



**CPS**

# **Violence against Women and Girls Crime Report**

2013-2014

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# Foreword by the Director of Public Prosecutions

As my first report on Violence against Women and Girls (VAWG) since I took up post as Director of Public Prosecutions in November 2013, I am pleased to announce that the volumes of police referrals, defendants charged and prosecutions have risen dramatically, culminating in an 11% increase in the volume of VAWG defendants convicted in 2013-14.

For domestic violence, prosecutions reached (74.6%), the highest recorded conviction rate ever, and rising for the third year running; with 58,276 defendants convicted, a rise of nearly 6,000 defendants since 2012-13.

Across VAWG we have worked with the police to address the fall in volumes which we identified in the last VAWG report (2012-13); succeeding in an overall turnaround during 2013-14. However, for rape, despite beginning to see a rise in volumes, with a 25% rise in defendants charged during 2013-14, the conviction rate fell. We are taking this extremely seriously and have drawn up a National Rape Action Plan with the police, to deliver changes following a National Rape Scrutiny Panel that I co-chaired with the National Police lead on rape in April 2014. We have pledged our commitment to addressing the issues preventing rape cases from successfully progressing through the criminal justice system to ensure *both* a rise in volumes and proportions.

The Plan for 2014-15 includes a review of CPS Rape and Serious Sexual Offence (RASSO) Units and instruction of appropriate advocates in rape trials, aiming at implementing steps to produce improved outcomes for rape cases. Alongside the National Rape Action Plan, a review into the investigation and prosecution of rape cases will be held in the Metropolitan Area, carried out by Dame Elish Angiolini QC. Later in 2014 we plan to hold a National Conference with all specialist rape prosecutors and police rape leads to raise awareness of key issues such as the legislation on consent, challenging myths and stereotypes, updating of the police/CPS rape protocol and ways to address the vulnerability of rape victims.

All this work links clearly to the CPS three priorities – casework quality, our service to victims and giving staff the tools and skills to do the job. Through focusing on these issues we can deliver a more consistent service to VAWG victims. The support from stakeholders this year has been immense, not only on rape, female genital mutilation (FGM), child sexual abuse (CSA), stalking and human trafficking but also through quarterly meetings of the VAWG External Consultation Group and the Community Accountability Forum. I would like to thank them all for their assistance and support.

In 2013-14 we have helped cross-government work on FGM, trafficking, stalking and CSA, including development of specific CPS action plans. In 2013 we launched our guidance on CSA and trained our specialists. We have specialist FGM prosecutors who led on agreeing protocols with every local police force. We are exploring lessons from other jurisdictions on FGM and supporting discussions on national legislative changes. In 2014 we launched the plan on human trafficking and slavery. We updated guidance on stalking and are now developing a joint protocol with the police.

I am incredibly proud of what the CPS has achieved in recent years in tackling VAWG issues, in no small part due to the leadership shown by dedicated VAWG coordinators in every CPS Area. 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 crimes.

**Alison Saunders CB**  
**Director of Public Prosecutions**  
**July 2014**

# Executive Summary

This report is an analysis of the key prosecution issues in each Violence against Women and Girls (VAWG) strand - domestic violence (DV), rape, sexual offences, stalking, harassment, forced marriage, honour based violence, female genital mutilation, child abuse, human trafficking, prostitution and pornography. We recognise that most of these offences are targeted at male victims as well as female victims. A number of case studies are used to illustrate some good practice from Areas.

In line with government policy, we publish the underlying data used in our reports. The underlying data for this report<sup>1</sup> can be found on the CPS website, in the Publications section under Underlying Data: [Violence Against Women and Girls](#).

This VAWG report is the first that will report in more detail on police referrals of VAWG cases as well as charging decisions.

## Violence against women and girls

VAWG continues to be a top priority for the CPS and the government, as detailed in the Cross Government VAWG Action Plan, overseen by the VAWG Inter-Ministerial Group.

Since the introduction of the recording of VAWG crimes<sup>2</sup>, we have reached the highest level of police referrals of VAWG defendants for charging decisions. In 2013-14 109,419 defendants were referred to CPS – a rise of 15,905 referrals (17%) from 2012-13 and higher than the previous highest level in 2010-11. This rise was also reflected in the volume and proportion charged<sup>3</sup> – reaching 76,526 (69.9%) – a rise of 13,448 charged defendants (21.3%) from 2012 -13 and the highest ever. Out of court disposals at the pre-charge stage have also reached the lowest level to date (1,296, just over 1% of all referrals). This improvement has illustrated the importance of CPS identifying the issue of volumes of referrals and charging, in the last VAWG crime report and addressing it.

The volumes of VAWG crimes prosecuted<sup>4</sup> in 2013-14 rose by 8,351 from 82,165 in 2012-13 to 90,516, over 10% rise, but not yet reaching the 2010-11 highest level<sup>5</sup>. Likewise the volume convicted rose by 6,527 from 60,853 in 2012-13 to 67,380 in 2013-14<sup>6</sup>, an 11% rise. Although the volume charged has risen, there will be a slight delay in that effecting completed prosecutions and outcomes, as the cases move through the court system over

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<sup>1</sup> Data is reported throughout this report; any additional underlying data is provided in the annex.

<sup>2</sup> Data for 'VAWG crimes' grouped together includes domestic violence, rape and sexual offences (except pre-charge data for sexual offences). Data from other VAWG strands is reported on separately.

<sup>3</sup> The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of the year, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported in previous years.

<sup>4</sup> Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2013-14 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2013-14.

<sup>5</sup> The highest volume of prosecutions reached was in 2010-11 at 95,257.

<sup>6</sup> The highest volume of convictions reached was in 2010-11 at 68,154.

the coming year. However, the VAWG conviction rate was at the highest level ever, reaching 74.4% successful outcomes in 2013-14.

Areas are supported by local VAWG coordinators, who provide strategic direction and bi-annual VAWG Assurance to the DPP. They work with local community groups through Local Scrutiny and Involvement Panels (LSIPs). Assessment of LSIPs and community engagement has provided a range of good practice shared across Areas:

- All Area LSIPs have addressed VAWG in 2013-14; addressing DV, rape and in some Areas honour-based violence, child sexual abuse, same sex abuse and harassment.
- A range of VAWG conferences and meetings with victims were held locally, including DV, rape, forced marriage and female genital mutilation (FGM).
- Further VAWG local bulletins were developed, with some Areas involving local and national media.
- Local protocols and checklists have been set up with the police on a range of VAWG issues.

## Domestic violence

- The volume of DV referrals from the police rose to 103,569 in 2013-14 – a rise of 15,459 referrals (17.5%) from 2012-13 and the highest level ever.
- 72,905 (70.4% of these referrals) were charged, the highest volumes and proportions ever and a rise of 12,716 charged defendants (21.1%) from 2012-13.
- The volume of prosecutions completed in 2013-14 rose to 78,071 – a rise of 7,369 prosecutions (10.4%) from 2012-13, but not yet reaching the highest volume of 82,187 prosecuted in 2010-11. The rise in charged defendants during 2013-14 may impact on prosecution outcomes in 2014-15.
- The caseload of DV cases<sup>7</sup> has risen since 2012-13 from 8.9% to 10.7% in 2013-14.
- The volume of convictions reached 58,276 - a rise of 5,727 convictions (10.9%) since 2012-13.
- Between 2005-6 and 2013-14, conviction rates have risen from 59.7% to 74.6% - just under 15 percentage point (ppt)<sup>8</sup> rise over this nine year period.
- This includes a rise of 0.3ppt over the year since 2012-13, reaching the highest recorded conviction rate for the third year running.
- The volume and proportion of guilty pleas rose again – volume reached 53,620, a rise to 68.7% - 92% of all successful outcomes are a result of guilty pleas.
- Discontinued cases have continued to fall and reached the lowest level ever, at 19.2% of all prosecuted DV cases.
- The new stalking offences have been implemented and there has been a significant rise in prosecutions of harassment and breaches related to DV – nearly a quarter more across 2013-14 compared with the previous year.
- The DV legal guidance was revised during 2013-14<sup>9</sup> to address controlling and coercive behaviours, enhanced advice for prosecutors on cases involving children inflicting violence upon their parents, teenagers (including those who may be involved with gangs) and also older victims.

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<sup>7</sup> Domestic violence caseload as a % of all court prosecutions.

<sup>8</sup> Changes in percentages are referred to as changes in percentage points (ppt).

<sup>9</sup> Public consultation started in May 2014.

- A review of Specialist DV Courts was developed to start in 2014-15.
- Case studies from a number of CPS Areas illustrate ways that Areas have improved prosecution outcomes – including cases from a range of victims; use of other evidence; teenage relationship abuse and Area good practice.

## Stalking and harassment<sup>10</sup>

- Prosecutions were commenced for 10,535 harassment and stalking offences in 2013-14; this is a rise of 1,887 offences (21.8%) from 2012-13 when 8,648 prosecutions were commenced; 743 prosecutions were under the new stalking offences.
- Prosecutions commenced for 11,651 breaches of restraining order offences, a rise of 1,376 breaches (13.4%) from 10,275 in 2012-13.
- Of all harassment and stalking prosecutions, 6,725 (63.8%) were DV related – an increase of 1,666 DV related (32.9%) from 5,059 in the previous year.
- 516 DV-related prosecutions commenced under the stalking offences introduced at the end of November 2012.
- 9,006 (77.3%) of all restraining order breaches were related to DV; a rise of 1,632 (22.1%) from 7,374 in 2012-13.
- Of the 322 breaches of restraining orders (that were made on acquittal), 245 (76.1%) were in DV cases.
- 6,498 breaches of non-molestation orders started prosecution, compared with 5,563 in the previous year, 85.9% of which were for DV.

## Rape

- The volume of rape referrals from the police rose to 5,850 in 2013-14 – a rise of 446 referrals (8.3%) from 2012-13.
- 3,621 (61.9% of these referrals) were charged, the highest volumes and proportions ever and a rise of 732 charged defendants (25.3%) from 2012-13.
- The volume of prosecutions completed in 2013-14 rose to 3,891 – a rise of 199 prosecutions (5.4%) from 2012-13, but not yet reaching the highest volume of 4,208 prosecuted in 2010-11. The rise in charged defendants during 2013-14 may impact on prosecution outcomes in 2014-15.
- The rape caseload<sup>11</sup> has risen since 2012-13 from 9.8% to 11.1% in 2013-14.
- The volume of convictions reached 2,348 - a rise of 0.6% since 2012-13.
- The official national rape statistics from the MoJ ([link](#)) indicate that in the calendar year of 2013 there were 3,081 defendants, on a principal offence basis<sup>12</sup>, prosecuted for rape at magistrates' courts in England and Wales, a rise from 2,822 in 2012.

<sup>10</sup> Data reported here is from CPS data records; the section on stalking and harassment also includes the MoJ 2013 statistics.

<sup>11</sup> Rape caseload as a % of all indictable-only prosecutions.

<sup>12</sup> MoJ information: The figures given on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

3,020 defendants were sent to the Crown Court for trial, compared with 2,765 in 2012. In 2013 there were 1,121 offenders convicted of rape in England and Wales, a fall from 1,145 in 2012, resulting in a prosecution to conviction ratio in 2013 of 36% – a fall from 41% in 2012. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence.

- MoJ data from 2011 indicated that of the rape cases heard at Crown Court in 2011 and matched to an outcome in 2011, 2012 or 2013 (i.e. completed trials)<sup>13</sup>:
  - 59% were convicted of an offence (40% were not guilty<sup>14</sup>); consisting of:
    - 37% which were convicted of rape;
    - 16% which were convicted of another sexual offences;
    - 3% which were convicted of a violent offence, a further 2% of another indictable offence and 1% of a summary offence.
- 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 MoJ (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.
- Between 2007-8<sup>15</sup> and 2013-14, CPS conviction rates<sup>16</sup> have risen from 57.7% to 60.3%, but a fall from 63.2% last year which was the highest recorded CPS conviction rate for rape since recording began.
- Discontinued cases have continued to fall and reached the lowest level ever at 13.1% of all prosecuted rape cases.
- Rape and Serious Sexual Offence (RASSO) Units were set up in every CPS Area by October 2013 and further rape specialists trained.
- A network of Heads of RASSO Units has been developed, with RASSO newsletters.
- Training was held for RASSO Units on dealing with alleged false allegations of rape and offences were monitored within the VAWG assurance system throughout 2013-14.
- A National Rape Scrutiny Panel was held in April 2014, with actions planned in 2014-15. The plan includes a review of CPS RASSO Units and instruction of appropriate advocates in rape trials; a National police/prosecutor Conference to raise further awareness of key issues such as consent, updating of the police/CPS rape protocol and ways to address the vulnerability of rape victims.
- Alongside the National Rape Action Plan, a review into the investigation and prosecution of rape cases will be carried out in the Metropolitan Area.
- A number of case studies illustrate work in RASSO Units, with vulnerable victims, in non-recent rape cases and Area good practice.

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<sup>13</sup> This compares with data compiled for 2008 prosecutions, completed in 2008-09, where 58% were found guilty; of which 33% were convicted for rape, a further 14% convicted of another sexual offence, 5% were convicted of a violent offence, a further 5% of another indictable offence and 1% of a summary offence.

<sup>14</sup> 1% were not tried at crown court.

<sup>15</sup> Recording of rape data started later than that of domestic violence.

<sup>16</sup> Outcomes from charge to conviction.



## Sexual offences (excluding rape)

- CPS is unable to record the pre-charge data for sexual offences<sup>17</sup>.
- 8,554 defendants were prosecuted in 2013-14 for sexual offences, excluding rape; a rise from 7,771 in 2012-13; but not yet reaching the highest volume of 8,862 prosecuted in 2010-11;
- Sexual offence prosecutions rose from 1.0% in 2012-13 to 1.2% of CPS caseload<sup>18</sup> in 2013-14.
- The volume of convictions reached 6,756 – the highest volume ever and a rise of 13% since 2012-13.
- The proportion of successful outcomes rose to 79.0%, a 5.5ppt rise since 2007-08 and also the highest recorded conviction rate.
- New interim guidance on prosecuting non-recent cases where a nominal penalty is the likely outcome was published for consultation in February 2014.
- A number of cases studies are provided illustrating cases involving sexual offences where there was an abuse of trust and links with indecent images.

## Forced marriage, honour-based violence and female genital mutilation<sup>19</sup>

### Forced marriage

- The volume of forced marriage referrals from the police rose to 67 in 2013-14 – from 59 in 2012-13.
- 42 (62.7% of these referrals) were charged, the highest volumes ever recorded and the same proportion as in 2012-13.
- The volume of prosecutions completed in 2013-14 rose to 45 – a rise from 41 in 2012-13.
- 71% were successful, as in 2012-13.
- Discontinued cases fell from 41.5% when these cases were first recorded in 2010-11, to 17.8% in 2013-14.
- New legislation was passed in 2012 to criminalise forced marriage, a training webinar was held in 2013; with implementation of the new laws and training planned for 2014.

### Honour based violence

- The volume of referrals from the police of honour based violence related offences (HBV) rose to 240 in 2013-14 – from 230 in 2012-13.
- 158 (65.8% of these referrals) were charged, the highest volumes and proportions ever recorded.

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<sup>17</sup> CPS records include no indication of pre-charge decisions regarding sexual offences (excluding rape), as the principal offence category of 'sexual offences' which includes rape and all sexual offences is allocated to cases only at the conclusion of prosecution proceedings.

<sup>18</sup> Sexual offence caseload as a % of all CPS prosecutions.

<sup>19</sup> The small number of cases indicates the need for caution in interpreting this data.

- 206 defendants were prosecuted, a rise from 200 last year, with 59.7% convicted, a fall of 3.3ppt from 2012-13.
- Discontinued cases fell from 40.6% when these cases were first recorded in 2010-11 to 27.2% in 2013-14.

## Female genital mutilation

- The first prosecution of an FGM offence started in March 2014.
- Areas carried out a range of initiatives to improve prosecutions, including conferences and seminars on FGM.
- Roundtable meetings on FGM were held in 2012 and 2013, with stakeholders and experts, which led to the implementation of action plans, including protocols with the police.

## Child abuse

- The volume of child abuse referrals from the police rose to 11,187 in 2013-14 – a rise of 1,808 (19.3%) from 2012-13.
- 7,731 (69.1% of these referrals) were charged, a rise of 1,949 (33.7% in volume) from 2012-13.
- The volume of prosecutions completed in 2013-14 reached 7,998 - a rise of 440 (5.8%) since 2012-13.
- There was a rise in the volume of successful outcomes in the overall child abuse cases from 5,755 in 2012-13 to 6,096 in 2013-14 (from 76.1% convicted in 2012-13 to 76.2% in 2013-14).
- In 2013-14 there was a rise in the volume of child abuse homicide offence prosecutions<sup>20</sup>, from 30 in 2012-13 to 35, with 91.4% successful outcomes.
- There was a rise in the volume of offences against the person (from 2,220 to 2,383); with successful outcomes falling from 74.0% to 72.4%, compared with 2012-13.
- Child abuse sexual offence prosecutions completed in 2013-14 rose (from 4,051 to 4,371); with successful outcomes rising from 75.8% to 76.5%.
- A network of child sexual abuse (CSA) specialists was set up in 2013-14.
- Legal guidance on CSA was published in 2013; with training for all prosecutors and further training for specialist prosecutors.
- A protocol was developed for disclosure of third party information with and from social services, schools and family courts in cases of alleged child abuse.
- A panel was set up to re-review non-recent cases of CSA.
- Case studies from Areas illustrate prosecution of grooming and CSA cases.

## Human trafficking and prostitution

- Since April 2010, the CPS has flagged and monitored all cases of human trafficking<sup>21</sup>.

<sup>20</sup> See glossary for definitions.

<sup>21</sup> See glossary for offences flagged. As with any relatively new monitoring system, time is needed for the embedding in of its accurate use. The quality and accuracy of the data therefore needs to be considered with caution. From January 2013, the accuracy of flagging was checked quarterly.

- The volume of human trafficking referrals from the police rose to 171 in 2013-14 – a rise of 30.5% from 131 referrals in 2012-13.
- 103 (60.2% of these referrals) were charged, a similar volume to 2012-13 (102).
- The volume of human trafficking prosecutions completed in 2013-14 reached 226 - a rise from 139 in 2012-13.
- There was a rise in the volume of successful human trafficking outcomes from 99 in 2012-13 to 155 in 2013-14 (71.2% successful outcomes in 2012-13 fell to 68.6% in 2013-14; mainly linked to a rise in jury acquittals).
- The volume of prostitution related offences<sup>22</sup> for prosecution in 2013-14 fell compared with 2012-13.
- Human trafficking legislation came into effect in April 2013, with updated legal guidance in 2013-14 on the non-prosecution of victims trafficked into criminal activity.
- An e-learning module for human trafficking was launched in March 2013.
- In January 2014, a CPS action plan on human trafficking and slavery was launched.
- Case studies include examples of trafficking and slavery.

## Pornography

- In 2013-14 there was a rise in the prosecution of child abuse images from 18,937 to 20,373, including prosecutions commenced for 15,574 offences of sexual exploitation of children through photographs; including a rise in prosecutions of the most recent offence of possession of a prohibited image of a child from 394 to 534.
- There was a fall in obscenity offences prosecuted from 5,508 to 4,764.
- Overall there was a rise of just under 8% of child abuse images and a fall of 13.5% of obscenity offences reaching a first hearing.
- Training published on cyber-stalking in 2012 was made compulsory in 2013.
- A number of new e-learning modules, the Prosecution of Online Grooming and the Use of Social Media have been developed and will be launched for prosecutors during 2014-15.
- Case studies illustrate prosecutions of child sexual abuse and indecent images; internet pornography and rape.

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<sup>22</sup> Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant, outcome or equalities data. Offences recorded in the Management Information System Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.

# Introduction

This CPS Violence against Women and Girls (VAWG) Crime Report is the seventh edition published by the CPS.

As in previous years, it covers a range of VAWG strands:

- DV
- stalking and harassment
- rape and sexual offences
- forced marriage, honour based violence and female genital mutilation
- child abuse
- human trafficking, with a focus on trafficking for sexual exploitation
- prostitution
- pornography.

The report provides data and commentary in separate sections on each of the VAWG strands, including a number of case studies and good practice. Key issues that were identified in 2013-14 have been highlighted within each section and may differ according to strands. The CPS collects data<sup>23</sup> to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007<sup>24</sup>.

Equality profiles of defendants, by gender and ethnicity, are assessed and reported on in this report. Data on victims are reported where available and continue to be under further development.

## Cross-government plans

In March 2013, the government prioritised work on VAWG through the publication of the 2013-14 cross government VAWG action plan, including CPS plans. The implementation of these actions is overseen by the VAWG Inter-Ministerial Group. CPS Plans for 2013-14 included the development of work on child sexual abuse, FGM, vulnerability of victims, national extension of rape and serious sexual offence units, improving the understanding of alleged 'false' allegations of DV and abuse as well as updates on policies and training. All details are included in the relevant sections of this report.

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<sup>23</sup> Data on VAWG crimes have been drawn from CPS Case Management System (CMS) and associated Management Information System (MIS), which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

<sup>24</sup> The official statistics relating to crime and policing are maintained by the Home Office and the official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice.

# Violence against Women and Girls

VAWG work continued to be a priority within CPS National and Area business plans in 2013-14; a mainstreamed approach to VAWG issues, with Area ownership and accountability. Work in 2013-14 prioritised addressing the fall in police referrals of VAWG cases, resulting in identified rises throughout the year. This led to higher volumes charged, prosecuted and convicted across VAWG crimes. Specific work on child sexual abuse and FGM has been of high priority over the past year.

Within a few weeks of taking up post in November 2013 the DPP undertook a day of meeting key VAWG frontline organisations including the National DV helpline; Coordinated Action Against Domestic Abuse (CAADA) and organisations working with victims of rape, forced marriage, honour based violence, human trafficking and prostitution.

## **VAWG Coordinators:**

VAWG Coordinators lead on VAWG issues at an Area level, meeting bi-annually as a network to address key issues together, as well as working with their Chief Crown Prosecutors in providing the VAWG assurance on performance for the DPP.

## **Stakeholder support:**

At a national level the VAWG External Consultation Group (ECG), involving key VAWG expert groups, continued to advise the CPS VAWG team as a subgroup of the wider Community Accountability Forum. The Public Accountability and Inclusion Directorate (PAID)<sup>25</sup> continued to hold overall responsibility for the VAWG agenda within the CPS and the CPS Strategy and Policy Directorate (SPD) support the VAWG agenda through the provision of identifiable policy leads including DV, rape, forced marriage, FGM, stalking, harassment, child sexual abuse, honour based violence, human trafficking, prostitution, child neglect and pornography.

## **Links across VAWG issues:**

Our focus over the last few years has been honed to understand the vulnerability and intimidation of VAWG victims, and in 2013-14 we have built on reviewing these cases on the credibility of the allegation, rather than that of the victim.

The understanding of the links between different types of VAWG crimes continues to improve. In 2013-14 the focus on teenage relationship abuse, non-recent sexual offences, indecent images of children, FGM, stalking, child sexual abuse and trafficking identified changes needed across the police and CPS. VAWG crimes prosecuted included the abuse of women and girls through social network sites and the internet.

## **Refocusing VAWG operating practices:**

In 2013, the Service drew up proposals to standardise and rationalise national operating practices. For VAWG this involved addressing charging procedures across VAWG; ensuring DV was a central part of the standard operating practice for magistrates' courts, informed by the VAWG ECG, and rolling out Rape and Serious Sexual Offence Units across all Areas in 2013-14 – details are provided in the DV and rape sections of the report.

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<sup>25</sup> Previously the Equality and Diversity Unit (EDU).

## Employees:

In November 2013, the CPS signed a pledge to support staff experiencing stalking and violence at home and at work, as part of the wider Public Health Responsibility Deal led by the Department of Health. CPS has had a policy to support staff facing DV since 2003, extended across VAWG in 2010.

## VAWG performance

In 2013-14, CPS Areas continued to monitor their performance using the VAWG validation measure that assessed successful outcomes for DV, sexual offences and rape, as well as volume of prosecutions.

Areas continued to provide an assurance of their overall VAWG performance, including detailed assessment of DV, rape and sexual offence prosecutions, on a six monthly basis to the DPP. Areas are assessed according to their trend in performance, in comparison to the national average and ranked according to their VAWG performance. Areas receive feedback on their assurance reports from the VAWG team and the DPP and are required to draw up and deliver three action points following each bi-annual assessment.

Similar to previous years, the majority (86.3%) of crimes grouped under VAWG<sup>26</sup>, for performance management purposes are DV, with rape at 4.3% and sexual offences, excluding rape, at 9.5%.

