relation to the victim, accepting her evidence, which involved some voluntary association with the defendants and an acceptance that she had not explicitly refused consent, whilst rejecting the suggestion of willing consent. The jury convicted both boys and they were sentenced to detention. The CPS also successfully applied for restraining orders in respect of both defendants given the background association with the defendants in the area.

Cross-government Vulnerable and Intimidated Witness Steering Group

The Ministry of Justice has recently set up a cross-Government stakeholder steering group which brings together policy leads to promote a joined up approach with work relating to vulnerable and intimidated victims and witnesses. The steering group is a forum for promoting a joined up approach of working with other government departments and to keep under review the measures/support available to assist vulnerable and intimidated victims and witnesses throughout the criminal justice process. The CPS is a member of the steering group, recognising it as an invaluable forum for ensuring that the needs of victims and witnesses are met.

Teenage sexual assaults

A 17 year old boy was predatory and relentless in his targeting of teenage girls. He became acquainted with ten young girls aged between 10 and 17 who were all somewhat troubled and vulnerable, pressured them into sexual activity paying no regard for their real wishes, and then on occasion videoed their sexual activities. Following advice from the RASSO unit, he was charged with a total of 23 counts including rape, child sexual activity and making indecent images. He pleaded guilty to three counts of sexual activity and was convicted of a further 12 counts after trial including one count of rape. He was found to be dangerous and sentenced to an extended sentence of 5 years.



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Foreword by the Director of Public Prosecutions

Improving our approach to Violence against Women and Girls (VAWG) prosecutions has been a priority for the CPS for a number of years, so I am delighted that our performance has continued to improve year on year. For the first time, three out of four VAWG prosecutions now result in a conviction. Domestic violence, rape and sexual offence prosecutions have reached their highest conviction rate to date, for the second year running.

Our focus over the last few years has been honed to understand the vulnerability and intimidation of VAWG victims. A combination of factors has led to these improvements. Every CPS Area has integrated VAWG into their mainstream work through Area VAWG Coordinators, with clear ownership by their Chief Crown Prosecutors. The bi-annual VAWG Assurance process introduced in 2011 has also been crucial in securing continuous improvement in conviction rates and the quality of prosecutions of VAWG crimes.

We have worked to challenge the myths and stereotypes about rape victims, selecting and training specialist rape prosecutors to adopt a merits-based approach to cases. Our work in this area was supported by the report by Alison Levitt QC on *Charging perverting the course of justice and wasting police time in cases involving allegedly false rape and domestic violence allegations*, published in March 2013, which found that false allegations in these situations are rare.

In 2012-13 we also undertook some focused work on the difficult issues associated with child sexual exploitation and abuse, forced marriage, honour-based violence and Female Genital Mutilation.

I held a series of roundtables with key stakeholders including victim groups, the judiciary and the media, to help develop guidelines for the police and prosecutors on child sexual abuse (CSA). We have explicitly announced refocusing assessments of cases onto the credibility of the allegation and the suspect, rather than that of the victim. We have also established a new Child Sexual Abuse Review Panel with ACPO to review cases of historic child sexual abuse.

The support from stakeholders this year has been immense, not only on child sexual abuse, teenage relationship abuse and female genital mutilation but also through quarterly meetings of the VAWG External Consultation Group and the Community Accountability Forum.

Although the CPS has made significant progress on VAWG during the last five years, there is still more to do, so we remain committed to building on our achievements, learning from our mistakes and working with our stakeholders to ensure a better service for the victims of these abhorrent crimes.

Keir Starmer QC
Director of Public Prosecutions
July 2013

The following case illustrates the use of RASSO Units.

RASSO good practice

CPS South East established a Rape and Serious Sexual Offences unit in February 2012, with teams in each of its three Districts. There has been strong commitment from the senior management team to driving forward the unit. Service Level Agreements were updated to outline expectations from the CPS and the police force. Good practice and benefits were identified:

- Cases are discussed more regularly and early advice given to assist investigations and future prosecutions.
- Improvements in general performance and assistance to improved detection rates.
- Each force sees the rape coordinators as passionate about the RASSO subject and they are integral to the police scrutiny process.

They also received positive feedback from counsel instructed by the RASSO Units - identifying well prepared cases, with early obtaining and reviewing of unused material with relevant agencies. Support is provided to witnesses through regular offer of special measures meetings.

Trained rape specialist prosecutors and members of the Bar

By January 2013, a total of 819⁴⁵ rape specialist prosecutors were trained in the merits-based approach to deal with rape prosecutions. In March 2013 a further five courses were held, training 54 more specialists, bringing the total to 873.

In 2012-13 the CPS accredited a number of sexual offence courses run by the Bar for its members, and provided speakers to address CPS policy on prosecuting rape.

Rape advocates and interlocutory hearings

To ensure that all hearings in rape cases are prosecuted to the highest possible standard, the rape guidance now emphasises that the instructed advocate is expected to conduct all hearings, and not just the trial. This includes, wherever possible, interlocutory hearings including defence applications for bail. Where the instructed advocate is not available another accredited advocate from the same Chambers (or a CPS rape specialist in the case of an in-house HCA) should conduct the hearing having been briefed by the instructed advocate.

⁴⁵ 726 Area rape specialists, 88 CPS Direct and 5 Serious Crime Group.