Since the introduction of the recording of VAWG crimes we have reached the highest level of police referrals of VAWG defendants for charging decisions. In 2013-14 109,419 defendants were referred to CPS – a rise of 15,905 (17%) from 2012-13 and higher than the previous highest level in 2010-11. This rise was also reflected in the volume and proportion charged – reaching 76,526 (69.9%) – a rise of 13,448 (21.3%) from 2012 -13 and the highest ever<sup>27</sup>. Out of court disposals at the pre-charge stage have also reached the lowest level to date (1,296, just over 1% of all referrals).

This has illustrated the importance of CPS identifying the fall in volumes as an issue in the last VAWG crime report and addressing it during 2013-14. A roundtable meeting was held by the then DPP in September 2013 with the Home Office and National Policing leads for rape and DV to explore the falls in volumes of DV and rape. A variation across police force areas was identified which was then addressed by a six point plan, including work with the HMIC on DV; developing a National Scrutiny Panel to explore rape volumes; work with the MoJ in relation to out of court disposals; provision of information on Independent DV Advisers (IDVAs); raising awareness of the issues with Police and Crime Commissioners, as well as CPS assessing the charging data on an ongoing basis during 2013-14. These actions will be detailed in the appropriate sections of this report.

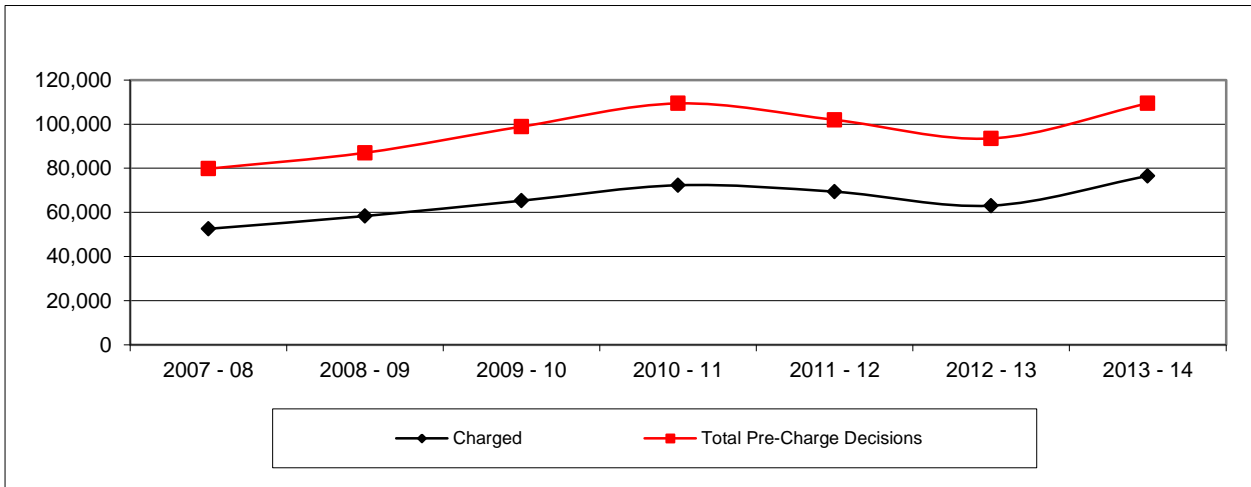
Graph 1 illustrates the changes in volumes of referrals and charging since 2007-08.

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<sup>26</sup> Data for 'VAWG crimes' includes domestic violence, rape and sexual offences.

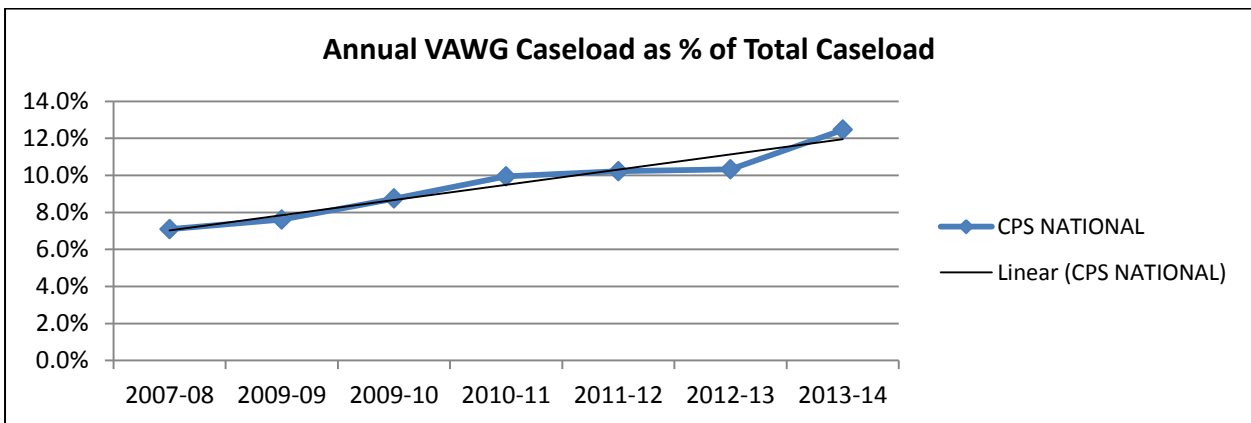
<sup>27</sup> The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of the year, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported in previous years.

**Graph 1: VAWG volume of police referrals and charged defendants**



The VAWG caseload rose in 2013-14 reaching the highest level ever at 12.5%, as in Graph 2.

**Graph 2: VAWG caseload as % of total caseload 2007-08 to 2013-14.**



**Qtrly VAWG CASELOAD AS A % OF TOTAL**

	2007-08	2009-09	2009-10	2010-11	2011-12	2012-13	2013-14
<b>CPS NATIONAL</b>	7.1%	7.6%	8.7%	9.9%	10.2%	10.3%	12.5%

The volumes of VAWG crimes prosecuted<sup>28</sup> rose from 82,165 in 2012-13 to 90,516 in 2013-14, a rise of 8,351 defendants prosecuted but not yet reaching the 2010-11 highest level<sup>29</sup>. Likewise the volume convicted rose by 6,527, from 60,853 in 2012-13 to 67,380 in 2013-14<sup>30</sup>. Although the volume charged has risen, there will be a slight delay in that effecting

<sup>28</sup> Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2013-14 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2013-14.

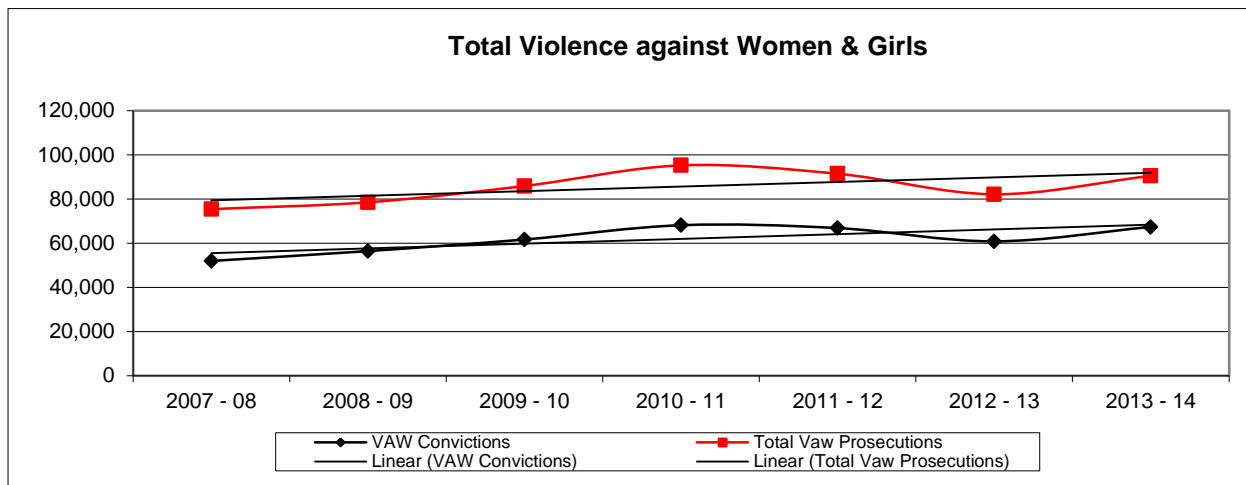
<sup>29</sup> The highest volume of prosecutions reached was in 2010-11 at 95,257.

<sup>30</sup> The highest volume of convictions reached was in 2010-11 at 68,154.

completed prosecutions and outcomes, as the cases pass through the court system over the coming year.

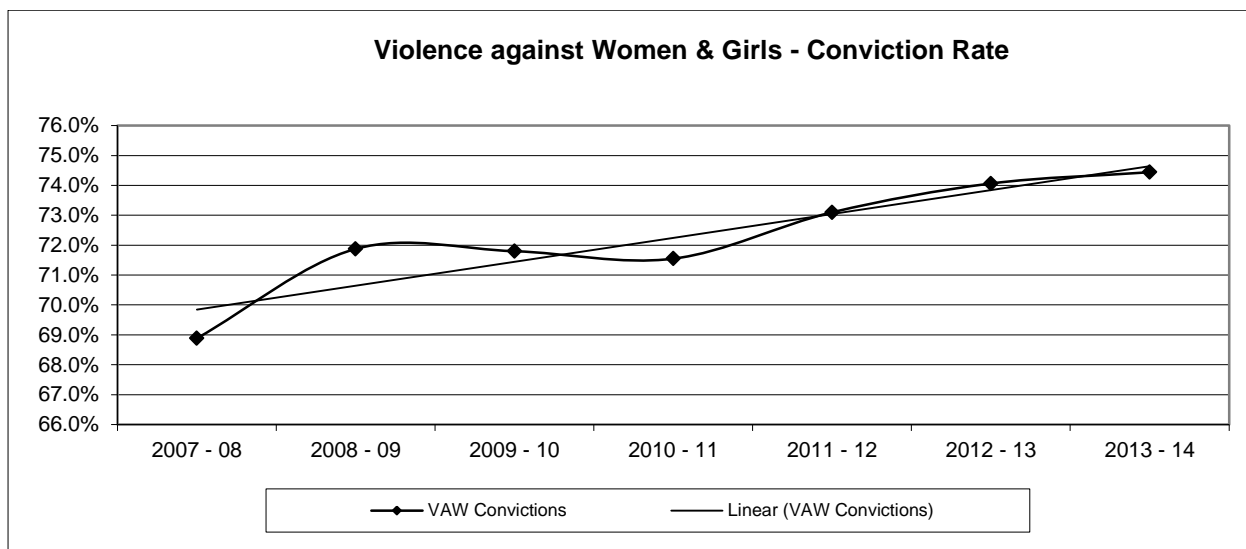
Graph 3 indicates increasing volumes, reversing the earlier decline from 2010-11.

**Graph 3: Volume of convictions and prosecutions for violence against women and girls crimes from 2007-08 to 2012-13.**



The VAWG conviction rate has reached the highest ever, reaching 74.4% successful outcomes in 2013-14. Graph 4 indicates the upward trend of conviction rates over the last seven years.

**Graph 4: Conviction rates for violence against women and girls crimes from 2007-08 to 2013-14.**



90% of successful outcomes were due to guilty pleas. More guilty pleas mean that cases can be brought to court more quickly and at a substantially reduced cost, as they require less preparation. This benefits victims as they do not have to attend court to give evidence.



In 2013-14 the recording of the reasons for unsuccessful outcomes was changed. This has led specifically to enhanced recording of victim issues. Previously reasons may have been recorded as 'essential legal element missing' or 'unreliable witness'. In 2013-14 we have seen a fall in these reasons and a rise of recording specific victim issues; detailed in the sections of the report.

## Area performance

The table on page 81 provides VAWG prosecution data by Area and police force districts. The linked annex, provided at the beginning of the Executive Summary, provides Area and police force district pre-charge data. Within the VAWG assurance process, Areas are assessed according to their volumes as well as conviction rates alongside their individual trend in performance. Detailed assessments include addressing charging proportions, caseloads, volumes prosecuted, volumes discontinued and convicted as well as reasons for unsuccessful outcomes. In 2014-15, assessment includes pre-charge as well as charged data.

## Equalities issues

### Gender

The gender data for 2013-14 was the same as in 2012-13. 94% of VAWG defendants were men. From those with recorded gender<sup>31</sup>, the proportion of women victims was 84%.

### Ethnicity

In 2012-13, 78% of VAWG crime defendants<sup>32</sup> were categorised as White, of which 73% were identified as White British (similar to the previous year). 6% of defendants were identified as Asian, and just under 6% were identified as Black, similar figures to the previous year<sup>33</sup>. Just over half of victim ethnicity was not recorded, so this data is not reported on within this report.

### Age

The majority of defendants were aged 25-59 (71%) and 18-24 (23%). It was of concern to note that 26% of defendants (23,557) were under 24 years old, with 2,746 (3%) of defendants being 14-17 years old and 197 (0.2%) aged 10-13. From those victims with recorded age<sup>34</sup>, the majority were aged 25-59 (65%) and 18-24 (25%). Similar to defendant age, it was of concern to note that 30.5% of victims (20,624) were under 24 years old, with 3,157 (5%) of victims being 14-17 years old, 830 (1%) aged 10-13 and 163 under 10 (0.3%).

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<sup>31</sup> 83% of victim gender was recorded in 2013-14 – a rise from 82% in 2012-13.

<sup>32</sup> Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

<sup>33</sup> 3% of defendants did not state an ethnicity on arrest and just over 5% of defendants' ethnicity was not provided to the CPS by the police.

<sup>34</sup> 81% of victim ages were recorded in 2013-14 – a rise from 79% in 2012-13.

## International VAWG work

In April 2013 the CPS rape policy advisor participated in the United Nations Office of Drugs and Crime (UNODC) collaborating with the newly established Thailand Institute of Justice, holding a three day meeting to develop a Handbook for prosecutors handling VAWG cases. In June 2013 the CCP from Merseyside and Cheshire attended a follow up meeting of UNDOC to develop an action plan for the whole CJS and led the session on legislation.

The VAWG newsletter in 2013 outlined three specialist networks of the International Association of Prosecutors covering trafficking; e-crime and war crimes. Other international work is reported within each section. The CPS and the Home Office met a delegation from Zambia to discuss VAWG issues.

## Victim issues

Victim issues are addressed within each section of the report. In addition, a number of general victim issues are of importance in the prosecution of VAWG cases.

**Code of Practice for Victims of Crime** – a revised Code of Practice for Victims of Crime (Victims' Code) came in to effect in December 2013. It sets out the minimum level of service that victims of crime can expect to receive from the various criminal justice agencies listed and provides greater clarity for them in understanding their entitlements. The Victims' Code also identifies victims who are entitled to an enhanced level of service – victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims. The three categories are designed to ensure that victims who are in most need will be able to access enhanced support. DV victims and victims of sexual offences are automatically entitled to an enhanced service as 'victims of the most serious crime'.

**CPS Victim and Witness Strategy** – a key priority for the DPP is to improve the service and support that the CPS provides to victims and witnesses throughout their time in the criminal justice system. It is important that victims and witnesses are given the right information and support throughout that time so that their needs are met and the case proceeds to a just outcome. The strategy document sets out how we plan to approach this.

**Victim Liaison Units** – dedicated Victim Liaison Units are being rolled out across all CPS Areas to ensure that victims are given timely, empathetic communications when we decide to stop a case or significantly alter the charges. These units are a one-stop shop for victims in respect of our post finalisation communications. The units will also manage the Victims' Right to Review scheme, complaints and the administration of other victim related schemes such as supporting bereaved families.

**Victims' Right to Review – *Victims' Right to Review scheme*** - following the judgment in R v Killick, the CPS launched the Victims' Right to Review (VRR) initiative in June 2013. The new scheme makes it easier for victims to seek a review of a CPS decision not to prosecute. Reviews initially take place at a local level and the case may be further reviewed by the Appeals and Review Unit, if requested by a victim, following the Area's decision. Guidance was subject to formal external consultation during 2013. The final guidance is planned for early summer 2014. Performance is monitored to reflect the number of cases in which the VRR was successfully upheld as a percentage of cases where there was an

identified victim. Victims can also take their complaint to the Independent Assessor of Complaints. Analysis is planned in 2014-15.

**Victim Communication and Liaison scheme** – following the successful evaluation of a pilot study to test how we can better communicate with victims we have implemented the Victim Communication and Liaison scheme, which replaces the Direct Communication with Victims scheme. Under the revised scheme we will continue to inform victims of our decisions to stop or substantially alter charges, providing tailored enhanced services to victims in most need of support. This includes VAWG victims.

**Special measures** – the guidance for prosecutors regarding special measures has been updated, and will be published in early summer 2014. The revised guidance takes account of the recommendations made by the 2012 CPS research into the use of special measures, and includes enhanced information and practical guidance for prosecutors, particularly in relation to intermediaries. In addition, the guidance provides further information for prosecutors in relation to special measures discussions with the police and factors for prosecutors to consider when determining whether to hold special measures meetings with witnesses.

The CPS continues to contribute to the Advocate's Gateway, which was launched in April 2013, which provides practical guidance for criminal justice practitioners on vulnerable witnesses and defendants.

**Good practice:**

- Police and Crime Commissioners in Cleveland, Durham and Northumbria launched a regional strategy to tackle violence against women and girls in the North East, working closely with the CPS locally.

**Guidelines on prosecuting cases involving communications sent via social media**

Guidelines on prosecuting cases involving communications sent via social media were published in June 2013. The guidelines make a clear distinction between those communications that should be robustly prosecuted, such as those that amount to a credible threat of violence, a targeted campaign of harassment against an individual or which breach court orders, and those communications which may be considered grossly offensive, to which the high threshold must apply. A prosecution is less likely to be in the public interest if, for example, the communication is swiftly removed, blocked, not intended for a wide audience or not obviously beyond what could conceivably be tolerable or acceptable in a diverse society which upholds and respects freedom of expression. The social media guidelines need to be read in conjunction with the Code for Crown Prosecutors which identifies public interest factors including whether the offence was motivated by any form of discrimination against the victim including gender discrimination. Public interest factors will be considered in relation to communications considered grossly offensive, indecent, obscene or false.

### **Social media:**

- A defendant suspected his partner had been unfaithful to him during a recent holiday she had taken. He invited her to his home and took her to the bedroom where he undressed her, being affectionate to her. He then made an excuse and got himself dressed then dragged her out of bed, forced her down the stairs and pushed her naked onto the front lawn of the house. His father tried to intervene and fetched a blanket to cover the victim. He photographed her on his mobile phone and put the message onto his Facebook account inviting his friends to 'like' the picture and telling them that she had cheated on him. The picture remained on the site for several days and numerous people became involved in 'sharing' the photograph and adding abusive messages about the victim. A robust stance by the DV specialist prosecuting the case led to the defendant entering a guilty plea. He received a community order and a two year restraining order.

## **Women offenders**

A revised Code of Practice on Adult Conditional Cautions came into force in April 2013 providing that police officers could make the decision to authorise Women's Specific Conditions (WSC)<sup>35</sup> without reference to CPS.

The proportion of women prisoners that report abuse in their lifetime is double that of men. Many have problems with drugs and alcohol misuse, nearly two-thirds leave behind dependent children when entering prison and many self-harm.

The MoJ published strategic priorities for female offenders: enhanced provision in the community for female offenders; transforming rehabilitation for female offenders (recognising specific women's needs); a review of women's prison estate in summer 2013; developing a whole system approach, working with partners.

An Advisory Board of key stakeholders, criminal justice partners and senior officials from various government departments was set up.

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<sup>35</sup> The WSC is a rehabilitative condition to attend a women's centre/project for a full "needs assessment", following which women offenders can attend the centre/project on a voluntary basis to engage in a programme to address the underlying needs leading to their offending.

### **Good practice:**

- CPS is involved in the Integrated Offender Management Cymru Women's Pathfinder Project, to help design and deliver a women-specific whole system approach to service provision in Wales.
- The CCP from Wessex attended the launch of a women's centre supporting women offenders.
- The Beth Centre provides Lambeth women with a holistic set of support services from a safe, women only, centre, centrally situated in the borough. The centre provides women leaving prison with an in depth assessment around their resettlement needs; work to support young women at risk of involvement with, or exiting, gangs; prostitution outreach scheme to support women to exit prostitution and violent relationships, address substance use support needs, and access alternative employment.

## **Area VAWG work**

In 2013-14 Area VAWG Coordinators led the delivery of VAWG prosecutions locally and worked with Area Equality and Diversity Community Engagement Managers (EDCEMs) in the running of Local Scrutiny and Engagement Panels (LSIPs). All Areas have panels covering VAWG issues – predominantly addressing DV and rape prosecutions – but some also focused on honour-based violence, child sexual abuse, same sex abuse or harassment.

Round table meetings were held in July 2013 and January 2014 for VAWG Coordinators to discuss the implementation of actions at a local level.

### **Good practice**

Work with local community groups through LSIPs and community engagement has provided a range of good practice shared across Areas. Core Quality Standard 12<sup>36</sup> relates to community engagement and is monitored across Areas annually. Examples of good practice include:

- Working with the police to pilot the viability of an automatic referral process for all VAWG victims to support services unless they opt out (West Midlands).
- Appointing an independent assessor to the VAWG Local Scrutiny and Involvement Panel (Eastern).

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<sup>36</sup> The CPS in 2013-14 had 12 Core Quality Standards (CQS) that were monitored across Areas. CQS12 related to community engagement.

- DV/RASSO/VAWG Bulletins (East Midlands).
- Working with the police to reduce attrition due to victim issues (North East).
- Building on the success of the DV checklist and following a dip-sample into cases that led to no further action being taken, producing a joint RASSO checklist (North West).
- Holding training sessions for Sexual Offence Liaison Officers and support organisations (South East).
- Piloting remote live link enabling DV victims to give evidence from a location other than the court (East Midlands).
- South Bucks DV Court pilot - all DV cases are prepared as if for trial before 1<sup>st</sup> hearing and fixed quickly. Initial assessment is positive in improving successful outcomes (Thames and Chiltern).
- Case file review of restraining orders to highlight best practice (Yorkshire and Humber).
- Piloting section 28 on pre-recorded cross examination in Crown Court (Mersey and Cheshire; South East and Yorkshire and Humberside).

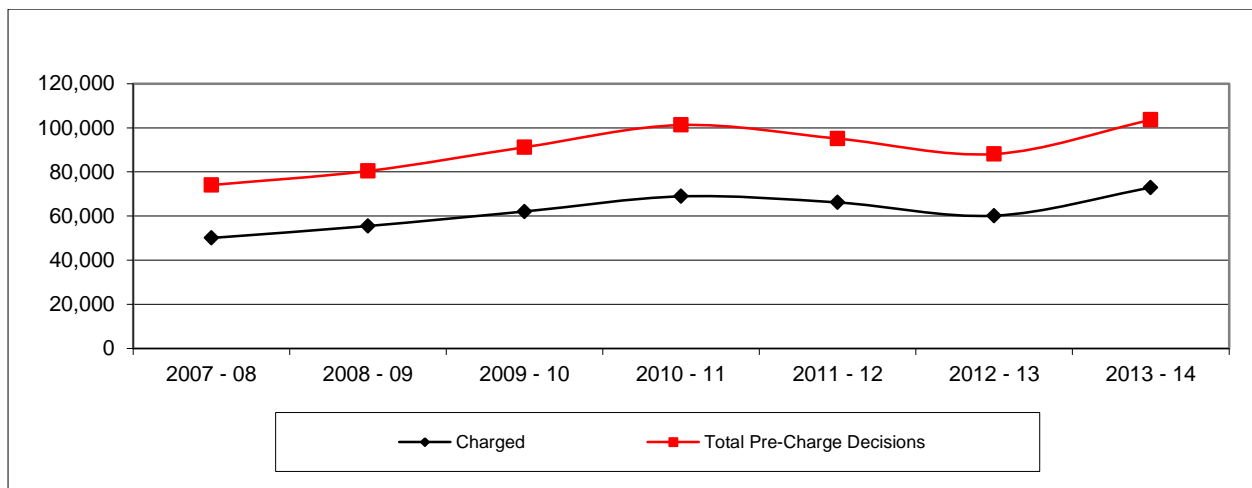
# Domestic Violence

In 2013-14 the overall pattern of DV prosecutions indicated, yet again, year on year improvements in prosecutions. Following concerns identified through the 2012-13 VAWG crime report, in relation to the fall in volume of DV cases, Areas focused on addressing the volumes of referrals from the police, prosecutions and convictions during 2013-14, through the VAWG assurance system, culminating in a rise in volumes across the whole process.

The volume of DV referrals from the police rose to 103,569 in 2013-14 – a rise of 15,459 referrals (17.5%) from 2012-13. 72,905 (70.4% of these referrals) were charged<sup>37</sup>. This reflects the highest volumes and proportions of cases recorded by the CPS and a rise of 12,716 charged defendants (21.1%) since 2012-13<sup>38</sup>. All Areas indicated a rise in both referrals and charging, with a rise quarter on quarter during 2013-14. The average number of days to charge in 2013-14 was 4.57 days. The timeliness of charging will be addressed within the VAWG assurance process in 2014-15.

Graph 5 illustrates the changes in volumes of police referrals and charging since 2007-08.

**Graph 5: Volume of police DV referrals and charged defendants**



The proportion of DV cases<sup>39</sup> has risen year on year; in the last year from 8.9% in 2012-13 to 10.7% in 2013-14, as indicated in the table below and in graph 6.

**Annual DV CASELOAD AS A % OF TOTAL**

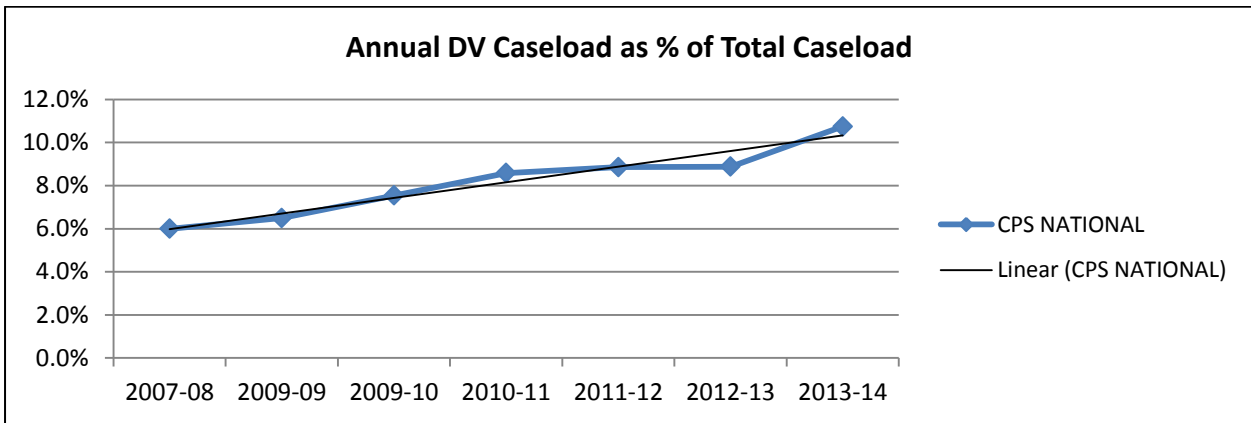
	2007-08	2009-09	2009-10	2010-11	2011-12	2012-13	2013-14
CPS NATIONAL	6.0%	6.5%	7.5%	8.6%	8.9%	8.9%	10.7%

<sup>37</sup> The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of the year, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported in previous years.

<sup>38</sup> Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2013-14 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2013-14.

<sup>39</sup> Domestic violence caseload as a % of all court prosecutions.

**Graph 6: DV caseload as % of total caseload 2007-08 to 2013-14**



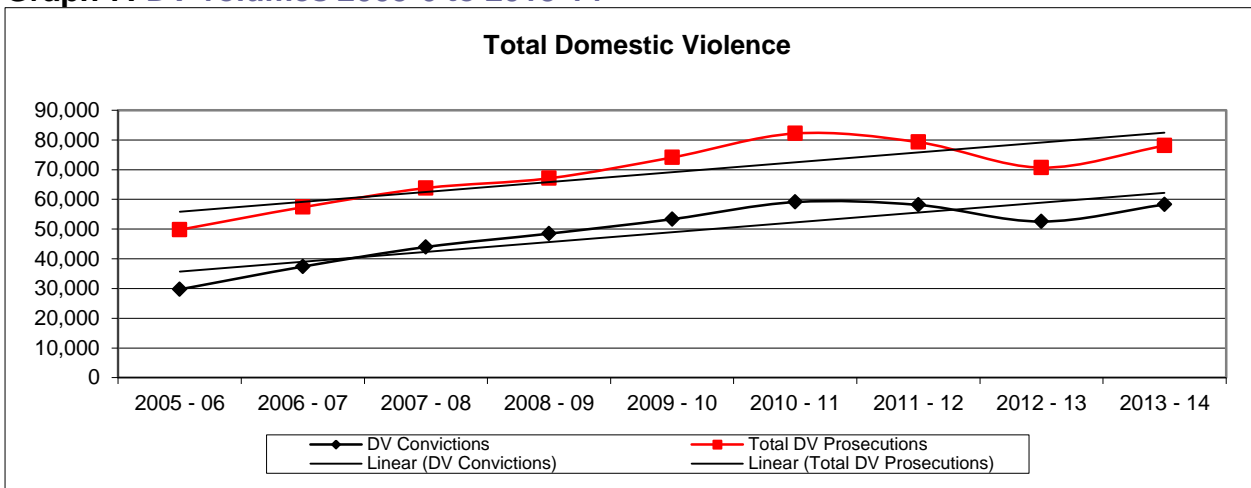
The volume of prosecutions completed in 2013-14 rose to 78,071 – a rise of 7,639 defendants (10.4%) from 2012-13<sup>40</sup>, as indicated in table 2 and graph 7. The rise in charged defendants during 2013-14 may impact further on prosecution outcomes in 2014-15.

Table 2 provides data from 2008-09 to 2013-14.

**Table 2: Completed DV prosecutions by outcome**

	2008 - 09		2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	48,465	72.2%	53,347	72.0%	59,101	71.9%	58,138	73.3%	52,549	74.3%	58,276	74.6%
Unsuccessful	18,629	27.8%	20,766	28.0%	23,086	28.1%	21,130	26.7%	18,153	25.7%	19,795	25.4%
<b>Total</b>	<b>67,094</b>		<b>74,113</b>		<b>82,187</b>		<b>79,268</b>		<b>70,702</b>		<b>78,071</b>	

**Graph 7: DV volumes 2005-6 to 2013-14**



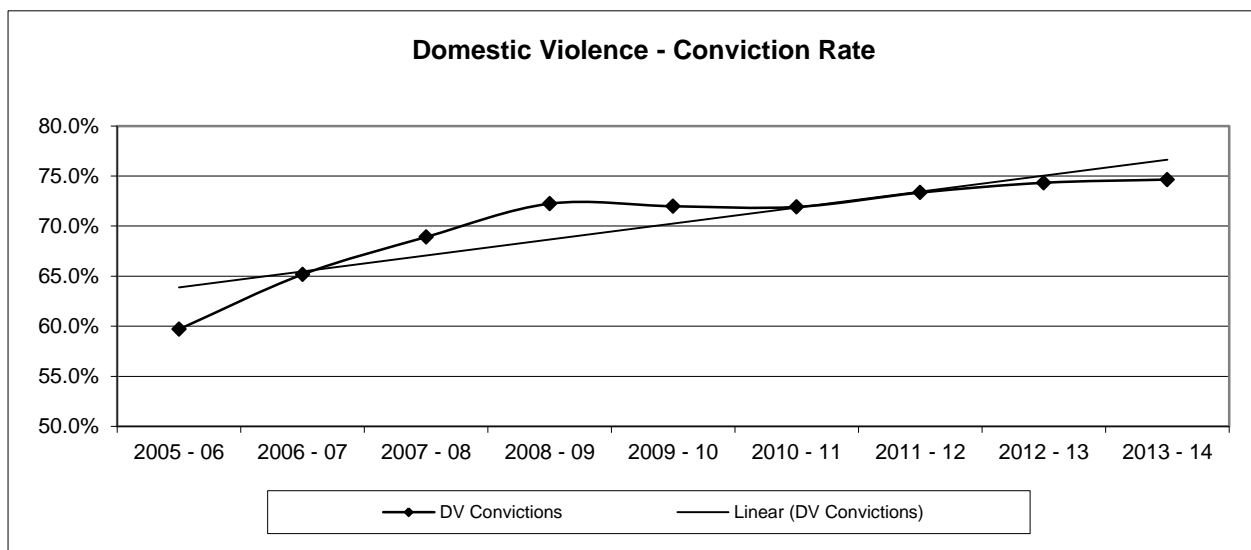
<sup>40</sup> Not yet reaching the highest volume of 82,187 prosecuted in 2010-11. The rise in charging in 2013-14 will impact on the volumes prosecuted in 2014-15.



The volume of convictions reached 58,276 - a rise of 5,727 convictions (10.9%) since 2012-13. Between 2005-6 and 2013-14, conviction rates have risen from 59.7% to 74.6% - just under 15 percentage point (ppt)<sup>41</sup> rise over this nine year period. This includes a rise of 0.3ppt over the year since 2012-13, reaching the highest recorded conviction rate for the third year running.

Graph 8 illustrates the upward conviction trend over the past nine years, with a further increase in 2013-14.

**Graph 8: DV conviction rates 2005-06 to 2013-14**



The volume and proportion of guilty pleas rose again – volume reached 53,620 a rise to 68.7% - 92% of all successful outcomes are a result of guilty pleas. Discontinued cases have continued to fall and reached the lowest proportions ever, at 19.2% of all prosecuted DV cases. Bindovers have fallen over the years (6.6% in 2007-08) to 0.8% in 2013-14.

In this period, as in the previous years, offences against the person were the most frequently prosecuted offences, representing 69% of DV crimes. Criminal damage and public order offences accounted for a further 12% and 5% respectively<sup>42</sup>.

In 2013-14 the recording of the reasons for unsuccessful outcomes was changed to ensure improved accuracy. This has led specifically to more enhanced recording of victim issues as the 'reason' for unsuccessful outcomes. Previously reasons may have been recorded as 'essential legal element missing' or 'unreliable witness'. In 2013-14 we have seen a fall in these reasons recorded since 2012-13 (from 5.6% to 1.6% for 'essential legal element missing' and 3.8% to 2.0% for 'unreliable witness'). As a result of the changes in recording, there has been an increase in the recording of unsuccessful outcomes due to victim issues<sup>43</sup> - rising from 51.6% to 54.8%. With the enhanced recording, the reason 'evidence of victim does not support the case' has also fallen – from 14.5% to 2.4%; against a rise in

<sup>41</sup> Changes in percentages are referred to as changes in percentage points (ppt).

<sup>42</sup> See Glossary for CPS definitions of 'principal offence' and the different categories.

<sup>43</sup> Victim issues include victim retractions, victim non-attendance and 'evidence of victim does not support the case'.

recording of victim retractions (from 19.5% to 28.1%) and victim non-attendance (from 17.6% to 24.3%). It is hoped that this enhanced recording of the reasons for unsuccessful outcomes may more accurately reflect the issues to be addressed as it is acknowledged that one of the main problems in DV cases relates to victim retraction due to the close and often intimate relationship between the defendant and victim.

Out of *all* cases prosecuted, the proportion that was unsuccessful due to victim issues<sup>44</sup> has only risen slightly from 13.2% last year to 13.9%, prior to that from 2008-2011 the proportion remained steady at around 14%. Support for victims through the court process is key in reducing retractions and work with IDVAs locally is key to improve prosecutions. Ways to address prosecutions following retractions were identified during 2013-14 and have been included in the revision of the DV legal guidance – (issued for public consultation in May 2014). This included improving the use of evidence other than the victim's, enhancing prosecutor awareness of victim withdrawal issues and prevention, ways to further address victim safety, providing advice on the appropriate use of summonses and multi-agency communication systems with victims and their services.

### Speeding up trials

- In South Buckinghamshire magistrates' court, from December 2013, all new domestic violence cases are prepared as if for trial before the first date of hearing and fixed for trial quickly, ideally no later than 2 weeks after the not guilty plea is entered. Full evaluation is awaited but so far the outcome is positive. Of 130 finalised cases so far there is an 85% conviction rate. 22 cases are outstanding because they are part heard, ineffective or vacated first trial listings and others are being heard in June. Work is ongoing with the police and the courts to roll this pilot out to the rest of Thames Valley and to Bedfordshire.

### Area performance

The table on page 82 provides DV prosecution data by Area and police force district. The linked annex, provided at the beginning of the Executive Summary, provides Area and police force district pre-charge data.

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<sup>44</sup> Unsuccessful cases due to victim retraction; non-attendance or where the victim's evidence does not support the case.

### **Good practice:**

- The CCP's significant contribution to domestic abuse prevention work was acknowledged with a Merseyside Woman of the Year Award, where she won the category of 'Professional Women of Achievement'.
- Many Areas worked closely with Police and Crime Commissioners, holding conferences, seminars and addressing support for IDVAs, SARCs and DV services.

## **Equalities issues**

### **Gender**

In 2013-14, as in the previous years, the majority of defendants were men, at 93%. The recording of victim gender rose slightly to 84% in 2013-14, from 82% in the previous year. From those with recorded gender, the proportion of women victims remained at 84%, since 2010-11.

### **Ethnicity**

In 2013-14, 79.5% of DV defendants were categorised as White (similar to the previous year), with 75% being identified as belonging to the White British category. 5.7% of defendants were identified as Black and 5.5% were identified as Asian, a slight rise from the previous two years<sup>45</sup>. Just under half of victim ethnicity is still not recorded and therefore the data is not included in this report.

### **Age**

The majority of defendants were aged 25-59 (72%) and 18-24 (24%). It was of concern to note that just over 26% of defendants (20,572) were under 24, with 2,114 (3%) of defendants being 14-17 years old and 111 (0.1%) aged 10-13.

From those victims with recorded age<sup>46</sup>, the majority were aged 25-59 (66%) and 18-24 (25%). Similar to defendant age, it was of concern to note that 30% of victims (18,609) were under 24 years old, with 2,412 (4%) of victims being 14-17 years old, 546 (0.9%) aged 10-13 and 107 under 10 (0.2%).

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<sup>45</sup> 2.5% of defendants did not state an ethnicity on arrest and just over 4% of defendants' ethnicity was not provided to the CPS by the police.

<sup>46</sup> 81.8% of victim ages were recorded in 2013-14 – a rise from 79.7% in 2012-13.

## Teenage relationship abuse

- In Wales, a 17 year old male assaulted his 16 year old girlfriend - strangling, biting and kicking her. The offences were denied. The case went to the Crown Court, and resulted in a successful outcome as the defendant pleaded guilty to the assault charges.
- A 16 year old male defendant assaulted his 17 year old girlfriend. He was bailed but breached his bail and tried to contact the victim. The victim retracted and the Area decided to summons her as it was perceived she was at such high risk and the offence was so violent. The victim attended the trial with support from the police and was described as being extremely vulnerable. She refused to give evidence at court. She was adamant that she did not want a restraining order to be sought. We then proceeded with a victimless prosecution as CCTV was available which covered part of the assault and the defendant pleaded guilty to an assault on the basis of what the CCTV showed. He was sentenced to an 18 month Youth Rehabilitation Order with 18 month supervision, Intensive Supervision and Surveillance Programme run by the Youth Offending team including evening to morning curfew for 6 months, exclusion from specific areas for 91 days, 10 day reparation requirement, £15 victim surcharge, £50 costs and £150 compensation.

## Teenage abuse

A National Scrutiny Panel (NSP) held in July 2012 assessed cases of teenage relationship abuse. Following this a working group was set up across CPS which addressed the following issues:

- **Support prosecutors to improve their understanding of teenage relationship abuse:** Legal guidance and training materials for prosecutors have been developed to challenge myths and challenge stereotypes; promoting the types of restraining orders or bail conditions which might be most relevant for young people, for example, non-communication through social media; recognition of the places a young person and their abuser might frequent (such as school or colleges) and improving age appropriate communications. The training resources will be launched for staff following the revision of the DV legal guidance in 2014. In addition myth-busting examples were included in the VAWG newsletter.
- **Develop better partnership working across agencies to improve operational performance:** This has included working with other government departments to explore the level of support available for victims in youth courts – plans are underway in 2014 (see Specialist DV Courts section later); encouraging Local Scrutiny Involvement Panels to consider cases involving teenage relationship abuse and engaging with appropriate agencies at the local level; promoting better case building with police.
- **Improve strategic overview and engagement:** This involved raising issues in the cross-Government VAWG delivery group coordinated by the Home Office, feeding into the VAWG Inter Ministerial Group.

## Tackling domestic violence among young people

- A workshop was held in February 2014 by Mersey-Cheshire, in partnership with the Merseyside PCC's office and local IDVA services. The purpose of the workshop was to consolidate the key themes and actions highlighted by the National Scrutiny Panel on Teenage Relationship Abuse, through local awareness raising and myth-busting. The audience was made up of 16-24 year olds from a wide range of social and cultural backgrounds, including university students, representatives from community groups and young people under the supervision of Youth Offending Services.

## Relationships

Recording of the relationship between the perpetrator and victim is not yet robust enough to assess, however the recording in the CPS data base has improved from 17% in 2010-11 to 54% in 2013-14. Areas will be encouraged to improve data collection further to help identify cases involving same sex relationships and the differentiation between family members and intimate partners.

## Cross-government issues:

### Revised definition

The revised cross-Government definition of DV was implemented from March 2013. It now includes DV victims aged 16 and 17 years old, to increase awareness that young people in this age group can also experience abuse of this kind.

In addition it includes and defines controlling behaviour and coercive behaviour.<sup>47</sup>

The CPS policy and legal guidance have always included cases of under 18s, as both perpetrators and victims and recognised within our DV training the pattern of coercion, power and control. The revised legal guidance<sup>48</sup> provides prosecutors with a greater awareness of how this behaviour may manifest to help determine the most appropriate charges.

It is hoped that the new definition will bring greater awareness to other Government Departments and services to ensure that victims are supported as well as possible when experiencing the different forms that DV or abuse can take.

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<sup>47</sup> Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is: an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

<sup>48</sup> Under public consultation in May-July 2014.

## Her Majesty's Inspectorate of Constabulary DV review

In 2013-14, Her Majesty's Inspectorate of Constabulary (HMIC) carried out a review of DV policing - *Everyone's business: Improving the police response to domestic abuse* - which included issues for the CPS to address – specifically engaging in a national oversight and monitoring group, using learning from CPS scrutiny panels locally with the police, inputting into police data collection and proposals for future multi-agency inspections. The CPS will work with the National Policing lead for DV and the College of Policing to take forward the recommendations.

The College of Policing have also planned an update to their police authorised professional practice for responding to DV; collaborating with the CPS to align to the DV legal guidance. Training plans for police and prosecutors will also be aligned. Locally each force has been requested to produce prioritised action plans and it is hoped that CPS Areas will work closely with police partners.

The HMIC Report also addressed the fall in DV police referrals identified in the last CPS VAWG report that was discussed at the roundtable meeting held by the then Director of Public Prosecutions in September 2013 with the Home Office and National Policing lead for DV. HMIC highlighted concerns of highly inconsistent approaches with regard to charging and cautioning across the country and emphasised the importance of appropriate referral of DV cases. Forces were specifically requested to consider whether high rates of cautioning, taking no further action and out of court disposals (such as restorative justice) were contributing to the falling referral rates highlighted by the CPS.

### **Good practice from the HMIC report:**

- Lancashire constabulary works with a high number of IDVAs who support a range of cases not just those that are high risk.
- The DV lead in Cheshire conducted a dip sample of files where the police have taken no further action and fed back to the force which cases would have been suitable for charge and prosecution.

## Specialist DV Courts

During 2013-14, the CPS continued as part of the cross-Government National Steering Group with the Home Office and MoJ, overseeing Specialist DV Courts (SDVCs). In response to the planned closures of some magistrates' courts since April 2011, the National SDVC Steering Group developed guidance for SDVCs to ensure the transfer of specialist services to the new court arrangements and oversaw the next tranche of transfers during 2013-14 – visiting SDVCs to approve their new system.

In addition, work was developed to explore the support required for SDVCs to meet the delivery of all SDVC components to ensure effective delivery of safety and justice. A review questionnaire was developed and sent to SDVCs at the end of 2013-14 for assessment of support required during 2014-15.

The latest cross-Government action plan on VAWG includes an action to explore the piloting of the SDVC model in the youth courts. Following a questionnaire to Local Criminal Justice Boards and an information sharing exercise with local partners in 2013-14, the CPS have prepared proposals outlining the key components of a Youth Court Specialist DV model. This is being considered by the National SDVC Steering Group to determine possibilities in 2014-15.

## Work with Police

The CPS has developed a good working relationship with the national policing lead for DV, working collaboratively on a number of issues. Two examples include the impact of the roll out of DV Protection Orders, and promoting better use of the Joint ACPO-CPS DV Evidence Checklist for the use of evidence-led prosecutions (where the victim has withdrawn their support or retracted their allegation).

The Joint ACPO-CPS Checklist was re-issued jointly by the DPP and national policing lead for DV in November 2013, encouraging police officers and prosecutors to always build cases with the assumption that the victim, may at some point decide not to support the prosecution. The use of the Checklist has been requested in all DV cases to ensure the maximisation of evidence gathering opportunities and to collate evidence not solely focussed on the victim.

### Body worn cameras

- In one case, the pregnant victim was violently assaulted by her partner in front of their 10 month old child and told a friend he would 'slit her throat'. The victim would not make a statement, however injuries were captured on body-worn video. The CPS advised they would proceed as the victim was pregnant. The 999 call, body worn video and hearsay evidence from the victim taken by the responding officer were used. The defendant pleaded not guilty and the case proceeded to trial, where he was found guilty.

## DV Protection Notices and Orders

After a 15-month pilot period in three police force areas, the Home Secretary announced that DV Protection Orders (DVPOs) will be rolled out for all police forces in England and Wales to use from March 2014. Together with DV Protection Notices (DVPNs) they provide the police with additional tools to help reduce repeat victimisation and to provide immediate protection to victims whilst they consider their future options<sup>49</sup>. Action can be taken with or

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<sup>49</sup> A DVPN is an initial order made by the police on alleged domestic violence perpetrators in circumstances where the police consider there are no enforceable restrictions that can be placed on the perpetrator (e.g. – where the police 'no further action' or where the suspect has received a simple caution, or has been bailed without conditions). A DVPN will have effect for 48 hours during which time the police apply to the magistrates' court for a DVPO which can be issued for a much longer period. DVPNs are available for Over 18s, intimate or family members. DVPOs provide a victim with immediate protection and provide the police and magistrates with powers to enforce non-molestation orders and victim accommodation protection.

without a victim's consent. A breach of a DVPN or DVPO is a civil contempt of court and is punishable by a fine, or up to 2 months' imprisonment.

## Revision of CPS DV legal guidance

The CPS legal guidance has been revised to provide prosecutors with advice on how controlling and coercive behaviours are most commonly illustrated in DV cases. Whilst the CPS policy has always acknowledged that DV can be inflicted on victims of any age, the guidance for the first time sets out enhanced advice for prosecutors on how they might better handle cases involving children inflicting violence upon their parents, teenagers (including those who may be involved with gangs) and also older victims. The guidance provides advice for prosecutors for handling cases involving these groups of people, who may often not be aware they are in abusive relationships, or may not feel confident about reporting crimes to the police.

The CPS has worked closely with colleagues in the Home Office, police service and with third sector partners for almost 18 months to understand better the issues affecting children and teenagers, and older victims, to provide prosecutors with this more tailored advice.

The guidance provides enhanced advice for prosecutors on how, and when, it is appropriate to apply for witness summonses, after ensuring that there is no risk to the victim's safety if this course of action is taken. The steps include: using evidence other than that of the victim; *res gestae*<sup>50</sup>; making an application to apply to have the victim's statement admitted as hearsay; and making an application to have other evidence admitted as hearsay. Prosecutors are strongly advised that applying for a witness summonses remains a last resort – as it may be favourable in some cases to discontinue a prosecution rather than compel a victim to attend court.

In February 2014, the DPP chaired a large stakeholder meeting, where third sector and Government partners attended to discuss the key revisions to the guidance. The contributions received at the meeting were invaluable and have helped inform the proposed guidelines that have now been published for wider feedback.

The guidance was published on 14 May for public consultation, but will not come into force until all responses have been considered to inform any changes needed.

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<sup>50</sup> *Res gestae* - Statements made by the victim or a witness to a third party, or around the time that the offence was allegedly committed, that are so directly linked to the events occurring at the same time, so as to make it unlikely that they were distorted or concocted may be admissible other than as hearsay.



## Case studies

- In the South West, concerned medical staff in a hospital brought to the attention of the police serious abuse of a woman from her husband that spanned 22 years. The investigation proved complex in view of the scale and duration of the abuse. Police and the CPS worked closely together to obtain evidence from a large number of witnesses and medical professionals in both the UK and France. The defendant was given a 2 year custodial sentence and a 5 year restraining order.
- In London a victim withdrew and did not attend court. The prosecutor assessed the merits of proceeding without the victim and instructed counsel to proceed by way of a hearsay application. The hearsay application was hotly contested but granted and the case went on to be heard fully by the jury who convicted the defendant of witness intimidation.

## DV homicide legal guidance

The homicide legal guidance has been amended to take account of DV related homicides, particularly those where partial defences to murder are raised (such as recognised physical, psychiatric and psychological conditions). It advises prosecutors on giving consideration to the specific issues to build robust cases, taking into account any previous DV background; addressing myths and stereotypes; the need to liaise with experts; and, ensuring a proper understanding of the context of the relationship between the victim and defendant. Prosecutors are also advised against being seen to accept “victim blaming” by the defence if considering the acceptability of a plea.

A new section entitled “DV related homicides” has also been included in the revised DV legal guidance to alert prosecutors to the issues associated with such partial defences.

## Training

The e- learning training for all prosecutors was updated by March 2013 to include the revised definition, stalking, and the joint ACPO/CPS Evidence Checklist. The core training modules will be revised further as a result of the public consultation of the DV legal guidance and will include two new training modules for teenagers in abusive relationships and domestic abuse experienced by older victims, which also includes familial abuse.

Some CPS Areas have held discrete training events to supplement the national training resources. CPS Direct held training sessions with IDVAs for their prosecutors. CPS London held a DV ‘training week’ working through a complex case study in real time with all prosecutors.

A number of CPS prosecutors are also involved in training IDVAs twice a year. This helps the IDVAs to ensure they have a proper understanding of the prosecution process and how it fits with the wider criminal justice system enabling them to inform victims accurately about

the law and procedures around the CPS's role in the prosecution of DV cases. In November 2013, the CPS delivered training to IDVAs in Bristol, Newcastle and London. The training was delivered by the Strategy and Policy Directorate with input from two VAWG coordinators. Dedicated support from IDVAs is shown to have a positive impact on victim safety. Previous research carried out for the CPS by Coordinated Action Against Domestic Abuse indicated that charging DV cases increased the cessation of abuse in cases supported by IDVAs – 67% of victims with IDVA support experienced a cessation of abuse, rising to 72% of victims who had IDVA support in charged cases and 74% when there was a conviction.

## Victim issues

### Use of other evidence

- In a London case the victim refused to make a statement; however the offence was caught on CCTV and an officer was able to give evidence regarding a conversation that took place between the victim and the defendant. The defendant was convicted after trial.
- In a high risk DV case, where the defendant was already on a suspended sentence for previously assaulting the same victim, he was prosecuted for assault using evidence other than that of the victim. The victim had refused to provide a statement to the police, but she had made a 999 call which lasted 15 minutes and the police officers had used a body-cam when they attended the call out. The prosecutor showed the defence solicitor this evidence and the defendant pleaded guilty. His eight week suspended sentence was activated, and he was given another 16 weeks imprisonment to serve consecutively.
- A high risk victim was assaulted by her partner of two years. Throughout her relationship there had been abuse and violence, but previously she had retracted her evidence. The defendant assaulted her in the street and burnt her eye lid using a cigarette. A member of the public called the police. He was remanded in custody until the trial date due to the risk he posed. On the day of trial the victim did not turn up (although she had not retracted). However CPS had planned for this possibility and the officer gave evidence which was admitted as 'res gestae', along with photos of her injury and the defendants 'no comment' interview. He was convicted and was committed for sentence to the Crown Court (CC) as he was on a suspended sentence from the CC. He lodged an appeal against the conviction but then abandoned the appeal at the CC. He was given five months custody for this assault and his suspended sentence was activated in full, so he received a nine month sentence in total.

A number of local initiatives have been identified as good practice throughout 2013-14.

- A themed week for prosecutors on DV to raise awareness was rolled out in London and a session with the Mayor's office (MOPAC Challenge) focused on victim's services, leading to a review of victim services.
- A pilot was held in Thames and Chiltern to address victim withdrawals and reduce time to trial listing.
- West Midlands hosted a conference on DV involving a range of experts including IDVAs and ISVAs.
- In the North East local research with victims of DV was shared with VAWG Coordinators by local leading women's groups.
- In the South East IDVAs worked with prosecutors to reduce early DV retractions.
- Advice has been taken from local focus groups on communication with victims in the South East and the South West.
- Prosecutors met with DV survivors' groups to take Q&As in the South West.

### **Lessons from the London DV week used in court**

- In a case involving a couple who ran a business together, the defendant poured petrol over their delivery van and smashed one of the windows. Charged as criminal damage, on the day of trial, which coincided with the middle of CPS London DV week, defence counsel sought to argue that since the van was jointly owned, criminal damage could not be proved. The victim had withdrawn at this stage following the death of the victim's father. As a direct result of discussions during DV week about criminal damage of jointly owned property, a prosecutor advised the trial advocate to proceed on the basis of section 10 of the Criminal Damage Act 1971 – property defined as belonging to any person who has any proprietary right or interest in it. As a result of this, the defendant changed his plea to 'guilty'.

## **DV harassment and stalking**

The next section of this report on 'Stalking and Harassment', provides general data on stalking and harassment offences<sup>51</sup> and restraining orders. In 2012 new legislation on stalking was announced. The stalking and harassment offences, in which a prosecution started, as DV cases, are outlined below.

Table 4 in the Stalking and Harassment section, shows that in 2012-13:

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<sup>51</sup> The caveats in relation to offence data are:

Offences recorded in the MIS Offences Universe are those which reached a hearing. Data relates to the number of offences recorded in magistrates' courts, in which a prosecution commenced, as recorded on the CMS. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing - this offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation. These caveats apply to any other offence data used throughout this report.

- There were 5,247 offences flagged as DV charged under Section 2 Prevention of Harassment Act (PHA) 1997 - course of conduct amounting to harassment - (compared with 4,217 in 2012-13);
- There were 952 offences flagged as DV charged under Section 4 PHA 1997 - putting people in fear of violence - (compared with 775 in 2012-13);
- This was an increase of 24.7% in S2 PHA 1997 and 22.8% in S4 PHA 1997 prosecutions;
- 384 offences of stalking with fear/alarm or distress and 132 offences of stalking involving fear of violence or serious alarm or distress were prosecuted;
- 9,006 breaches of restraining orders were related to DV; a rise of 22.1% from 2012-13;
- Of these, 245 were breaches of restraining orders that were made on acquittal, a rise from 220 in 2012-13;
- 5,584 breaches of non-molestation orders started prosecution, compared with 4,414 in the previous year, a rise of 26.5%.

There has been a significant rise in prosecutions of harassment and breaches – nearly a quarter more across 2013-14 compared with the previous year. The new offences against stalking have been implemented.

## Restraining orders

Applications for restraining orders can be made on conviction or acquittal<sup>52</sup>. Restraining orders on acquittal can be an added protection for victims in situations where the abuse may be 'beyond the balance of probabilities', a lower standard of proof than that usually required in criminal convictions of 'beyond reasonable doubt'. The MoJ data for 2013 on restraining orders on conviction and acquittal is provided in the stalking and harassment section below.

In January 2013, all CPS Areas began to record restraining orders on acquittal to provide some measure of where the CPS may help in victim safety and avoid victims having to apply and pay for an order through the civil courts. The revised DV legal guidance also provides advice to prosecutors on appropriate terms to apply for when handling cases involving teenage victims and defendants.

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<sup>52</sup> Section 12 of the Domestic Violence, Crime and Victims Act 2004 amended section 5 of the Protection from Harassment Act 1997, allowing the courts to issue a restraining order upon acquittal.

## Harassment and restraining orders

- A very high risk victim was assaulted in her home within hours of an earlier breach of a restraining order. She was already supported through the Multi-Agency Risk Assessment Conference locally. She was very reluctant to pursue the prosecution so the prosecutor decided to summons her, as there had been such serious previous incidents. This led to a successful prosecution for Aggravated Burglary, Assault and Breach of a Restraining Order. He was sentenced to five years and 18 weeks' imprisonment.
- A DV victim fled from London to Brighton. She withdrew her allegation and refused to return to London. A proactive approach to special measures secured the support of the victim and enabled her to testify from Hove Crown Court. The defendant was convicted of breaching the restraining order and received a 10 month custodial sentence.
- A man who harassed an ex-partner since 2001 used Facebook to continue his campaign of harassment following his release from prison after his sentence of 16 weeks for his previous harassment of her. He pretended he was a woman and used other names to contact her on Facebook. The sites were used to post pictures intended to insult her new boyfriend. He was jailed for 20 months after pleading guilty to breaching the restraining order. Following his release from prison, the restraining order will remain in force.

# Stalking and harassment

From CPS performance data there has been a rise of prosecutions commenced in relation to stalking, harassment and breaches in 2013-14. The CPS data is provided below, followed by the national official statistics from the MoJ for the calendar year 2103.

In 2013-14<sup>53</sup>:

- A prosecution commenced in respect of 8,303 offences charged under S2 PHA 1997 for harassment without violence – a rise of 16.0% from 7,159 in 2012-13;
- 1,489 prosecutions were commenced under S4 PHA 1997 – harassment putting people in fear of violence – a rise of 6.5% from 1,398 in 2012-13;
- There were 743 prosecutions commenced under the new stalking offences – 529 with fear/alarm/distress and 214 involving fear of violence/serious alarm or distress;
- 11,651 breaches of restraining order offences started prosecution, a rise of 13.4% from 10,275 in 2012-13;
- Of these, 322 were breaches of restraining orders that were made on acquittal, a rise of 2.9% from 2012-13; and
- 6,498 breaches of non-molestations orders started prosecution, compared with 5,563 in the previous year, a rise of 16.8%.

Table 4 provides a breakdown of all offences including those flagged as DV.

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<sup>53</sup> Offences recorded in the CPS Management Information System Offences Universe are those which reached a hearing. Data relates to the number of offences recorded in magistrates' courts, in which a prosecution commenced, as recorded in the CMS database. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe of the MIS are those which were charged at any time and reached at least one hearing. This offence will remain recorded whether or not that offence was proceeded with and there is no indication of final outcome or if the offence charged was the substantive offence at finalisation.

**Table 4: Harassment and stalking offences charged and reaching a first hearing in magistrates' courts**

		2013-2014				
		Flagged as DV		Non DV flagged		Total
Family Law Act 1996 { 42A(1) and (5) }	Breach a non-molestation order - Family Law Act 1996	5,584	85.9%	914	14.1%	<b>6,498</b>
Protection from Harassment Act 1997 { 2(1) and (2) }	Harassment without violence	5,257	63.3%	3,046	36.7%	<b>8,303</b>
Protection from Harassment Act 1997 { 4(1) and (4) }	Harassment - put in fear of violence	952	63.9%	537	36.1%	<b>1,489</b>
Protection from Harassment Act 1997 { 2A(1) and (4) }	Stalking with fear / alarm / distress	384	72.6%	145	27.4%	<b>529</b>
Protection from Harassment Act 1997 { 4A(1)(a)(b)(i) and (5) }	Stalking involving fear of violence	49	75.4%	16	24.6%	<b>65</b>
Protection from Harassment Act 1997 { 4A(1)(a)(b)(ii) and (5) }	Stalking involving serious alarm / distress	83	55.7%	66	44.3%	<b>149</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order on conviction	8,761	77.3%	2,568	22.7%	<b>11,329</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order after acquittal	245	76.1%	77	23.9%	<b>322</b>
		2012-2013				
		Flagged as DV		Non DV flagged		TOTAL
Family Law Act 1996 { 42A(1) and (5) }	Breach a non-molestation order - Family Law Act 1996	4,414	79.3%	1,149	20.7%	<b>5,563</b>
Protection from Harassment Act 1997 { 2(1) and (2) }	Harassment without violence	4,217	58.9%	2,942	41.1%	<b>7,159</b>
Protection from Harassment Act 1997 { 4(1) and (4) }	Harassment - put in fear of violence	775	55.4%	623	44.6%	<b>1,398</b>
Protection from Harassment Act 1997 { 2A(1) and (4) }	Stalking with fear / alarm / distress	52	72.2%	20	27.8%	<b>72</b>
Protection from Harassment Act 1997 { 4A(1)(a)(b)(i) and (5) }	Stalking involving fear of violence	8	88.9%	1	11.1%	<b>9</b>
Protection from Harassment Act 1997 { 4A(1)(a)(b)(ii) and (5) }	Stalking involving serious alarm / distress	7	70.0%	3	30.0%	<b>10</b>

Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order on conviction	7,154	71.8%	2,808	28.2%	<b>9,962</b>
Protection from Harassment Act 1997 { 5(5) and (6) }	Harassment - breach of a restraining order after acquittal	220	70.3%	93	29.7%	<b>313</b>

## MoJ statistics<sup>54</sup>:

The Ministry of Justice (MoJ) data<sup>55</sup> covers a calendar year; MoJ prosecution data is for cases where the defendant was prosecuted in 2013; MoJ conviction data is for cases convicted in 2013 (there may be some convictions in 2013 for cases that were prosecuted in 2012).

CPS data in Table 4 is based on the financial year (2013-14) which includes *all* offences *starting* a prosecution rather than completed.

## Stalking and harassment:

In 2013, the MoJ figures for England and Wales show that 5,895 defendants were prosecuted for S2 PHA offences (harassment without violence) were prosecuted (compared with 5,417 in 2012). 4,451 were convicted (compared with 4,094 in 2012). The conviction ratio remained at 76%.

1,040 defendants were prosecuted for S4 PHA offences (harassment - put in fear of violence) were prosecuted in 2013 (compared with 907 in 2012); with 639 convicted (compared with 543 in 2012). The conviction ratio rose from 60% to 61%.

293 defendants were prosecuted for S2A PHA offences (Stalking with fear/alarm/distress) in 2013<sup>56</sup> and 196 convicted (67%). 55 defendants were prosecuted in 2013 under S4A (stalking involving fear of violence) with 16 convictions – 29%. 99 defendants were prosecuted in 2013 under S4A (stalking involving serious alarm or distress) with 37 convictions – 37%.

<sup>54</sup> Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

The number of defendants found guilty in a particular year may exceed the number proceeded against as the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

<sup>55</sup> The figures provided relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been prosecuted or found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

The number of defendants found guilty in a particular year may exceed the number proceeded against as the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

<sup>56</sup> The new offences started in November 2012 and eight defendants were prosecuted under S2A in 2012.



## Restraining orders and breaches:

The MoJ figures for England and Wales show that in 2013, 18,656 restraining orders were issued on conviction (compared with 18,611 in 2012) and 1,667 on acquittal (compared with 1,448 in 2012).

In relation to breaches, the MoJ data covers a calendar year and relate to cases prosecuted where restraining orders were the principal offences prosecuted. CPS data in Table 4 is based on a financial year which includes *all* breaches *starting* a prosecution, not just those where a restraining order is a principal offence.

During 2013, there were 7,219 prosecutions for breaches of restraining orders that had been imposed on conviction, with 6,337 convictions. This was an increase from 6,470 prosecutions in 2012 with 5,699 convictions.

During 2013, there were 235 prosecutions for breaches of restraining orders related to those that were issued following the acquittal of the defendant, with 183 convicted. This was an increase from 130 prosecutions in 2012 with 98 convictions.

In total, 87% of all prosecutions for breaches resulted in a conviction in 2013.

## Legislation

Two new stalking offences were introduced in November 2012, with guidance provided for prosecutors. Guidance was updated in 2013 focusing on the differences between stalking and harassment, the circumstances when a stalking charge should be preferred to one of harassment, and the importance of engaging the victim throughout the criminal justice process<sup>57</sup>.

Prosecutors continue to apply for restraining orders (including in DV cases) upon conviction and acquittal.

The Strategy and Policy Directorate research team carried out a dip sample of 39 stalking offences from October – December 2013 (27 S2A; 2 S4A (i) and 10 S4A(ii))<sup>58</sup>. The majority of victims were women and the majority of perpetrators were men. Of the 39 cases, 33 were qualitatively assessed from the case file notes as DV cases; of which 32 were linked to relationship breakdown. Most were prosecuted as stalking causing alarm or distress; ten as causing serious harm or distress (eight of which were DV) and two as stalking with fear of violence (one of which was DV). A more detailed study is planned for early summer 2014 to explore the take up of the new stalking offences, exploring the trends in harassment and stalking cases since the new offences, the appropriateness of the offences used, the

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<sup>57</sup> Section 2A of the Protection from Harassment Act 1997 introduced a new offence of stalking (summary offence) and Section 4A Protection from Harassment Act 1997 introduced a new offence of stalking involving fear of violence or serious alarm or distress that has a substantial adverse effect on their usual day-to-day activities (either way offence). The additional element in the new section 4A enables cases to be prosecuted mainly when the defendant's behaviour falls short of fear of violence but nevertheless causes a victim serious alarm or distress.

<sup>58</sup> Note, this exercise was very limited in scale and scope and is therefore not necessarily representative or generalizable.

prosecutor experience and any difficulties.

## Work with police

To mark the first anniversary of the legislation, in November 2013, the DPP and the National Policing lead on Stalking issued a joint letter to all Chief Crown Prosecutors and all Chief Constables. The letter outlined plans for a joint ACPO/CPS protocol which will improve services to victims of stalking, and help police officers and prosecutors build stronger cases leading to more successful prosecutions for stalking and harassment. The protocol is likely to be published in early summer 2014. The protocol focuses on informing the victim on charging and bail hearing and making sure that restraining orders are applied for. Following publication of the joint protocol, further training and awareness-raising will be arranged for police officers and CPS prosecutors to support its implementation.

### Harassment

- In an East Midlands case a defendant stalked his ex-partner and her family including text messages, e-mails, followed her and hacked into her e-mail account. He used a website that allowed him to send texts to himself, as if on the victim's behalf, which led to her being arrested, interviewed and given a harassment warning. Much of the police's investigation was locally ground-breaking and the strength of the evidence against him led to him pleading guilty. He received a custodial sentence of six and a half years following prosecution for stalking involving fear of violence and perverting the course of justice in relation to the false texts.
- In West Midlands, a defendant received eight months' imprisonment and an indefinite restraining order following stalking and intimidation of a vulnerable victim. The prosecutor twice rejected attempts by the defence to plead guilty to lesser offences.

## Training

The CPS Prosecution College e-learning module to further support prosecutors in prosecuting cyber-stalking, non-cyber stalking and harassment, was made mandatory for all prosecutors from June 2013. The cyber-stalking training dealt with section 127 of the Communications Act 2003; section 1 of the Malicious Communications Act 1998 and the offence of grooming. It also included the new stalking offences as part of the case scenario.

In addition, the new offences of stalking were included in a revision of the DV e-learning training in March 2013. In April 2014, a specific stalking e-learning module was launched to complement the mandatory cyber stalking course. The new stalking module deals specifically with stalking and harassment offences, and places an emphasis on building a strong case, working closely with the police and engaging with victims throughout the legal process.

## Awareness

A national conference was held to mark National Stalking Awareness Day in April 2014 to raise awareness about the crime of stalking. CPS presented the new law at the themed day on 'Stalking - Working without Fear'. It was attended by a number of support agencies, victims, professionals and partners in the community and criminal justice sector.

# Rape

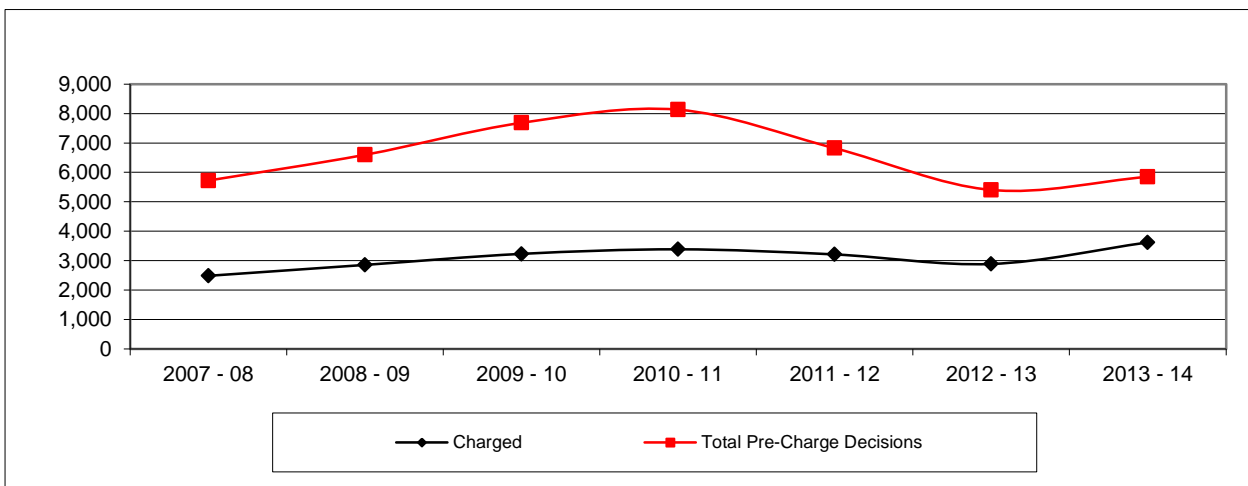
In 2013-14, following concerns identified through the 2012-13 VAWG crime report in relation to the fall in volume of rape cases, Areas focused on addressing the volumes of referrals from the police, prosecutions and convictions, through the VAWG assurance system. This culminated in a rise in volumes, across the process, by the end of the year.

The volume of rape referrals from the police rose to 5,850 in 2013-14 – a rise of 446 referrals (8.3%) from the volume of 5,404 in 2012-13. Eleven Areas indicated a rise in referrals<sup>59</sup>, with seven indicating a rise every quarter in 2013-14.

3,621 defendants were charged<sup>60</sup>, the highest volumes and proportions ever and a rise in volume of 732 charged defendants (25.3%) from 2012-13. The proportion of referred cases charged increased from 41.7% in 2010-11, 53.5% in 2012-13 to 61.9% in 2013-14. All Areas increased the volumes and proportion charged; with twelve increasing every quarter during 2013-14.

Graph 9 outlines the changes in volume of referrals and prosecutions from 2007-08 to 2013-14.

**Graph 9: Volume of police rape referrals and charged defendants**



CPS data on successful rape prosecutions include not only cases resulting in a conviction for rape but also cases initially flagged as rape, where a conviction was obtained for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the MoJ (MoJ) data on convictions of cases charged and convicted for rape only.

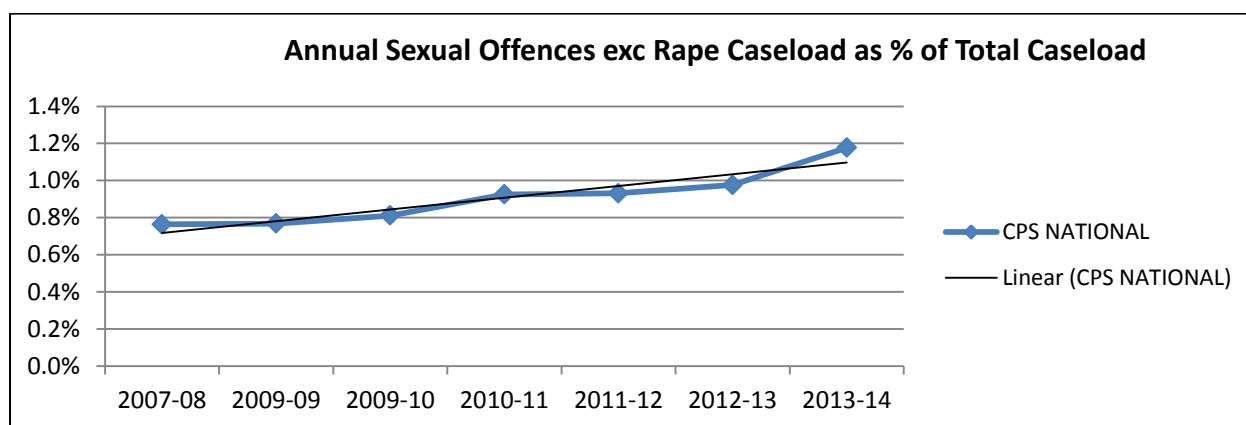
<sup>59</sup> All Areas had a rise in police referrals except Merseyside/Cheshire and West Midlands. The former are the only unit co-located with the police and therefore identify cases to proceed at a very early stage. Both proceeded with a rise in the volume charged.

<sup>60</sup> The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of the year, a revised method of reporting the outcomes of charging decisions was developed. The revised method has been used in this report which provides a more accurate figure for the percentage of defendant cases which proceeded to prosecution. For this reason, the data will differ from that reported in previous years.

The flag is applied to CPS files from the start of the case; this flag will remain in place even if the decision is taken to charge an offence other than rape or where a rape charge is subsequently amended. The accuracy of flagging of cases has improved over the year, rising from 96.4% in Q4 2012-13 to 97.4% by Q4 2013-14. The MoJ data is provided in the next section as the official national statistics on rape 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.

The proportion of rape cases<sup>61</sup> has risen year on year to 11.1% in 2013-14.

**Graph 10: Rape caseload as % of total crown court indictable only outcomes 2007-08 to 2013-14.**



**Table 5: Completed rape prosecutions by outcome**

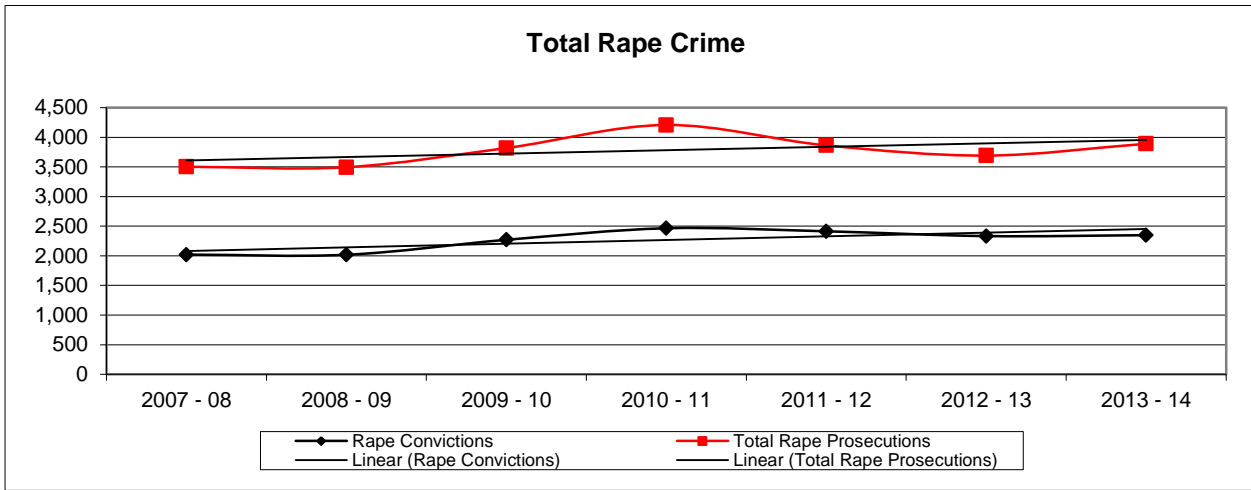
	2008 - 09		2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	2,018	57.7%	2,270	59.4%	2,465	58.6%	2,414	62.5%	2,333	63.2%	2,348	60.3%
Unsuccessful	1,477	42.3%	1,549	40.6%	1,743	41.4%	1,450	37.5%	1,359	36.8%	1,543	39.7%
<b>Total</b>	<b>3,495</b>		<b>3,819</b>		<b>4,208</b>		<b>3,864</b>		<b>3,692</b>		<b>3,891</b>	

The volume of rape prosecutions completed in 2013-14<sup>62</sup> rose to 3,891 – a rise of 199 defendants (5.4%) from 2012-13, but not yet reaching the highest volume of 4,208 prosecuted in 2010-11 (Graph 11 and Table 5). The rise in charged defendants during 2013-14 may impact on prosecution outcomes in 2014-15.

<sup>61</sup> Rape caseload as a % of all indictable-only prosecutions.

<sup>62</sup> Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2013-14 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2013-14.

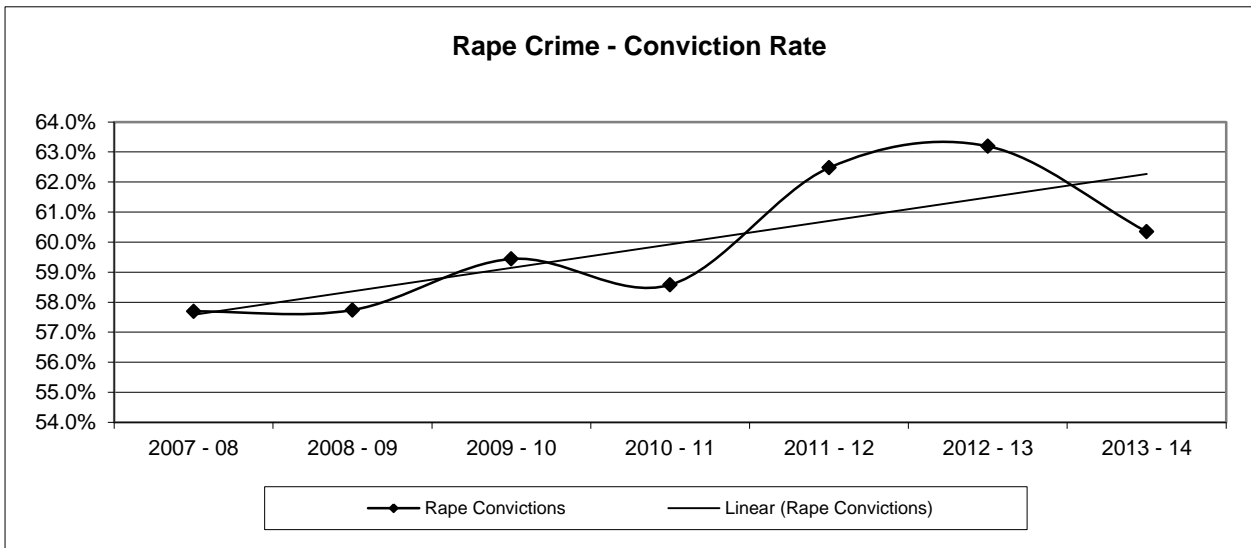
**Graph 11: Rape volumes 2007-8 to 2013-14**



From CPS data, the volume of convictions reached 2,348 - a rise from 2,333 convictions (0.6%) in 2012-13. Between 2007-8<sup>63</sup> and 2013-14 CPS conviction rates<sup>64</sup> have risen from 57.7% to 60.3%, but a fall from 63.2% last year - the highest recorded CPS conviction rate for rape since recording began.

Graph 12 illustrates the trend of CPS rape convictions over the past seven years.

**Graph 12: Rape conviction rates 2007-08 to 2013-14**



From CPS data, 3,699 (97.8%) of cases initially flagged as rape were finally prosecuted for the principal offence<sup>65</sup> categories of 'sexual offences, including rape' or more serious

<sup>63</sup> Recording of rape data started later than that of domestic violence.

<sup>64</sup> Outcomes from charge to conviction; see details above.

<sup>65</sup> See Glossary for CPS definitions of 'principal offence' and the different categories. The principal offence category data recorded by the CPS in the Case Management System are understated when compared to overall prosecution volumes in the same period. Outcomes which resulted in an administrative finalisation or incomplete proceedings, where a principal offence category is not

principal offences of 'homicides' or 'offences against the person'. Of these 3,484 were for sexual offences including rape; five for homicide and 210 for offences against the person.

Guilty pleas fell slightly from 39.7% in 2012-13 to 35.9% in 2013-14. Of all successful outcomes 59.5% were due to guilty pleas. Discontinued cases have continued to fall and reached the lowest level ever at 13.1% of all prosecuted rape cases.

Out of all reasons for unsuccessful outcomes, the proportion due to jury acquittals<sup>66</sup> has risen year on year - from 56.1% in 2012-13 to 60.3% in 2013-14. More work is planned in 2014-15 (as outlined linked to the National Rape Scrutiny Panel below) with partners to address public awareness and challenge myths and stereotypes, which may have led to high jury acquittal rates in sexual offence cases.

In 2013-14 the recording of the reasons for unsuccessful outcomes was changed to ensure improved accuracy. This has led specifically to more enhanced recording of victim issues. Previously reasons may have been recorded as 'essential legal element missing' or 'unreliable witness'. In 2013-14 we have seen a fall in these reasons (from 4% to 1.5% and 8.1% to 1.3% respectively). In parallel there has been a rise in recording of all unsuccessful outcomes, those due to victim issues rising from 12.5% to 18%; of which 10.8% was due to victim retraction.

Out of *all* cases prosecuted, the proportion that was unsuccessful due to victim issues<sup>67</sup> has risen from 4.6% last year to 7.1%, after remaining constant around 7% (from 2007-2010). Support for victims through the court process is key in reducing retractions and work to improve this was identified through the National Rape Scrutiny Panel is detailed below.

## Timeliness

For the first time, in 2013-14, the timeliness of pre-charge decisions was monitored within the VAWG assurance system. The average number of days to charge in 2013-14 was 39.6 days. This is an average figure, where figures are significantly above this Areas have been asked to draw up plans to improve performance and progress is mapped through the VAWG assurance process. These decisions require meticulous attention and can include the consideration of complex evidence, especially related to the increase in non-recent cases reported. We are now advising on rape cases at the start, rather than the end, of an investigation in order to help the police build stronger cases, which will inevitably lengthen CPS involvement. In addition, time is needed to view victims' often lengthy visually recorded interviews, forensic analysis of communications on social media and phones as well as assessing relevant material such as social services records as part of the prosecution's duty of disclosure.

Timeliness will be addressed in the National Action Plan in 2014-15 following the Rape National Scrutiny Panel, as well as within the VAWG assurance process with Areas, especially where long delays were identified. CPS advises the police at the start of rape investigations and several Areas have introduced police checklists so all investigative

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allocated, have been excluded.

<sup>66</sup> All 'unsuccessful outcomes due to acquittals' outlined in previous reports included 'Jury acquittals' and 'dismissed after full summary trial' – this rose from 56.3% in 2012-13 to 61% in 2013-14.

<sup>67</sup> Unsuccessful cases due to victim retraction; non-attendance or where the victim's evidence does not support the case.

avenues are explored early on to avoid delays. Following the assurance process in autumn 2013 the Director wrote to all Areas requesting plans for addressing any backlog of cases and ways to improve timeliness; this was considered in the follow up at the end of the year.

## MoJ official national statistics<sup>68</sup>

The [official national rape statistics from the MoJ](#) indicate that in the calendar year of 2013 there were 3,081 defendants, on a principal offence basis<sup>69</sup>, prosecuted for rape at magistrates' courts in England and Wales, a rise from 2,822 in 2012. 3,020 defendants were sent to the Crown Court for trial, compared with 2,765 in 2012. In 2013 there were 1,121 offenders convicted of rape in England and Wales, a fall from 1,145 in 2012, resulting in a prosecution to conviction ratio in 2013 of 36% – a fall from 41% in 2012. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence.

Information on prosecutions and convictions is published quarterly by the Ministry of Justice, however, detail offence level data, e.g. rape, is only published annually for the complete calendar year.

MoJ data from 2011 indicated that of the rape cases heard at Crown Court in 2011 and matched to an outcome in 2011, 2012 or 2013 (i.e. completed trials)<sup>70</sup>:

- 59% were convicted of an offence (40% were not guilty<sup>71</sup>); consisting of:
  - 37% which were convicted of rape;
  - 16% which were convicted of another sexual offences;
  - 3% which were convicted of a violent offence, a further 2% of another indictable offence and 1% of a summary offence.

## Area performance

The table on page 83 provides rape prosecution data by Area and police force district. The linked annex provided at the beginning of the Executive Summary provides Area and police force district pre-charge data.

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<sup>68</sup> Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

The number of defendants found guilty in a particular year may exceed the number proceeded against as the proceedings in the magistrates' court took place in an earlier year and the defendants were found guilty at the Crown Court in the following year; or the defendants were found guilty of a different offence to that for which they were originally proceeded against.

<sup>69</sup> MoJ information: The figures given on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

<sup>70</sup> This compares with data compiled for 2008 prosecutions, completed in 2008-09, where 58% were found guilty; of which 33% were convicted for rape, a further 14% convicted of another sexual offence, 5% were convicted of a violent offence, a further 5% of another indictable offence and 1% of a summary offence.

<sup>71</sup> 1% were not tried at crown court.



## Good practice

- In the South East, the VAWG Coordinator provided a rape service information pack for all judges, following the request of the local Resident Judge after their meeting with a local ISVA.
- In Yorkshire and Humberside, data was gathered for three months to assess delays in trials and draw up actions.
- In the North East, the Area is planning to audit the length taken for investigations and legal decision making in rape cases.

## Equalities issues

### Gender

In 2013-14, the majority of defendants were men, at 99%, as in 2012-13. The recording of victim gender at 73% is not robust enough to include in this report.

### Ethnicity

In 2012-13, 62% of rape crime defendants were categorised as White, of which 55% were identified as belonging to the White British category (over two ppt less in than the previous year). 8.8% of defendants were identified as Asian – a rise of 0.3ppt from 2012-13, and 10.5% were identified as Black – a fall of 0.1ppt<sup>72</sup>. There was a fall of 1.5ppt in the recording of defendant ethnicity. 68% of victim ethnicity is still not recorded; therefore the data is not included in this report.

### Age

The majority of defendants were aged 25-59 (61%) and 18-24 (21%). It was of concern to note that nearly 30% of defendants (1,131) were under 24, with 264 (just under 7%) of defendants being 14-17 years old and 35 (1%) aged 10-13. 32% of victim age is not recorded; therefore data is not included in this report.

## Qualitative assessment of rape cases

In 2013- 14 we moved to focusing on implementing previously identified ways to improve rape prosecutions, rather than identifying what the issues were. To this end Areas were asked to focus on qualitative improvements and check against 15% of their rape cases<sup>73</sup>. Their assessments indicated continued improvements over the year in the allocation of cases to rape specialists; fewer incidents of no further action being taken and improvements in instructions to counsel. Good governance arrangements continue and steps taken to improve early consultation with the police and victim issues. There was some indication that consideration of pre-trial witness interviews had improved. Many Areas

<sup>72</sup> 6% of defendants did not state an ethnicity on arrest and 9.6% of defendants' ethnicity was not provided to the CPS by the police.

<sup>73</sup> From January 2011 – March 2013, 25% of rape cases were assessed to identify issues to address; from April 2013 this moved to a focus on the implementation of the findings, continuing to assess against 15% of their cases.

reported upon the appropriate use of rape simple cautions - only in exceptional circumstances.

## Cross-government issues

The CPS is part of the cross-government work through the MoJ strategy and action plan on rape and the National Group on Sexual Violence Against Children and Vulnerable People overseen through the Home Office, as well as linked to the VAWG Inter-Ministerial Group.

## National Rape Scrutiny Panel

The fall in referral of rape cases by the police to CPS, identified in the last CPS VAWG report, was discussed at the roundtable meeting held by the then Director of Public Prosecutions in September 2013 with the Home Office and National Policing lead for rape. It was agreed to hold a National Scrutiny Panel to address this issue and the wider issues related to their investigation and prosecution. The panel was held in April 2014, attended by police, prosecutors, academics and victims' groups, out of which a detailed action plan was developed.

Whilst recognising that the drop in volumes has turned around over the last year, with a rise in police referrals and in charging volumes, it was recognised that this requires monitoring for months and years to come, as do the number of convictions and conviction rates, the latter which has fallen over the last year. The Panel identified some pervasive myths in the case studies that reflect the views of society as a whole, and which may be a barrier to justice for some vulnerable victims. These included the need to understand the fundamental issue of consent.

Together with the National Police lead on rape, the DPP pledged commitment to addressing the issues preventing rape cases from successfully progressing through the criminal justice system. The Plan for 2014-15 outlines three themes:

- Striking the balance: Offender centric investigations while ensuring an effective response to victims
- Tools for the Job: Investigators and Prosecutors on Handling of Rape Cases
- Continuous Improvement: Oversight and Accountability

The plan includes a review of CPS RASSO Units and instruction of appropriate advocates in rape trials, aimed at implementing steps to produce improved outcomes for rape cases. Further clarification for police and prosecutors will be provided on charging in all VAWG cases and the criteria and process for obtaining early investigative advice in rape cases, in the Director's Guidance on Charging. Later in 2014, a National Conference will be held with all specialist rape prosecutors and police rape leads to raise further awareness of key issues such as the legislation on consent, updating of the police/CPS rape protocol and ways to address the vulnerability of rape victims. In addition information will be gathered from local criminal justice agencies and third sector organisations to better understand and address issues in relation to court listings and timeliness for rape cases. A Rape Review of the Metropolitan Area, is also being carried out by Dame Elish Angiolini QC during 2014-15.

## Rape and Serious Sexual Offence Units

In March 2013, there were 873 specialist prosecutors trained in the merits-based approach to deal with rape prosecutions, out of a total of 2,543 prosecutors (34%); a rise from 29% in March 2011. The specialists worked across Areas carrying out rape prosecutions, but also dealing with other cases. Only six Areas had a Rape and Serious Sexual Offences (RASSO) Unit, with specialists.

By October 2013, RASSO Units were rolled out across all Areas. With the move to RASSO Units, specialist prosecutors were located in the Units to specialise in the prosecution of rape and sexual offences (outlined below). By March 2014, a total of 318 rape specialist prosecutors were allocated specifically to RASSO Units. In addition all Areas had a number of trained specialists outside of the Units. Centrally, 122 specialist rape prosecutors are allocated to CPS Direct (for out of hours services); special crime, organised crime and the Appeals and Review Unit. There was further RASSO training in 2013-14 (held locally and nationally) and a RASSO refresher course for those who undertook their RASSO training in its early days and required an update.

The RASSO Unit minimum standards were extended beyond covering rape, non-summary serious sexual offences (SSO) and penetrative offences (including those in DV situations) to include:

- All Crown Court cases of child sexual abuse;
- Sexual offence cases with multiple victims (to cover Savile type issues);
- Sexual offences with vulnerable adults, due to the complexities and expertise needed;
- Youth court rape and sexual offence cases (all major decisions on youth cases to be taken by rape specialists who are also youth specialists); and
- Those involving allegedly false rape and/or DV allegations.

The RASSO Units charge all the above offences apart from out of hours, when rape specialists in CPSD make charging decisions. A network of Heads of RASSO Units has been developed, with RASSO newsletters.

## Vulnerable victims

- A woman with serious learning difficulties was the victim of a series of humiliating acts of sexual abuse and rape at the hands of her husband throughout the course of their violent 20 year marriage. Due to her difficulties in being able to provide details of timing and frequency it was first thought that the case could not proceed. However a second reviewing lawyer found her to present as highly credible and ensured the support of an intermediary who confirmed measures to allow the complainant to give her evidence in an effective way. The defendant was convicted and sentenced to 11 years imprisonment.
- A profoundly deaf victim with learning difficulties required the assistance of both a signer and an intermediary during her case. The defence raised issues regarding her competence and following a formal competency hearing the judge agreed. The prosecutor took this to the Court of Appeal and the finding was overturned and the proceedings resumed. The defendant was sentenced to nine months' imprisonment.

## False allegations

In March 2013 a report was published [Charging perverting the course of justice and wasting police time in cases involving allegedly false rape and domestic violence allegations](#)

The report showed that false allegations of rape and DV are perhaps more rare than previously thought, but serious when they do occur. Only in a very small number of cases was it considered that there was sufficient evidence, and that it was in the public interest, to prosecute a person suspected of making a false allegation of rape and/or DV<sup>74</sup>.

The report shed light on the context in which people make false allegations, showing that a significant number of these cases involved young, often vulnerable people, and sometimes even children. Around half of the cases involved people aged 21 and under, and some involved people with mental health difficulties. The report indicated that the guidance is clear and in 2013-14, further advice to help in some of the most complex cases will be added.

RASSO minimum standards were updated to include these cases<sup>75</sup> in October 2013, to ensure specialists dealt with them. Post-Case Reviews were held with selected areas. Monitoring of alleged false allegations was carried out in 2013-14, through the VAWG assurance system with two dip-sample reviews.

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<sup>74</sup> There were 5,651 prosecutions for rape in the period of the assessment of alleged false allegations, and 35 prosecutions for making false allegations of rape.

<sup>75</sup> Any cases involving allegedly false rape and/or domestic violence allegations.

The dip-sample reviews of 25% of cases were carried out as part of the VAWG assurance process in spring and autumn 2013, with reports to the DPP. The reviews continued to improve in quality with the vast majority clearly showing correct application of guidance and a number showed a particularly strong depth of knowledge and understanding of cases of this type. Where issues were identified they were taken up with the local Area.

Master Classes were delivered in December 2013 to the Heads of RASSO Units and Deputy Chief Crown Prosecutors. A DVD was produced and circulated for viewing by all rape specialists dealing with these cases and two follow up webinars held in spring 2014.

In 2014, national issues will be discussed with the national policing lead on rape and local issues will be included in the letters to CCPs following this assurance process. Legal guidance is being updated and data will continue to be gathered in future assurance returns.

#### **Alcohol issues:**

- A 25-year-old man was jailed for 5 years, for raping a teenage girl in the front seat of a car after plying her with vodka. The judge stated concerns that 'any reasonable person would have realised she was vulnerable'. He will be on the Sex Offenders' Register indefinitely.
- In East Midlands there were two rape cases involving the same victim who was a sex worker. Although there were difficulties with the witness because of drug addiction and alcoholism, defendants were convicted and received imprisonment of seven years and four and a half years respectively.

## **Victims**

Many Area LSIPs include scrutiny of rape cases to inform local learning, alongside the qualitative VAWG assurance monitoring and assessment of local community engagement.

### **Good practice:**

- In the North West and North East, LSIP members have been invited to act as 13<sup>th</sup> ‘jurors’ in rape trials and links will be made with the National Scrutiny Panel actions.
- A formalised process has been developed so that victims view their video evidence well ahead of trials in Wales.
- In the South West, a RASSO Multi-Agency Task Group was formed and cross-agency training on domestic violence included survivor input.
- In Thames and Chiltern, a focus group was held with rape victims, facilitated by Rape Crisis, to help agencies gain a better understanding of the experiences of rape victims of the CJS and what could be improved.

## **Sentencing guideline**

In December 2013, the Sentencing Council published a new sentencing guideline for sexual offences which will help ensure appropriate and consistent sentences. The guideline came into force in April 2014 and covers more than 50 offences including rape, child sex offences, indecent images of children, trafficking and voyeurism, and brings significant changes to how offences are considered by the courts.

As well as physical harm, the new approach reflects more fully the psychological and longer term effects on the victim as well as looking at the full context of offending behaviour and motivation in committing any offence. It gives more significant emphasis to factors like grooming activity by both individuals and gangs, the targeting of vulnerable victims such so that these are clearly reflected in sentence levels.

The guideline also simplifies the system for assessing indecent images of children moving away from concentrating on just the number of images and giving more emphasis to what the offender is doing with the images – possessing, distributing or creating – to help assess the offending behaviour and appropriate sentence level. In addition, the guidelines take into account the increased use of technology in offending since the previous guideline was issued in 2004.

This will apply to all adult offenders, regardless of when offences took place, so while offenders will be subject to the law at the time of the offence, the guideline will bring a modern and victim-focused approach to how non-recent offenders are dealt with by the courts.

## **Non-recent rape**

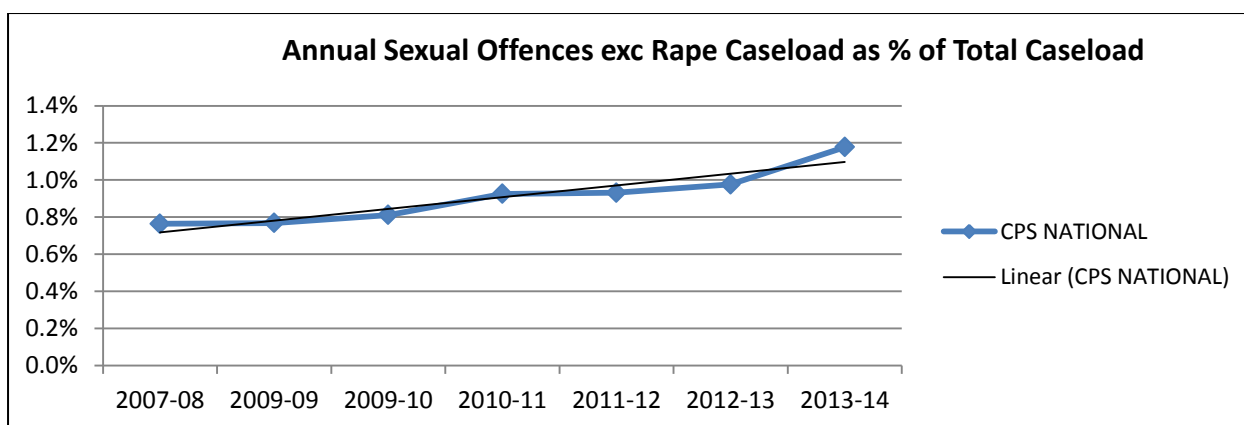
- A defendant was sentenced to 13 years' imprisonment for his violent and terrifying attack on a 68-year-old woman in her own home that occurred more than twelve years ago. He was identified through his DNA in relation to a theft in 2013.
- A defendant who raped a 9-year-old girl, when he was a teenager, was jailed for 4 years. He sexually abused the girl on four occasions in 1999 when he was aged 14 or 15. He got her to perform a sex act on him on three occasions and raped her once. The court heard that he had confessed to the offence to his then partner in 2008, but the police were not told until last year, when they were contacted by another woman. He was also put on the Sex Offender register for life.

# Sexual offences (excluding rape)

CPS records include no indication of pre-charge decisions regarding sexual offences (excluding rape), as the principal offence category of ‘sexual offences’ which includes rape and all sexual offences is allocated to cases only at the conclusion of prosecution proceedings<sup>76</sup>.

8,554 defendants were prosecuted in 2013-14 for sexual offences, excluding rape; a rise of 783 defendants (10.1%) from 7,771 in 2012-13; but not yet reaching the highest volume of 8,862 prosecuted in 2010-11. Sexual offence prosecutions rose from 1.0% of CPS caseload<sup>77</sup> in 2012-13 to 1.2% in 2013-14.

**Graph 13: Sexual offences (excluding rape) caseload as % of total caseload**



**Table 7: Completed sexual offence prosecutions by outcome**

	2008 - 09		2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	5,955	75.1%	6,060	76.0%	6,588	74.3%	6,308	75.7%	5,971	76.8%	6,756	79.0%
Unsuccessful	1,979	24.9%	1,912	24.0%	2,274	25.7%	2,026	24.3%	1,800	23.2%	1,798	21.0%
<b>Total</b>	<b>7,934</b>		<b>7,972</b>		<b>8,862</b>		<b>8,334</b>		<b>7,771</b>		<b>8,554</b>	

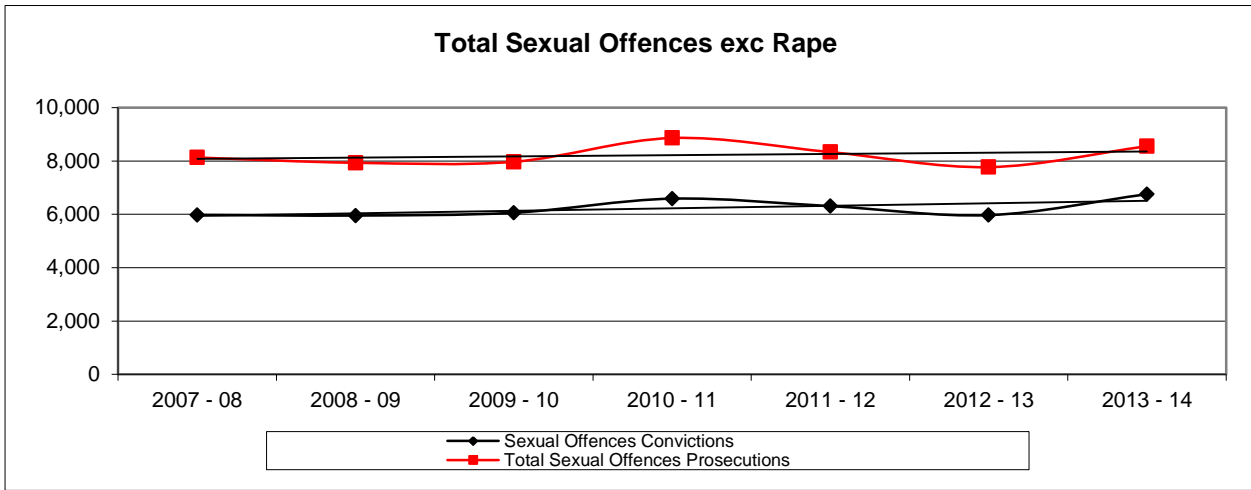
The volume of convictions reached 6,756 – the highest volume ever and a rise of 785 convictions (13%) since 2012-13 as in Graph 14.

<sup>76</sup> CPS sexual offences data (excluding rape) is derived from the principal offence category ‘sexual offences’ by excluding the rape flagged defendants. There is no separate monitoring flag for ‘sexual offences’ that is applied, either when the CPS receives a request to make a pre-charge decision or at receipt of the charged case file. The principal offence is allocated only at the conclusion of a prosecution proceeding, based on the most serious offence the defendant is charged with at the time of finalisation.

<sup>77</sup> Sexual offence caseload as a % of all CPS prosecutions.

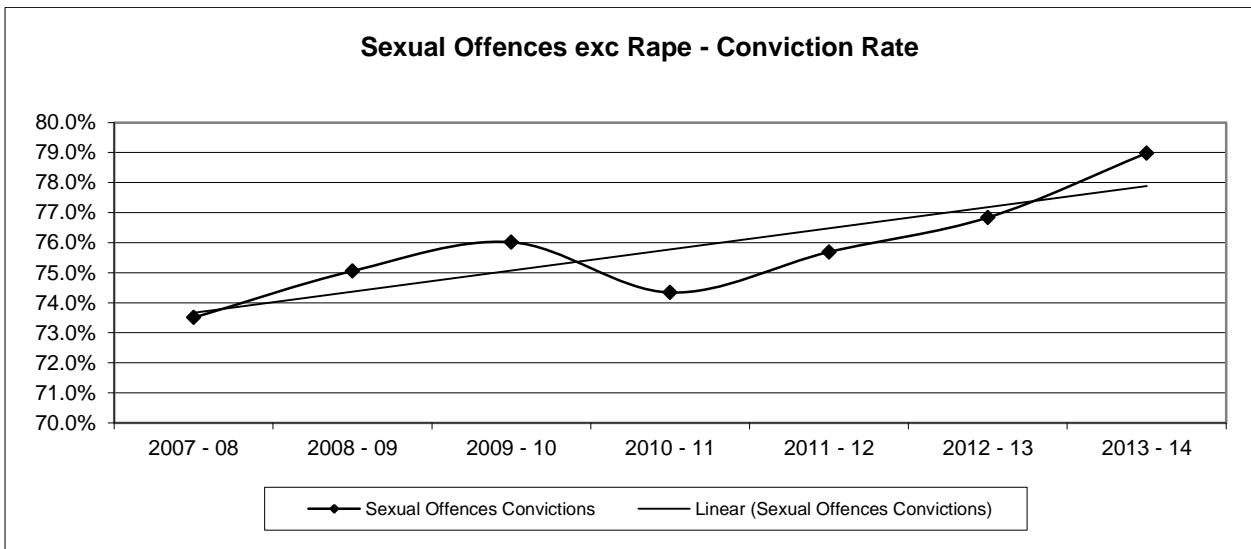


**Graph 14: Sexual offences (excluding rape) volumes 2007-08 to 2013-14**



The proportion of successful outcomes rose to 79.0%, a 5.5ppt rise since 2007-08 and also the highest recorded conviction rate, as illustrated in Graph 15 below. Guilty pleas rose by 3ppt to 66% (84% of all successful outcomes).

**Graph 15: Sexual offences (excluding rape) conviction rates 2007-08 to 2013-14**



**High profile case**

- Stuart Hall was sentenced to 15 months in prison after he pleaded guilty to 14 charges of indecent assault against 13 victims whose ages at the time of the offences ranged from 9 to 17 years.

## Area performance

The table on page 84 provides VAWG prosecution data by Area and police force district. The linked annex provided at the beginning of the Executive Summary provides Area and police force district pre-charge data.

## Equalities issues<sup>78</sup>

### Gender

In 2013-14, the majority of defendants were men, 97.4%.

### Ethnicity

In 2013-14, 62% of defendants prosecuted for a sexual offence were identified as belonging to the White British category and 67.5% were categorised as White (a fall from 69.4% in 2012-13) of those with recorded ethnicity<sup>79</sup>. 8% of defendants were identified as Asian (1ppt more than the previous year) and 6% were identified as Black, similar to the previous year.

### Age

The majority of defendants were aged 25-59 (66%) and 18-24 (17%).

It was of concern to note that nearly a fifth of defendants (1,854) were under 24, with just over 4% of defendants (368) being 14-17 years old and just under 1% (51) aged 10-13 years old.

## Non-recent sexual offences

A number of prosecutions for non-recent sexual offences took place in 2013-14, following the Savile case and the setting up of the Operation Yewtree. The CPS is committed to prosecuting cases of non-recent sexual offences with the same rigour as recent allegations, the impact of these offences on victims is no less traumatic as a result of the passage of time. It is important to stress; however, that in order to pass the evidential stage of CPS Code Test<sup>80</sup> the reviewing prosecutor must be satisfied that there is a realistic prospect of conviction. The standard of proof required for a conviction is much higher. A jury cannot convict a defendant unless they are sure (satisfied beyond all reasonable doubt) that the defendant is guilty.

New interim guidance on prosecuting non-recent cases where a nominal penalty is the likely outcome was published for consultation by the Director in February 2014<sup>81</sup>.

The interim guidance set out the circumstances where a non-recent offence may attract only a nominal penalty, and explained the reasons why a prosecution may nevertheless be justified. It highlights the need to carefully consider the impact of the alleged offending on

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<sup>78</sup> Data on victims is extracted from the Witness Management Service but includes no record of the victims of sexual offences other than rape, as the information is compiled only at defendant level.

<sup>79</sup> Just over 6% of defendants did not state an ethnicity on arrest and just under 10% of defendants' ethnicity was not provided to the CPS by the police.

<sup>80</sup> The Code for Crown Prosecutors outlining this test is available on the CPS website: [link](#)

<sup>81</sup> The consultation closed on 24 April 2014 and final guidance is planned for summer 2014.

the victim concerned, as well as the views of the victim on whether bringing a prosecution will help them come to terms with what they say happened to them.

The section on child abuse also addresses the panel set up to review non-recent cases of child sexual abuse.

### **Abuse of trust**

- A head-teacher was sent to prison for eight years for sexual offences against children in Thames and Chiltern.
- In the same Area, a music teacher, vicar and magistrate was jailed for two and a half years for sexually abusing a young girl (aged 10-12 years) ten years ago. She had suffered stress and had self-harmed.
- A South East GP was sentenced to 11 years in prison after being found guilty of 10 charges of indecently assaulting female patients.

## **Sexual Offences Prevention Orders**

The Legal Guidance on Rape and Serious Sexual Offences was updated to include comprehensive guidance on Sexual Offences Prevention Orders (SOPOs). As well as explaining the two routes to obtaining a SOPO, the guidance sets out the prosecutor's crucial role. The Court of Appeal has identified a need for prosecutors to prepare the draft SOPO and to serve it on the Court and defence in advance of the hearing.

## **Pre-recorded Cross examination pilot**

The CPS is taking part in a pilot project in three Crown Court locations at Leeds, Liverpool and Kingston-upon-Thames that allows some victims and witnesses to have their cross examination pre-recorded. The pilot is being run for six months by the MoJ and began on 30 December 2013.

The aim of the pilot is to improve the court experience of young people, victims of sexual abuse and vulnerable witnesses. Victims and witnesses who are eligible under the pilot to have their cross examination to be pre-recorded are those who:

- are under 16 at the time of the hearing
- suffer from a mental disorder within the meaning of the Mental Health Act 1983
- have a significant impairment of intelligence and social functioning
- have a physical disability or a physical disorder and the quality of their evidence is likely to be diminished as a result.

It is thought the measures would be particularly helpful for the victims of sexual offences who often find cross examination distressing. The prospect of doing this in a quieter, more restricted environment is something that could help. The recording would also be done as

soon as possible after the alleged offence and it would be shown as evidence at trials. Following an evaluation of the pilot, consideration will be given to rolling this out nationally.

### **Links between child abuse, sexual offences and indecent images.**

- A defendant was sentenced to three and a half years in prison for online offences against children - making and taking indecent images of children, causing/inciting a female under 16 to engage in penetrative and non-penetrative sexual activity. He posed as a 15-year-old boy to approach girls aged 13-15 years and encouraged them to perform sexual acts via web cameras. A total of 3,551 indecent images and videos of children were discovered on his computer, 51 of which were of the most serious level five.

# Forced marriage, honour based violence and FGM

## Forced marriage and honour based violence

Performance is considered under the VAWG assurance regime by Areas and reported to the DPP and remedial action is taken where necessary. There are around 50 trained specialist forced marriage (FM) and honour-based violence (HBV) prosecutors, distributed according to the volume of cases across CPS Areas.

### Forced marriage<sup>82</sup>

The volume of FM referrals from the police rose to 67 in 2013-14 – from 59 in 2012-13. 42 (62.7% of these referrals) were charged, the highest volumes ever and same proportion as in 2012-13.

The volume of prosecutions completed in 2013-14 rose to 45 – a rise from 41 in 2012-13. 71% were successful, as in 2012-13. Discontinued prosecutions fell from 41.5% when these cases were first recorded in 2010-11 to 17.8% in 2013-14.

### Honour based violence

The volume referrals from the police of HBV related offences rose to 240 in 2013-14 – from 230 in 2012-13. 158 (65.8% of these referrals) were charged.

206 defendants were prosecuted, a rise from 200 last year, with 59.7% convicted, a fall of 3.3ppt from 2012-13. Discontinued prosecutions fell from 40.6% when these cases were first recorded in 2010-11 to 27.2% in 2013-14.

Despite the change of recording of the reasons for unsuccessful outcomes leading to more cases recorded linked to victim issues across VAWG crimes, in HBV cases there was a fall in unsuccessful outcomes due to victim issues (from 54% in 2012-13 to 35% in 2013-14).

Areas prosecuting the greatest number of FM and HBV prosecutions were London, North West, West Midlands and Yorkshire and Humberside.

### Area good practice

A number of Areas have illustrated good practice on forced marriage and honour-based violence and some Areas have held local initiatives.

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<sup>82</sup> The small number of cases indicates the need for caution in interpreting this data.

## Partnership working

- A round table meeting was held by the CPS in Yorkshire and Humberside on forced marriage, HBV and FGM with police, criminal justice agencies, safeguarding children's services, health, education and victims' charities. Since the round table, the HBV lead for North and West Yorkshire delivered specialist training to all local prosecutors on HBV; with plans to cascade across the Area. A follow up meeting with the police identified regional actions in relation to prevention, protection, and prosecution.
- Mersey-Cheshire has worked in partnership with local agencies to develop a 'Harmful Practices' training programme focusing specifically on FM, HBV and FGM. This has been delivered to multi-agency audiences.
- Thames and Chiltern are planning a 2014 campaign on HBV, FM and FGM.

## Forced marriage legislation

A new criminal offence of FM and the criminalisation of breach of a Forced Marriage Protection Order (FMPO) has been introduced in the Anti-Social Behaviour, Crime and Policing Act 2013. The new offence of FM will apply to a person who intentionally forces a person to enter into marriage, believing the person does not consent, or a person who deceives someone into going abroad for the specific purpose of forcing them to marry. This offence is an either way offence and will carry a maximum penalty on indictment of seven years imprisonment, or a fine, or both. In the magistrates' court, the statutory maximum applies. Additionally, a breach of the FMPO will become a criminal offence under the same Act. This offence is an either-way offence and will carry a maximum penalty on indictment of five years imprisonment, or a fine, or both. In the magistrates' court, the statutory maximum applies.

## Legal Guidance

CPS Legal Guidance on Honour Based Violence and Forced Marriage has been revised to reflect these new offences. It includes enhanced information and practical guidance for prosecutors regarding the new legislative provisions. Prosecutors are also advised of the specific issues which need to be considered when reviewing and building a strong cases and in particular:

- Advice on charging: prosecutors are advised that they should consider the new offence of FM as well as the wide range of offences, if appropriate, such as kidnapping and/or false imprisonment. Prosecutors are advised to select charges which reflect the seriousness and likely sentence;
- Public Interest: prosecutors are asked to note that where there is sufficient evidence to provide a realistic prospect of conviction, it will usually be in the public interest to proceed. The underlying message is that it will take courage for victims to report a

FM against their parents/family and therefore should be supported through the prosecution process;

- Acceptability of Pleas: ensuring the victim's view is always considered and pleas accepted in accordance with Attorney General's Guidelines on Acceptability of Pleas.

## Training

In December 2013, a webinar on FM and HBV was delivered including introductory information on the forthcoming offence of FM. Work is also underway with the ACPO lead for FGM, FM and HBV to develop a training package to be delivered across the 13 CPS areas between July and December 2014. This is specifically aimed at prosecutors and police professionals. In addition, we are developing an e-learning training for prosecutors which will focus on raising awareness of the new FM legislation, supporting victims of HBV and FM throughout the legal process and ensuring these victims are informed on how the case progresses. The CPS is also supporting the Home Office-led Roadshows which is focusing on raising awareness of the new FM legislation.

- Four brothers were convicted of honour-based violence in North West following 14 years of abusing their sister. Following attempted suffocation, the victim walked into a police station to inform them that her family were going to report her missing but that she was not and instead wanted to report the abuse she had been subject to. All defendants pleaded guilty and were convicted; this included one conviction of 21 months' imprisonment. In addition, all defendants also received restraining orders for indefinite terms forbidding any contact with the victim in the future.

## FGM

In March 2014 the first prosecution of a FGM offence was announced, following 28 years of no prosecutions, since the introduction of the legislation. The first defendant is charged with carrying out FGM and the second defendant is charged with intentionally encouraging an offence of FGM and aiding, abetting, counselling or procuring an offence of FGM.

Two roundtable meetings were held<sup>83</sup> to draw up the actions which included:

- An agreement between the Metropolitan Police Service and the CPS about the handling of FGM cases.
- An aide memoire of other offences that might be considered published in CPS legal guidance and shared with the police.
- Improved data collection.
- Review of reporting guidance for professionals working in health, education and social services.

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<sup>83</sup> In September 2012 and September 2013.

- Discussions with the police on tactical operations to enable prosecution without relying on victim's testimony.
- Keeping legislation under review and monitoring its effectiveness.
- Lead prosecutors have been appointed for each CPS Area and they have led on agreeing protocols with every local police force setting out the arrangements for investigating and prosecuting FGM locally.
- A joint CPS/police national training event was held in February 2014 to inform the national FGM training plan.
- The Police and CPS have agreed a training plan for the 13 CPS areas and their respective police forces in relation to FGM, which extends from July to December 2014. This will be targeted at police investigators and CPS prosecutors.

A further action for the CPS was to examine and monitor how other jurisdictions support FGM victims through the criminal justice system and identify good practice. The CPS is gathering information from Spain, Australia and France to consider whether there are lessons to be learned where prosecutions have been brought for FGM. The DPP has also recently provided written & oral evidence to the Home Affairs Select Committee on FGM.

The CPS has worked with the MoJ on legislative amendments to strengthen existing laws, including a change to extra-territorial jurisdiction to relax the 'permanent UK resident' requirement so that prosecutions may be brought where perpetrators are not permanent UK residents as defined in section 6(3) of the 2003 Act – this is now being taken forward by amendments to the Serious Crime Bill. A proposal to consider parental liability by placing a positive duty parents or carers to prevent FGM has been raised, along with a positive duty or mandatory reporting for medical/health care professionals to report cases of FGM or a risk of FGM. This is the subject of cross-government discussion being led by the Home Office.

Consideration has also been given to the introduction of anonymity for victims of FGM, along similar lines to those available for victims of serious sexual offences and we are working with cross-government colleagues to explore options.



## Local conferences

- In February 2014, following the International Day of Zero Tolerance to Female Genital Mutilation, partners in Bristol, led by FORWARD (Foundation for Women's Health Research and Development); Refugee Women of Bristol and Safer Bristol held a conference to share information and learning with other partners on the Bristol-wide FGM campaign which was re-launched in June 2013. The CPS attended the conference and maintains links with key partners. The Bristol Model for eradicating FGM focuses on a number of approaches which include highlighting the considerable health risks involved and raising awareness amongst communities that it is not a religiously-required practice.
- CPS West Midlands contributed to the Pan West Midlands FGM professionals Study Day. The CPS delivered a presentation regarding the Law and CPS policy around FGM. It was an opportunity to promote the CPS regional approach to training and collaborative working on FGM with the Police across the region and the introduction of a common protocol. The day was sponsored by West Midlands Police and Crime Commissioner. The event was attended by 200 delegates including Birmingham and Solihull Women's Aid, Birmingham City Council, NHS, NSPCC, The Under Secretary for International affairs and a thought provoking presentation was delivered by a victim survivor. CPS West Midlands also profiled FGM on their local website as part of the international day of zero tolerance on FGM.
- The FGM National Lead spoke at the National Royal College of Midwives conference in November 2013 and at a medical professionals and Met Police conference in London in October 2013 to raise awareness of the significance of FGM, outlining the law and evidence, the need to report FGM and highlighting the vital role of medical professionals in reporting to enable intervention by Social Services, or investigation/prosecution in appropriate cases.

# Child abuse

The volume of child abuse referrals from the police rose to 11,187 in 2013-14 – a rise of 1,808 referrals (19.3%) from 9,379 in 2012-13. Eleven Areas indicated a rise in referrals. 7,731 were charged, a rise in volume of 1,949 defendants, from 5,782 in 2012-13 (a rise of 33.7%). 69.1% of these referrals were charged, a rise from 61.6% in 2012-13. All Areas indicated a rise in volume and twelve indicated a rise in the proportion charged.

The volume of prosecutions completed in 2013-14 reached 7,998 - a rise of 440 defendants (5.8%) since 2012-13. There was a rise in the volume of successful outcomes in the overall child abuse cases from 5,755 in 2012-13 to 6,096 in 2013-14 (76.1% successful outcomes in 2012-13 to 76.2% in 2013-14).

In 2013-14 there was a rise in the volume of child abuse homicide offence prosecutions<sup>84</sup>, from 30 in 2012-13 to 35, with 91.4% successful outcomes. There was a rise in the volume of offences against the person (from 2,220 to 2,383); with successful outcomes falling from 74.0% to 72.4%, compared with 2012-13. Child abuse sexual offence prosecutions<sup>85</sup> completed in 2013-14 rose (from 4,051 to 4,371); with successful outcomes rising from 75.8% to 76.5%.

Table 9 provides further detail.

**Table 9: Child abuse prosecutions**

A Homicide	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
2008-2009	33	75.0%	11	25.0%	44
2009-2010	33	82.5%	7	17.5%	40
2010-2011	24	88.9%	3	11.1%	27
2011-2012	15	88.2%	2	11.8%	17
2012-2013	22	73.3%	8	26.7%	30
2013-2014	32	91.4%	3	8.6%	35
B Offences against the person	Convictions		Unsuccessful		TOTAL
	Volume	%	Volume	%	
2008-2009	1,514	72.9%	563	27.1%	2,077
2009-2010	1,896	72.4%	723	27.6%	2,619
2010-2011	2,186	74.0%	767	26.0%	2,953
2011-2012	1,835	71.4%	734	28.6%	2,569
2012-2013	1,642	74.0%	578	26.0%	2,220

<sup>84</sup> See glossary for definitions.

<sup>85</sup> Information is available from the Case Management System [CMS] to show the number of prosecuted defendants, flagged as child abuse, and whose principal offence was categorised as sexual offences. Statistics are available to show the outcome based on each defendant.

2013-2014	1,725	72.4%	658	27.6%	2,383
<b>B Sexual offences</b>	<b>Convictions</b>		<b>Unsuccessful</b>		<b>TOTAL</b>
	<b>Volume</b>	<b>%</b>	<b>Volume</b>	<b>%</b>	
2008-2009	3011	74.7%	1,018	25.3%	4,029
2009-2010	3,133	75.7%	1,004	24.3%	4,137
2010-2011	3,551	74.1%	1,243	25.9%	4,794
2011-2012	3,530	75.8%	1,125	24.2%	4,655
2012-2013	3,070	75.8%	981	24.2%	4,051
2013-2014	3,344	76.5%	1,027	23.5%	4,371
<b>D Total Child abuse</b>	<b>Convictions</b>		<b>Unsuccessful</b>		<b>TOTAL</b>
	<b>Volume</b>	<b>%</b>	<b>Volume</b>	<b>%</b>	
2008-2009	5,479	74.2%	1,902	25.8%	7,381
2009-2010	6,043	74.8%	2,036	25.2%	8,079
2010-2011	6,855	74.2%	2,380	25.8%	9,235
2011-2012	6,444	75.1%	2,137	24.9%	8,581
2012-2013	5,755	76.1%	1,803	23.9%	7,558
2013-2014	6,096	76.2%	1,902	23.8%	7,998

Men were defendants in 80% of homicide prosecutions; 74% of offences against the person and 98% of sexual offences.

#### Good practice:

- Thames and Chiltern held a conference on child sexual exploitation following local high profile prosecutions to strengthen multi-agency working and support victims.
- West Midlands PCC held a summit on child sexual exploitation and human trafficking.
- In the North West, members of the LSIP participated in a training day for the RASSO team around child sexual abuse.

## Cross government action on child sexual abuse

CPS work on child sexual abuse is one part of a wider effort across Government to respond to sexual violence against children and vulnerable people. In July 2013, the Minister of State for Policing, Criminal Justice and Victims published a report outlining a comprehensive programme of work with actions to be taken in the following key areas:

1. Reducing the vulnerability of victims;

2. Reducing the risks from abuse of authority and power; and
3. Maximising the effectiveness and accountability of our systems.

### **Abduction and abuse**

- A man who abducted and sexually abused a girl from the age of 13 was jailed for a total of four years three months at the Crown Court. He was also given a seven-year sexual offences prevention order which bars him from contacting or seeking to contact any female aged under 16 without the permission of their parent or guardian.

## **Cross-Government Vulnerable and Intimidated Witness Steering Group**

This group was renamed in March 2013 and is now called the “Under-represented group” to better reflect the scope of its work. The CPS continues to be a member of this group.

## **Child Sexual Abuse Network and Guidelines**

A network of child sexual abuse specialists was launched in April 2013 – one specialist prosecutor from each Area and CPS Direct.

In October 2013, the CPS issued guidelines that set out a fundamentally new approach for prosecutors to take in cases of child sexual abuse and a consistent approach to handling these cases. The four main points were:

- Allocation: all CSA cases must be dealt with by specialist prosecutors;
- Credibility: when assessing credibility, the focus will be on the allegation; by shifting the emphasis away from the credibility of the victim to the overall allegation including that of the defendant, the aim is to ensure that victims are believed, treated fairly and delivered justice;
- Third party material: such material (such as medical notes) should be sought at an early stage; and
- Challenging myths and stereotypes: prosecutors should challenge myths and stereotypes at court and should consider adducing expert evidence or inviting the trial judge to give specific directions to the jury. The CSA Guidelines contain a list of the more common myths and stereotypes.

The guidelines are supported by:

- a joint protocol and good practice model for information sharing (see following section);
- the roll out of dedicated Rape and Serious Sexual Offence units across the CPS, that deal with Crown Court child sexual abuse cases;
- the establishment of a network of the specialist child sexual abuse prosecutors;

- the VAWG assurance system to oversee and encourage continuous improvement in the handling of child sexual abuse cases.

## 2013 Protocol and Good Practice Model

The Protocol and Good Practice Model on disclosure of information in cases of alleged child abuse and linked (criminal and care) directions hearings has also been published. Police and prosecutors are now expected to share and seek appropriate information about vulnerable young people with and from social services, schools and family courts in accordance with the protocol and good practice model. The 2013 protocol applies to all cases of alleged child abuse (sexual and non-sexual abuse) and ensures that disclosure takes place from the outset of the investigation to the maximum extent permitted and required by law. It gives prosecutors more confidence in applying third party disclosure principles (including the complex rules governing the disclosure of material relating to Family Court proceedings). Local CPS areas are in the process of signing protocols with local agencies and the family judiciary.

## Child Sexual Abuse Review Panel

Non-recent cases of child abuse can now be re-reviewed by the CSA Review Panel, which has been established with representation from the police, CPS, an independent element (the Office of the Children's Commissioner and NSPCC). The panel will re-examine cases where a complainant is not satisfied with a previous decision (either by police or CPS) to take no action over allegations of a sexual offence committed when they were under the age of 18.

### Grooming cases

- Wessex RASSO Unit and the local police prosecuted a defendant who had been manipulating, controlling and raping adult women as well as grooming and abusing young girls aged between 14 to 36, over a period of eight years. He groomed and sexually abused two girls under 16. He went on to rape one of these two girls when she was 16 years old. He was found guilty of rape, causing a person to engage in sexual activity without consent, inciting a child to engage in sexual activity, sexual activity with a child, actual bodily harm and intimidation. He was sentenced to 19 years' total imprisonment.

## Prosecution Advocate Panel

In June 2013, the DPP extended the range of casework which can only be undertaken by specialist rape advocates to include other sexual offences involving children.

The specialist rape list is now known as the *Rape and Child Sexual Abuse List*. The members of this specialist list are required to be up to date with the new interim guidelines on child sexual abuse and to undertake any new training as required.

## Training

Specific training on the prosecution of child sexual abuse was carried out in 2103-14. This involved face to face training by the CPS Principal Legal Advisor for existing specialist lawyers on the lessons arising out of the Savile Case, and in-house training for all prosecutors to introduce our new guidelines. Two e-learning courses have been developed for prosecutors; the first aimed at all prosecutors to introduce the child sexual abuse guidelines, and the second aimed at specialists.

### **Use of alcohol and drugs:**

- Two defendants targeted different groups of vulnerable girls aged 12 – 15. They purported to befriend them and plied them, with alcohol and drugs before subjecting them to serious sexual abuse. The prosecution team – the reviewing lawyer, leading counsel, crown advocate and police – worked closely together following charge in order to ensure that unforeseen issues could be addressed quickly and effectively. The defendants were tried on a range of offences, including a series of rapes and sexual assaults as well as supplying drugs and physical assault on their victims. They were convicted and received prison sentences totalling 18.5 years and 17.5 years respectively.

## Gangs

The CPS continues to work with colleagues from the Home Office Tackling Crime Unit to take forward work to respond to 'Ending Gang and Youth Violence: a Cross Government Report'. The Annual Report (2013) about Ending Gang and Youth Violence records that CPS London has introduced a 'premium service' for gang-associated offenders/offences with allocation of cases to dedicated gangs prosecutors. The same report also identifies that the CPS is supporting prosecutors to understand issues around teenage relationship abuse by, for example, updating key legal guidance.

# Human trafficking

Since April 2010, the CPS has flagged and monitored all cases of human trafficking<sup>86</sup>. The volume of human trafficking referrals from the police rose to 171 in 2013-14 – a rise of 30.5% from 2012-13. 103 (60.2% of these referrals) were charged, a similar volume to 2012-13 (102).

The volume of human trafficking prosecutions completed in 2013-14 reached 226 - a rise from 139 in 2012-13. There was a rise in the volume of successful human trafficking outcomes from 99 in 2012-13 to 155 in 2013-14 (71.2% in 2012-13 fell to 68.6% in 2013-14; mainly linked to a rise in jury acquittals).

**Table 10: Completed human trafficking prosecutions by outcome**

	2010 - 11		2011 - 12		2012 - 13		2013-14	
	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	73	70.9%	94	66.2%	99	71.2%	155	68.6%
Unsuccessful	30	29.1%	48	33.8%	40	28.8%	71	31.4%
<b>Total</b>	<b>103</b>		<b>142</b>		<b>139</b>		<b>226</b>	

86% of all defendants with recorded gender were men<sup>87</sup>. The majority of defendants were aged 25-59 years. 98 victims were recorded, 52% of which had gender recorded which is not robust enough to include in this report.

Perpetrators are prosecuted and convicted for serious offences other than trafficking, where there are links to trafficking including, for example, conspiracy to traffic, false imprisonment, controlling prostitution for gain and rape. Alternative offences may be more accurate to the actual offending, carry more serious penalties and are a lot easier to explain – particularly to juries.

## Cross government work and legislation

Human trafficking legislation (amending in the Protection of Freedoms Act 2012) came into effect in April 2013, to enable the UK to comply with the EU Directive on Human Trafficking. The amendments included prosecution of cases of trafficking from anywhere in the world, by a trafficker who is resident in the UK. It also amended legislation to criminalise trafficking for non-sexual exploitation which takes place wholly within the UK.

<sup>86</sup> Offence data is not held by defendant or outcome; hence a flag has been set up to provide outcome data by defendant. Offences flagged are Sexual Offences Act 2003 (Section 57, 58 and 59) and Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1), (2) and (3) and Coroners and Justice Act 2009 section 71. The flag is applied from the onset of the case; this flag will remain in place even if those charges are subsequently amended or dropped. If a case commences under a different offence but is then changed to a trafficking charge, the case should be flagged at that stage.

As with any relatively new monitoring system, time is needed for the embedding in of its accurate use. The quality and accuracy of the data therefore needs to be considered with caution. From January 2013, the accuracy of flagging was checked quarterly.

<sup>87</sup> 99% of gender was recorded.

The CPS gave evidence to the Modern Slavery Bill Evidence Review, which published a report in December 2013 setting out a blueprint for a new Modern Slavery Bill (introduced in the Queen's Speech on 4 June 2014). The CPS has worked closely with the Home Office on the drafting of the Bill, following its introduction in December 2013, to bring together all existing legislation on human trafficking and slavery. The CPS is also contributing to the development of the cross-government Modern Slavery action plan and a review of the national referral mechanism (NRM) to improve identification of, and support to, victims of trafficking and slavery. We are participating in the National Crime Agency organised crime human trafficking threat group and identifying what further work the CPS International Division can support in our priority threat countries.

## Legal Guidance

Legal guidance was updated for prosecutors in October 2013 on the non-prosecution of victims trafficked into criminal activity; to reflect changes arising from the judgment in HVN and Ors [2013]. It also provided guidance to the courts on the approach in such cases and on the issue of due enquiry into age. This was further publicised by the CPS to the Bar and the Law Society at seminars and webinars in October. ACPO and the Law Society are to issue their own further guidance to reflect CPS guidance.

The legal guidance on human trafficking, slavery and smuggling was further updated in February 2014 to provide revised guidance to prosecutors on the non-prosecution of suspects in a criminal case who might be victims of trafficking or slavery to provide greater clarity. This relates to a range of offending where the suspect may have committed any criminal offence as a direct consequence of, or as a manifestation of their trafficking or slavery situation. The updated guidance also brought together existing guidance on human trafficking with forced labour and slavery.

### Good practice:

- In the South West, CPS is involved in the Anti-Trafficking Partnership.
- In Wales, CPS is working with local authorities and community groups in the Wales Anti-Human Trafficking and Slavery leadership group to produce accredited training packs and joint training courses.

## Training

An e-learning module for human trafficking was developed and launched in March 2013 in preparation for implementation of the changed legislation.

Further events for criminal and immigration practitioners at the Bar, Law Society and judiciary were planned for 2013-14 to raise awareness of the issue of trafficked victims being criminalised for offences they were forced to commit by their traffickers.



## CPS human trafficking action plan

In January 2014, a CPS action plan on human trafficking and slavery was launched. The development of the action plan followed a meeting hosted by the DPP in December 2013. The meeting was attended by the Home Office, the police, the National Crime Agency, government departments, third sector organisations and experts in this area, to help identify how the CPS can work with others to improve the response of the criminal justice system on this type of offending, by improved case building and identifying what more could be done to support and protect victims of trafficking and slavery. The plan included eleven actions, which will be delivered through the CPS, police and third sector organisations working together and in consultation with the Home Office, as the lead government department on human trafficking and slavery. As well as collaborative working, it highlights the importance of supporting victims and building strong cases.

### Sexual trafficking

- Two defendants who admitted trafficking two women into Wales for the purposes of prostitution were sentenced at Newport Crown Court in January 2014 – one defendant was jailed for 15 months and the other for two years and seven months. Safer Wales, a charity which offers support to victims of abuse, supported the victims, ultimately leading to the involvement of South Wales Police.

### International work

The CPS is improving capability in priority jurisdictions to strengthen their rule of law and improve evidence gathering to enable them to investigate and prosecute traffickers at source. It should also lead to strengthening UK investigations and prosecutions through improving mutual legal assistance to obtain evidence overseas. We are also working with the National Crime Agency on improving levels of asset recovery relating to trafficking and modern slavery crime.

**Slavery:**

- One of the North West's longest running and most challenging cases reached its conclusion at the Court of Appeal. The Solicitor General presented the Prosecution's Appeal against the sentences imposed against a man and his wife, arguing that they were unduly lenient.

The young victim whose age was uncertain was deaf and without speech. She had been trafficked into this country, kept a virtual slave in a cellar, forced to work for the family without pay, and been economically abused with the family claiming the benefit that was rightly hers. A specialist intermediary was engaged, himself without speech, who developed a bespoke method of signing to communicate with the young girl. A further "conventional" interpreter had to translate via the intermediary for the Court. The original sentences were increased at the Court of Appeal - eventual sentence for the man was 15 years imprisonment and for his wife a six year sentence was imposed.

# Prostitution

In 2013-14 there were 58 prosecutions for controlling prostitution compared to 50 in the previous year. Kerb crawling prosecutions offences under S1 (1)(a) and S1(1)(b) of the SOA 1985 were replaced with S51A SOA 2003 in 2010 - with a slight rise to 237 offences prosecuted under this section (from 233 last year). Brothel keeping offences fell. Prosecutions for offences of advertising prostitution (through carding in public places) rose slightly to 91 - from 80 in 2012-13.

Table 11 outlines the CPS data collected on prostitution<sup>88</sup>.

**Table 11: VAWG crime prosecutions: prostitution offences**

	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013	2013- 2014
<b>A Control of prostitution</b>						
Sexual offences act (2003) {52}	17	11	24	19	11	9
Sexual offences act (2003) {53}	93	87	87	61	39	49
<b>TOTAL</b>	<b>110</b>	<b>98</b>	<b>111</b>	<b>80</b>	<b>50</b>	<b>58</b>

<b>B Brothel keeping</b>	2008 - 2009	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013	2013- 2014
Sexual offences act 1956 {33}	83	39	48	35	31	19
Sexual offences act 1956 {33A of and schedule 2}	130	70	106	92	54	31
Sexual offences act 1956 {34}	0	0	0	1	2	0
Sexual offences act {35(1)}	6	2	3	3	1	2
Sexual offences act {36}	2	3	0	2	1	3
Sexual Offences Act 2003 { 53A } <sup>89</sup>	0	0	40	7	8	0
<b>TOTAL</b>	<b>221</b>	<b>114</b>	<b>197</b>	<b>140</b>	<b>97</b>	<b>55</b>

<sup>88</sup> Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant, outcome or equalities data. Offences recorded in the Management Information System Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation.

This data has been drawn from the CPS's administrative IT system, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

<sup>89</sup> In 2010 a new offence S53A of the SOA 2003 criminalised those who make or promise payment for sexual services from a prostitute who is subject to force or exploitation.

<b>C Kerb crawling</b>	<b>2008 - 2009</b>	<b>2009 - 2010</b>	<b>2010 - 2011</b>	<b>2011- 2012</b>	<b>2012- 2013</b>	<b>2013- 2014</b>
Sexual offences act 1985 {1(1)(a)}	331	375	161	7	2	0
Sexual offences act 1985 {1(1)(b)}	10	21	5	0	0	0
Sexual offences act 1985 {2(1)}	24	23	38	2	1	0
Sexual offences act 2003 {51A} <sup>90</sup>	0	0	123	305	230	237
<b>TOTAL</b>	<b>365</b>	<b>419</b>	<b>327</b>	<b>314</b>	<b>233</b>	<b>237</b>

<b>D Advertising prostitution</b>	<b>2008 - 2009</b>	<b>2009 - 2010</b>	<b>2010 - 2011</b>	<b>2011- 2012</b>	<b>2012- 2013</b>	<b>2013- 2014</b>
Criminal Justice and Police Act 2001 {46}	349	457	331	149	80	91

Since 2011, the police can charge a range of offences without referring the case to the CPS. This may have impacted on the volume of cases prosecuted, together with changes in policing priorities, following resource changes and changes in legislation introduced in April 2010.

The decline in the number of offences is also in line with CPS policy guidance, the ACPO strategy for Policing prostitution and sexual exploitation, published in November 2011 and the Home Office Review of Effective Practice in Responding to Prostitution which was published at the same time. The strategies highlight ways in which policing, mixed with multi agency and community support, can provide improved ways to respond to the issues of prostitution without a criminal justice response and is underlined with safeguarding policies.

The strategies emphasise that anyone abused and exploited through prostitution needs help and support for health and welfare in order to exit prostitution, by promoting a holistic approach to the policing of prostitution and the investigation and prosecution of those who exploit and abuse. In addition there are recommendations to adopt a partnership approach with local authorities and other statutory and non-statutory organisations.

There is an encouragement to find routes out of prostitution rather than charge. Offences of advertising prostitution (through carding in public places) are offences which the police can decide to charge or issue a caution, without referral to CPS. In line with safeguarding policy, where a group of women are working in off-street prostitution with a maid who is not controlling or exploiting the women, charging practice is that it is not in the public interest to prosecute.

The offence under section 53A Sexual Offences Act (paying for the sexual services of a prostitute) is one which the police can decide whether to charge or to issue a caution. Although we remain totally supportive of the good intentions behind the introduction of this

<sup>90</sup> In relation to prosecutions, a new offence S51A of the SOA 2003 was introduced in 2010 for a person in a street or public place to solicit another for the purpose of obtaining a sexual service as a prostitute. This includes a person in a motor vehicle in a street or public place and replaced the offences of kerb crawling and persistent loitering under S1 and 2 of SOA 1985.

offence in the protection of those involved in prostitution from harm and exploitation, challenges remain in ensuring it is effectively enforced. This is reflected in the low (and falling) numbers of offences.

#### **Good practice:**

- In London, CPS works with the Mayor's Office to deliver their VAWG strategy for 2013-17. This includes a commitment to "Develop a more holistic response to trafficking and prostitution to support women to exit". This includes supporting women to exit prostitution; addressing the demand side of trafficking and prostitution; focusing enforcement on those that pay for sex e.g. kerb crawlers; tackling those who control women in prostitution and facilitating the reporting of sexual offences and other crimes against women involved in prostitution through 3rd party reporting schemes.

## **National issues**

Engagement and Support Orders (ESOs) are being used more as an alternative sentence to a fine for those convicted of persistently loitering or soliciting in a street. These orders address the root causes of prostitution for each sex worker and find ways for their exit from prostitution.

#### **Trafficking and prostitution case studies:**

- Five members of an organised crime group, which brought young women into the UK from Hungary for prostitution, were convicted in the South East of conspiring to traffic women into the UK for sexual exploitation. The offences covered more than 60 incidents spanning just under two years. They received sentences ranging from 3 years to 6 years.
- In Thames and Chiltern women working at two brothels were encouraged to have sex with clients without condoms. 40 women had been trafficked in to the UK. One defendant was sentenced to 12 months' imprisonment for brothel keeping and the other to four years for brothel keeping and trafficking for sexual exploitation.

# Pornography and obscenity

In 2013-14 there was a rise of 1,436 offences of child abuse images starting prosecution - from 18,937 to 20,373; this included prosecutions commenced for 15,574 offences of sexual exploitation of children through photographs; including a rise in prosecutions of the most recent offence of possession of a prohibited image of a child from 394 to 534.

Table 12 outlines CPS data on child abuse image offences overall<sup>91</sup>.

**Table 12: Child abuse image offences**

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	4,241	4,117	4,543	3,885	3,849	4,265
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child <sup>92</sup>	0	0	21	179	394	534
<b>Sexual exploitation of children through photographs of which:</b>	<b>14,656</b>	<b>14,595</b>	<b>16,851<sup>93</sup></b>	<b>15,599</b>	<b>14,694</b>	<b>15,574</b>
▪ Protection of Children Act 1978 (1(1)(a)) - Making an indecent photograph of a child	13,454	13,652	15,768	14,570	13,596	14,443
▪ Protection of Children Act 1978 (1(1)(b)) - Distributing an indecent photograph of a child	931	804	670	695	803	907
▪ Protection of Children Act 1978 (1(1)(c)) - Showing indecent photographs of children	258	137	410	333	294	224
▪ Protection of Children Act 1978 (1(1)(d)) – publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	13	2	3	1	1	0

During 2012–13, a number of pornography and other offences were charged and reached at least one hearing in magistrates' courts under a number of Acts<sup>94</sup>. CPS records identify the volume of proceedings which commenced under the individual offences, but do not

<sup>91</sup> Data relates to the number of offences, in which a prosecution commenced, recorded in magistrates' courts on the CMS system. Offences data are not held by defendant or outcome. Offences recorded in the Offences Universe are those which reached a hearing. There is no indication of final outcome or if the charged offence was the substantive charge at finalisation. This data has been drawn from the CPS's administrative IT system, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

<sup>92</sup> Section 62 of the Coroners and Justice Act 2009 ('the Act') created a new offence of possession of a prohibited image of a child, punishable by up to three years' imprisonment. This offence came into force on the 6 April 2010.

<sup>93</sup> Recording errors in CMS were identified during 2010-11 period, so data reported in 2010-11 VAWG crime report has been corrected in this report.

<sup>94</sup> 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; Coroners and Justice Act 2009 and Communications Act 2003.

distinguish between ‘communications related to pornography’ and those which were not. Overall there was a rise of just under 8% of child abuse images and a fall of 13.5% of obscenity offences, compared with an overall fall of just under 7% of all offences reaching a first hearing at the magistrates’ courts.

### **Links between child sexual abuse and indecent images**

- In the North East a man was convicted for 30 offences of inciting a child to engage in sexual activity and making indecent images. This included coercing a 14 year old girl into performing a sex act on a webcam that he recorded and sending her mother a copy. He encouraged a number of victims to strip for him and perform sex acts pretending he was Justin Bieber. Hundreds of videos of indecent images were recovered from his computer; some copied onto discs. The sheer number of girls recorded led to an international operation through Interpol. It involved young girls from across Europe (including France, Spain, Germany, Italy and Serbia) Asia, Canada, America, Australia and the United Kingdom. He was sentenced to 14 years.

Table 13 outlines CPS data<sup>95</sup> on obscenity offences<sup>96</sup>. There was a slight fall in obscenity offences prosecuted from 5,508 to 4,764. Unsurprisingly over the last few years, with the rise of the use of technology and the internet, there have been more offences prosecuted under section 127 of the Communications Act<sup>97</sup> and section 1 of the Malicious Communications Act 1988<sup>98</sup> alongside a fall in the prosecutions under the Obscene Publications Act for obscene publications.

There has been an increase over the last few years in the number of prosecutions under the new sections, introduced in January 2009, related to extreme pornographic images, reaching 1,395 in 2013-14.

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<sup>95</sup> See footnote 80.

<sup>96</sup> The Obscene Publications Acts (OPA) 1959 and 1964 set out the law on obscene publications. The test for obscenity is set out at section 1(1) OPA 1959. The offences are created by section 2 OPA 1959 and are punishable by up to five years’ imprisonment. All published material is subject to the Obscene Publications Act (OPA) 1959. Under this Act, it is a criminal offence to publish any article which is considered to be obscene; that is, an article which in the view of the court tends to ‘deprave and corrupt’ a person who is likely to see, hear or read it. Sections 63 to 67 of the Criminal Justice and Immigration Act 2008 makes it an offence to possess pornographic images that depict acts which threaten a person's life, acts which result in or are likely to result in serious injury to a person's anus, breasts or genitals, bestiality or necrophilia; they also provide for the exclusion of classified films etc. and set out defences and the penalties for the offence. This offence came into force on the 26 January 2009.

<sup>97</sup> Section 127 Communications Act 2003 creates an offence of sending, 'by means of a public electronic communications network, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character.' The offence can be applied to “wider media” and has a degree of “currency”, even “future proofing” that the more prescriptive terms of some other legislation do not have.

<sup>98</sup> The Malicious Communications Act criminalises the sending of an indecent, offensive or threatening letter, electronic communication [i.e. e-mail] or other article to another person.

**Table 13: Obscenity offences**

	2008-09	2009-10	2010-11	2011-12	2012 - 13	2013-14
Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material	791	899	1,273	1,301	1,250	1,210
Obscene publications Act 1959 (2 (1) ) - Obscene publications	152	82	71	76	34	33
Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications	1,278	1,315	1,869	1,924	1,909	1,190
Communications Act 2003 (127 (2)(a), (2)(b), (2)(c) and (3)) - Causing annoyance, inconvenience or needless anxiety to another person	659	888	1,037	1,181	1,003	936
Criminal Justice and Immigration Act 2008 (63 (1), (7)(d) and 67(3)) - Possession of extreme pornographic images <sup>99</sup>	2	270	1,165	1,319	1,312	1,395

## Cross government work

The CPS contributed to the public consultation on the Sentencing Council's sexual offences guidelines (came into effect April 2014) which included issues related to abusive images. In addition we have worked with ACPO and other interested partners in revising the Memorandum of Understanding in respect of section 46 of the Sexual Offences Act 2003 to allow Internet Watch Foundation to have a more pro-active role in assisting the police and other law enforcement agencies to detect, investigate and prosecute crime and allow the police and the National Crime Agency to develop a National Image Database.

## Training

The CPS has developed a number of new e-learning modules, the Prosecution of Online Grooming and the Use of Social Media which will be launched for prosecutors during 2014-15.

<sup>99</sup> Only a sub-section of section 63 data was reported in previous VAWG Crime Reports –data has been amended in this report to incorporate all offences under Section 63.



Violence against women and girls	CPS Prosecutions 2013 - 2014				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>67,380</b>	<b>74.4%</b>	<b>23,136</b>	<b>25.6%</b>	<b>90,516</b>
<b>Cymru Wales</b>	<b>4,854</b>	<b>76.7%</b>	<b>1,471</b>	<b>23.3%</b>	<b>6,325</b>
Dyfed Powys	502	79.1%	133	20.9%	635
Gwent	945	74.8%	318	25.2%	1,263
North Wales	1,025	79.4%	266	20.6%	1,291
South Wales	2,382	76.0%	754	24.0%	3,136
<b>Eastern</b>	<b>5,046</b>	<b>79.6%</b>	<b>1,293</b>	<b>20.4%</b>	<b>6,339</b>
Cambridgeshire	736	77.6%	213	22.4%	949
Essex	2,402	79.1%	636	20.9%	3,038
Norfolk	978	79.0%	260	21.0%	1,238
Suffolk	930	83.5%	184	16.5%	1,114
<b>East Midlands</b>	<b>5,038</b>	<b>76.1%</b>	<b>1,579</b>	<b>23.9%</b>	<b>6,617</b>
Derbyshire	1,199	76.4%	371	23.6%	1,570
Leicestershire	1,044	77.2%	309	22.8%	1,353
Lincolnshire	579	77.7%	166	22.3%	745
Northamptonshire	689	76.6%	211	23.4%	900
Nottinghamshire	1,527	74.5%	522	25.5%	2,049
<b>London</b>	<b>7,915</b>	<b>65.3%</b>	<b>4,200</b>	<b>34.7%</b>	<b>12,115</b>
<b>Merseyside &amp; Cheshire</b>	<b>3,356</b>	<b>79.7%</b>	<b>855</b>	<b>20.3%</b>	<b>4,211</b>
Cheshire	1,246	81.4%	285	18.6%	1,531
Merseyside	2,110	78.7%	570	21.3%	2,680
<b>North East</b>	<b>3,816</b>	<b>73.6%</b>	<b>1,372</b>	<b>26.4%</b>	<b>5,188</b>
Cleveland	845	74.1%	296	25.9%	1,141
Durham	773	80.5%	187	19.5%	960
Northumbria	2,198	71.2%	889	28.8%	3,087
<b>North West</b>	<b>9,486</b>	<b>79.1%</b>	<b>2,503</b>	<b>20.9%</b>	<b>11,989</b>
Cumbria	638	81.6%	144	18.4%	782
Greater Manchester	5,053	79.3%	1,319	20.7%	6,372
Lancashire	3,795	78.5%	1,040	21.5%	4,835
<b>South East</b>	<b>3,815</b>	<b>73.1%</b>	<b>1,405</b>	<b>26.9%</b>	<b>5,220</b>
Kent	1,703	74.6%	581	25.4%	2,284
Surrey	710	74.5%	243	25.5%	953
Sussex	1,402	70.7%	581	29.3%	1,983
<b>South West</b>	<b>3,900</b>	<b>77.2%</b>	<b>1,149</b>	<b>22.8%</b>	<b>5,049</b>
Avon & Somerset	1,934	75.8%	617	24.2%	2,551
Devon & Cornwall	1,565	78.5%	429	21.5%	1,994
Gloucestershire	401	79.6%	103	20.4%	504
<b>Thames &amp; Chiltern</b>	<b>3,491</b>	<b>71.3%</b>	<b>1,408</b>	<b>28.7%</b>	<b>4,899</b>
Bedfordshire	453	67.5%	218	32.5%	671
Hertfordshire	962	78.0%	271	22.0%	1,233
Thames Valley	2,076	69.3%	919	30.7%	2,995
<b>Wessex</b>	<b>3,273</b>	<b>71.7%</b>	<b>1,293</b>	<b>28.3%</b>	<b>4,566</b>
Dorset	681	70.9%	279	29.1%	960
Hampshire & IOW	2,046	69.6%	893	30.4%	2,939
Wiltshire	546	81.9%	121	18.1%	667
<b>West Midlands</b>	<b>6,472</b>	<b>72.1%</b>	<b>2,502</b>	<b>27.9%</b>	<b>8,974</b>
Staffordshire	1,248	70.8%	514	29.2%	1,762
Warwickshire	331	83.4%	66	16.6%	397
West Mercia	977	77.2%	288	22.8%	1,265
West Midlands	3,916	70.6%	1,634	29.4%	5,550
<b>Yorkshire &amp; Humberside</b>	<b>6,918</b>	<b>76.7%</b>	<b>2,106</b>	<b>23.3%</b>	<b>9,024</b>
Humberside	1,231	81.0%	289	19.0%	1,520
North Yorkshire	612	80.1%	152	19.9%	764
South Yorkshire	1,532	77.1%	455	22.9%	1,987
West Yorkshire	3,543	74.5%	1,210	25.5%	4,753

Domestic violence	CPS Prosecutions 2013 - 2014				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>58,276</b>	<b>74.6%</b>	<b>19,795</b>	<b>25.4%</b>	<b>78,071</b>
<b>Cymru Wales</b>	<b>4,379</b>	<b>77.7%</b>	<b>1,258</b>	<b>22.3%</b>	<b>5,637</b>
Dyfed Powys	440	80.4%	107	19.6%	547
Gwent	853	75.6%	275	24.4%	1,128
North Wales	913	80.1%	227	19.9%	1,140
South Wales	2,173	77.0%	649	23.0%	2,822
<b>Eastern</b>	<b>4,522</b>	<b>80.1%</b>	<b>1,122</b>	<b>19.9%</b>	<b>5,644</b>
Cambridgeshire	636	79.1%	168	20.9%	804
Essex	2,205	79.5%	568	20.5%	2,773
Norfolk	827	78.9%	221	21.1%	1,048
Suffolk	854	83.8%	165	16.2%	1,019
<b>East Midlands</b>	<b>4,368</b>	<b>76.0%</b>	<b>1,383</b>	<b>24.0%</b>	<b>5,751</b>
Derbyshire	1,035	76.4%	320	23.6%	1,355
Leicestershire	876	77.2%	258	22.8%	1,134
Lincolnshire	483	77.0%	144	23.0%	627
Northamptonshire	595	76.4%	184	23.6%	779
Nottinghamshire	1,379	74.3%	477	25.7%	1,856
<b>London</b>	<b>6,442</b>	<b>65.2%</b>	<b>3,433</b>	<b>34.8%</b>	<b>9,875</b>
<b>Merseyside &amp; Cheshire</b>	<b>2,945</b>	<b>79.3%</b>	<b>768</b>	<b>20.7%</b>	<b>3,713</b>
Cheshire	1,079	80.9%	254	19.1%	1,333
Merseyside	1,866	78.4%	514	21.6%	2,380
<b>North East</b>	<b>3,363</b>	<b>73.5%</b>	<b>1,213</b>	<b>26.5%</b>	<b>4,576</b>
Cleveland	701	74.8%	236	25.2%	937
Durham	658	80.1%	163	19.9%	821
Northumbria	2,004	71.1%	814	28.9%	2,818
<b>North West</b>	<b>8,507</b>	<b>80.0%</b>	<b>2,130</b>	<b>20.0%</b>	<b>10,637</b>
Cumbria	573	82.8%	119	17.2%	692
Greater Manchester	4,521	80.8%	1,075	19.2%	5,596
Lancashire	3,413	78.5%	936	21.5%	4,349
<b>South East</b>	<b>3,137</b>	<b>72.4%</b>	<b>1,193</b>	<b>27.6%</b>	<b>4,330</b>
Kent	1,416	73.2%	518	26.8%	1,934
Surrey	570	74.1%	199	25.9%	769
Sussex	1,151	70.7%	476	29.3%	1,627
<b>South West</b>	<b>3,291</b>	<b>77.8%</b>	<b>939</b>	<b>22.2%</b>	<b>4,230</b>
Avon & Somerset	1,614	77.0%	482	23.0%	2,096
Devon & Cornwall	1,358	78.4%	374	21.6%	1,732
Gloucestershire	319	79.4%	83	20.6%	402
<b>Thames &amp; Chiltern</b>	<b>2,966</b>	<b>70.9%</b>	<b>1,219</b>	<b>29.1%</b>	<b>4,185</b>
Bedfordshire	393	67.2%	192	32.8%	585
Hertfordshire	815	78.2%	227	21.8%	1,042
Thames Valley	1,758	68.7%	800	31.3%	2,558
<b>Wessex</b>	<b>2,799</b>	<b>72.6%</b>	<b>1,056</b>	<b>27.4%</b>	<b>3,855</b>
Dorset	606	72.7%	227	27.3%	833
Hampshire & IOW	1,740	70.4%	731	29.6%	2,471
Wiltshire	453	82.2%	98	17.8%	551
<b>West Midlands</b>	<b>5,580</b>	<b>71.4%</b>	<b>2,236</b>	<b>28.6%</b>	<b>7,816</b>
Staffordshire	1,100	70.0%	472	30.0%	1,572
Warwickshire	289	83.3%	58	16.7%	347
West Mercia	771	77.6%	222	22.4%	993
West Midlands	3,420	69.7%	1,484	30.3%	4,904
<b>Yorkshire &amp; Humberside</b>	<b>5,977</b>	<b>76.4%</b>	<b>1,845</b>	<b>23.6%</b>	<b>7,822</b>
Humberside	1,019	81.8%	227	18.2%	1,246
North Yorkshire	550	79.1%	145	20.9%	695
South Yorkshire	1,360	77.0%	406	23.0%	1,766
West Yorkshire	3,048	74.1%	1,067	25.9%	4,115

Rape	CPS Prosecutions 2013 - 2014				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>2,348</b>	<b>60.3%</b>	<b>1,543</b>	<b>39.7%</b>	<b>3,891</b>
<b>Cymru Wales</b>	<b>149</b>	<b>58.0%</b>	<b>108</b>	<b>42.0%</b>	<b>257</b>
Dyfed Powys	14	56.0%	11	44.0%	25
Gwent	33	60.0%	22	40.0%	55
North Wales	42	63.6%	24	36.4%	66
South Wales	60	54.1%	51	45.9%	111
<b>Eastern</b>	<b>142</b>	<b>63.4%</b>	<b>82</b>	<b>36.6%</b>	<b>224</b>
Cambridgeshire	42	63.6%	24	36.4%	66
Essex	49	59.8%	33	40.2%	82
Norfolk	33	64.7%	18	35.3%	51
Suffolk	18	72.0%	7	28.0%	25
<b>East Midlands</b>	<b>174</b>	<b>69.0%</b>	<b>78</b>	<b>31.0%</b>	<b>252</b>
Derbyshire	37	64.9%	20	35.1%	57
Leicestershire	47	75.8%	15	24.2%	62
Lincolnshire	20	74.1%	7	25.9%	27
Northamptonshire	33	75.0%	11	25.0%	44
Nottinghamshire	37	59.7%	25	40.3%	62
<b>London</b>	<b>381</b>	<b>52.2%</b>	<b>349</b>	<b>47.8%</b>	<b>730</b>
<b>Merseyside &amp; Cheshire</b>	<b>90</b>	<b>75.0%</b>	<b>30</b>	<b>25.0%</b>	<b>120</b>
Cheshire	44	80.0%	11	20.0%	55
Merseyside	46	70.8%	19	29.2%	65
<b>North East</b>	<b>112</b>	<b>57.7%</b>	<b>82</b>	<b>42.3%</b>	<b>194</b>
Cleveland	35	55.6%	28	44.4%	63
Durham	23	67.6%	11	32.4%	34
Northumbria	54	55.7%	43	44.3%	97
<b>North West</b>	<b>274</b>	<b>60.4%</b>	<b>180</b>	<b>39.6%</b>	<b>454</b>
Cumbria	10	45.5%	12	54.5%	22
Greater Manchester	158	57.7%	116	42.3%	274
Lancashire	106	67.1%	52	32.9%	158
<b>South East</b>	<b>155</b>	<b>59.6%</b>	<b>105</b>	<b>40.4%</b>	<b>260</b>
Kent	51	66.2%	26	33.8%	77
Surrey	39	69.6%	17	30.4%	56
Sussex	65	51.2%	62	48.8%	127
<b>South West</b>	<b>182</b>	<b>63.2%</b>	<b>106</b>	<b>36.8%</b>	<b>288</b>
Avon & Somerset	103	57.2%	77	42.8%	180
Devon & Cornwall	62	74.7%	21	25.3%	83
Gloucestershire	17	68.0%	8	32.0%	25
<b>Thames &amp; Chiltern</b>	<b>123</b>	<b>60.3%</b>	<b>81</b>	<b>39.7%</b>	<b>204</b>
Bedfordshire	8	40.0%	12	60.0%	20
Hertfordshire	33	67.3%	16	32.7%	49
Thames Valley	82	60.7%	53	39.3%	135
<b>Wessex</b>	<b>108</b>	<b>52.2%</b>	<b>99</b>	<b>47.8%</b>	<b>207</b>
Dorset	19	45.2%	23	54.8%	42
Hampshire & IOW	59	48.4%	63	51.6%	122
Wiltshire	30	69.8%	13	30.2%	43
<b>West Midlands</b>	<b>226</b>	<b>65.3%</b>	<b>120</b>	<b>34.7%</b>	<b>346</b>
Staffordshire	36	66.7%	18	33.3%	54
Warwickshire	6	85.7%	1	14.3%	7
West Mercia	42	56.8%	32	43.2%	74
West Midlands	142	67.3%	69	32.7%	211
<b>Yorkshire &amp; Humberside</b>	<b>232</b>	<b>65.4%</b>	<b>123</b>	<b>34.6%</b>	<b>355</b>
Humberside	59	65.6%	31	34.4%	90
North Yorkshire	1	100.0%	0	0.0%	1
South Yorkshire	39	60.0%	26	40.0%	65
West Yorkshire	133	66.8%	66	33.2%	199

Sexual offences excluding rape	CPS Prosecutions 2013 - 2014				Total
	Convictions		Unsuccessful		
	Volume	%	Volume	%	
<b>42 Areas</b>	<b>6,756</b>	<b>79.0%</b>	<b>1,798</b>	<b>21.0%</b>	<b>8,554</b>
<b>Cymru Wales</b>	<b>326</b>	<b>75.6%</b>	<b>105</b>	<b>24.4%</b>	<b>431</b>
Dyfed Powys	48	76.2%	15	23.8%	63
Gwent	59	73.8%	21	26.3%	80
North Wales	70	82.4%	15	17.6%	85
South Wales	149	73.4%	54	26.6%	203
<b>Eastern</b>	<b>382</b>	<b>81.1%</b>	<b>89</b>	<b>18.9%</b>	<b>471</b>
Cambridgeshire	58	73.4%	21	26.6%	79
Essex	148	80.9%	35	19.1%	183
Norfolk	118	84.9%	21	15.1%	139
Suffolk	58	82.9%	12	17.1%	70
<b>East Midlands</b>	<b>496</b>	<b>80.8%</b>	<b>118</b>	<b>19.2%</b>	<b>614</b>
Derbyshire	127	80.4%	31	19.6%	158
Leicestershire	121	77.1%	36	22.9%	157
Lincolnshire	76	83.5%	15	16.5%	91
Northamptonshire	61	79.2%	16	20.8%	77
Nottinghamshire	111	84.7%	20	15.3%	131
<b>London</b>	<b>1,092</b>	<b>72.3%</b>	<b>418</b>	<b>27.7%</b>	<b>1,510</b>
<b>Merseyside &amp; Cheshire</b>	<b>321</b>	<b>84.9%</b>	<b>57</b>	<b>15.1%</b>	<b>378</b>
Cheshire	123	86.0%	20	14.0%	143
Merseyside	198	84.3%	37	15.7%	235
<b>North East</b>	<b>341</b>	<b>81.6%</b>	<b>77</b>	<b>18.4%</b>	<b>418</b>
Cleveland	109	77.3%	32	22.7%	141
Durham	92	87.6%	13	12.4%	105
Northumbria	140	81.4%	32	18.6%	172
<b>North West</b>	<b>705</b>	<b>78.5%</b>	<b>193</b>	<b>21.5%</b>	<b>898</b>
Cumbria	55	80.9%	13	19.1%	68
Greater Manchester	374	74.5%	128	25.5%	502
Lancashire	276	84.1%	52	15.9%	328
<b>South East</b>	<b>523</b>	<b>83.0%</b>	<b>107</b>	<b>17.0%</b>	<b>630</b>
Kent	236	86.4%	37	13.6%	273
Surrey	101	78.9%	27	21.1%	128
Sussex	186	81.2%	43	18.8%	229
<b>South West</b>	<b>427</b>	<b>80.4%</b>	<b>104</b>	<b>19.6%</b>	<b>531</b>
Avon & Somerset	217	78.9%	58	21.1%	275
Devon & Cornwall	145	81.0%	34	19.0%	179
Gloucestershire	65	84.4%	12	15.6%	77
<b>Thames &amp; Chiltern</b>	<b>402</b>	<b>78.8%</b>	<b>108</b>	<b>21.2%</b>	<b>510</b>
Bedfordshire	52	78.8%	14	21.2%	66
Hertfordshire	114	80.3%	28	19.7%	142
Thames Valley	236	78.1%	66	21.9%	302
<b>Wessex</b>	<b>366</b>	<b>72.6%</b>	<b>138</b>	<b>27.4%</b>	<b>504</b>
Dorset	56	65.9%	29	34.1%	85
Hampshire & IOW	247	71.4%	99	28.6%	346
Wiltshire	63	86.3%	10	13.7%	73
<b>West Midlands</b>	<b>666</b>	<b>82.0%</b>	<b>146</b>	<b>18.0%</b>	<b>812</b>
Staffordshire	112	82.4%	24	17.6%	136
Warwickshire	36	83.7%	7	16.3%	43
West Mercia	164	82.8%	34	17.2%	198
West Midlands	354	81.4%	81	18.6%	435
<b>Yorkshire &amp; Humberside</b>	<b>709</b>	<b>83.7%</b>	<b>138</b>	<b>16.3%</b>	<b>847</b>
Humberside	153	83.2%	31	16.8%	184
North Yorkshire	61	89.7%	7	10.3%	68
South Yorkshire	133	85.3%	23	14.7%	156
West Yorkshire	362	82.5%	77	17.5%	439

# Glossary of terms

## Violence against women and girls strands

Each section is alphabetical unless stated otherwise.

Child abuse:

Any criminal offence which falls within the criteria set out in Working Together to Safeguard Children and involves a victim under the age of 18.

Child abuse includes physical, emotional and sexual criminal offences, as well as neglect, of a child. Such cases would normally include, for example:

- parental assault where reasonable chastisement is not a defence;
- sexual offences;
- child homicides;
- child cruelty, including neglect;
- child prostitution;
- harassment;
- abandonment of a child;
- forced marriage involving an under 18 year-old;
- child pornography;
- trafficked children;
- familial abduction; and
- historical child abuse where victim is now an adult.

Cases that would not normally be expected to be flagged include:

- motoring offences where the child has been injured or killed;
- medical negligence; and
- property offences.

Domestic violence:

From April 2013:

any incident or pattern of incidents of controlling coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse: psychological; physical; sexual; financial; emotional.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Family members are defined as mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or step-family.

This definition, which is not a legal definition, includes so called 'honour' based violence, FGM (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Forced marriage:

Any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) that has been carried out in the context of a forced marriage will be flagged as such either:

- to coerce a party/parties into marrying without their consent, which would be prosecuted for the specific offence committed, e.g. harassment, kidnap, threats to kill; or

- after a forced marriage without the consent of one or both parties and where duress is a factor, which again would be prosecuted for the specific offence e.g. rape, sexual assault

The definition of forced marriage is in line with that used by the Home Office: '*A marriage without the consent of one or both parties and where duress is a factor*'.

The Court of Appeal clarified that duress is: '[when] the mind of the applicant has been overborne, howsoever that was caused'. An arranged marriage is very different from a forced marriage. An arranged marriage is entered into freely by both people, although their families take a leading role in the choice of partner.

Honour based violence:

Any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) committed as so-called honour crime will be flagged as honour based violence. Cases would be prosecuted for the specific offence committed, e.g. common assault, GBH, harassment, kidnap, rape, threats to kill, murder.

The definition of honour based violence to be used is the definition adopted by the Forced Marriage Unit at the Home Office: "So-called honour based violence' is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community".

Human trafficking:

The flag for human trafficking is applied to:

- Offences flagged are Sexual Offences Act 2003 (Section 57, 58 and 59),
- Asylum and Immigration [Treatment of Claimants] Act 2004 Section 4(1), (2) and (3); and
- Coroners and Justice Act 2009 Section 71

The flag is applied from the onset of the case; this flag will remain in place even if those charges are subsequently amended or dropped. If a case commences under a different offence but is then changed to a trafficking charge, the case should be flagged at that stage.

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.

## Performance management terms

**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.

**Principal offences:**

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. The Principal Offence Category indicates the most serious offence with which the defendant is charged **at the time of finalisation**. Where the nature of the charges alters during the life of a case, the Principal Offence at the time of finalisation may be different than would have seemed appropriate at an earlier stage of proceedings. In all such cases the Principal Offence category to be recorded is that which applies **at finalisation**, regardless of whether this is more serious, or less serious, than would have applied earlier in the life of the case.

Where a defendant faces a mix of charges of which fall into different Principal Offence Categories, chose the most serious **according to the following order of priority**:

- Homicide: 'Homicide' comprises a range of offences including - murder & attempted murder, making threats to kill, manslaughter, conspiring or soliciting to commit murder and causing death by dangerous driving.
- Offences against the person: 'Offences against the person' comprises a range of offences including - grievous bodily harm, assault occasioning actual bodily harm, common assault, possession of a firearm with intent to cause fear of violence and child abduction.
- Sexual offences: 'Sexual Offences' comprises a range of offences including - rape, buggery, sexual assault, bigamy, procurement and gross indecency with a child.
- Criminal damage: 'Criminal damage' includes offences of arson, criminal or malicious damage and arson or criminal damage endangering life.
- Public order offences: 'Public Order Offences' includes offences of rioting, violent disorder and causing an affray.

## Case outcomes

- Pre-charge decisions:** The Director's Guidance on charging (4<sup>th</sup> Edition) provides that the police may charge any Summary only offence (one that can only be dealt with in the magistrates' court) irrespective of plea and any either way offence (can be tried in either the magistrates' court or Crown Court) where a guilty plea is anticipated and it is suitable for sentence in the magistrates' court subject to certain exceptions such as DV, hate crime and a case involving a death. CPS prosecutors must make the charging decisions in all indictable only cases (those cases which can only be tried in the Crown Court), either way offences not suitable for magistrates' court and where a not guilty plea is anticipated
- Charged: cases where the CPS' decision is to charge.
- No prosecution: those cases where the CPS' decision is not to prosecute, for evidential or public interest reasons.
- Out of court disposal: where a caution, conditional caution, reprimand or final warning has been given or where the offence has been taken into consideration in relation to other charges.
- Administrative Finalisation: the suspect has failed to answer to bail and a warrant is outstanding or the case has been finalised administratively for various reasons.

Other:	the outcome of the charging decision has not been recorded or is undefined.
<b>Prosecutions:</b>	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.
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.
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.
All other unsuccessful outcomes:	comprising administrative finalisations, discharged committals and no case to answer.
<u>Convictions:</u>	cases where the defendant is convicted following a prosecution, comprising:
Conviction after trial:	cases in which the defendant pleads not guilty, but is convicted after the evidence is heard.
Guilty plea:	where the defendant pleads guilty.



Proof in absence: these are lesser offences which are heard by the court in the absence of the defendant.

### **Reasons for unsuccessful outcomes**

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. (Cases dismissed, no case to answer or judge directed acquittals are not included).

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. (the 'reason title' was amended in April 2013 to: The evidence of the victim does not come up to proof, but there is no retraction).

Victim non-attendance: the victim is called as a witness in a trial, but fails to attend court.

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.

Conflict of evidence Conflict of prosecution evidence (from April 2013 the guidance was amended to clarify that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof).

Essential Legal Element Missing Essential legal element missing (the 'reason title' was amended in April 2013 to 'Incorrect charging decision – legal element missing'; the updated guidance made it clear that this reason is not to be used when the victim retracts, does not attend or their evidence does not come up to proof).

Unreliable witness Unreliable witness or witnesses (The 'reason title' was Amended in April 2013 to: 'Key witness (non-victim) refuses to give evidence/retracts/not up to proof' to provide clarity).

# Glossary of acronyms

ACPO	Association of Police Officers
BME	Black and Minority Ethnic
CEOP	Child Sexual Exploitation and On Line Protection Centre
CJA	Criminal Justice Act
CPS	Crown Prosecution Service
CQSM	Core Quality Standard Monitoring
CSA	Child Sexual Abuse
CSE	Child sexual exploitation
DCV	Direct Communication with Victims
DPP	Director of Public Prosecutions
DV	Domestic violence
EDCEM	Equality and Diversity Community Engagement Managers
ECG	External Consultation Group
ESO	Engagement and Support Order
EU	European Union
FM	Forced Marriage
FGM	Female Genital Mutilation
HBV	Honour Based Violence
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
HMIC	Her Majesty's Inspectorate of Constabulary
HO	Home Office
IDVA	Independent Domestic Violence Adviser
ISVA	Independent Sexual Violence Adviser
MARAC	Multi Agency Risk Assessment Conference
MoJ	Ministry of Justice
PAID	Public Accountability and Inclusion Unit
PHA	Prevention of Harassment Act
PPT (ppt)	Percentage point
PPU	Public Protection Unit
RASSO	Rape and Serious Sexual Offences
SDVC	Specialist domestic violence court
SOA	Sexual Offences Act
SV	Sexual violence
LSIP	Local scrutiny and involvement panels
WCU	Witness Care Unit
WSC	Women Specific Conditions
VAWG	Violence against Women and Girls
VPS	Victim Personal Statement

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July 2014