



CPS

Violence against Women and Girls Crime Report

2014-2015

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Foreword by the Director of Public Prosecutions

Violence against Women and Girls (VAWG) cases are an increasing proportion of the Crown Prosecution Service (CPS) work. They give us some of the most complex and sensitive decisions to take. In 2014-15 we reached the highest volume ever of all VAWG¹ police referrals, charged defendants, prosecutions and convictions. Work with the police has successfully reversed the fall in volumes identified by the CPS over the previous few years, culminating in the conviction of over 11,000 more defendants – a 17% increase since 2013-14.

For domestic violence, rape, sexual offences and child abuse, convictions reached the highest volume ever. In total 68,601 defendants were convicted for domestic abuse, a rise of 10,325, just under 18% from the previous year. 2,581 defendants were convicted of rape, an increase of 233, just under 10%, since the previous year. 631 more defendants were also convicted for child sexual abuse – a 19% rise, reaching the highest level ever of 3,975. Prosecutions commencing, in respect of stalking and harassment offences, also rose by 15.1% in 2014-15 from 2013-14.²

The conviction rate for domestic abuse remained relatively steady at 73.9%, against the large rise in prosecution and conviction volumes that reached a record high. During 2014-15 we updated our guidance for prosecutors on domestic abuse and plan further guidance and training following the new legislation on coercion and control.

Despite the rise in conviction volumes for rape, the conviction rate fell to 56.9%. Work to address improving rape prosecution outcomes overall has been a priority during the last year. This is especially to address the fall in conviction proportions, which should be seen in the context of the significant rise in the volume of completed prosecutions of nearly 17%.

During 2014-15 we have developed a national programme of work relating to rape, which seeks to address issues across the criminal justice system. An important theme of this work is to ensure that vulnerable victims have equal access to justice. Where cases meet the Code for Crown Prosecutors, we will not shy away from taking them forward, even when they are difficult and complex. To do anything else would undermine our principles of championing justice and defending the rights of victims. However, there is no short-term solution and it will take time for the work from the national programme to impact on the levels of attrition, recorded by CPS during the prosecution stage, mainly due to jury acquittals.

Following work with a National Rape Scrutiny Panel³ we delivered a National Rape Action Plan, developing structures, tools and systems with the police to address improvements at every stage of the criminal process. The work culminated in a high

¹ Data for 'VAWG crimes' grouped together includes domestic abuse, rape and sexual offences.

² Details of completed stalking and harassment prosecutions, including convictions, by defendant, are not available from CPS databases.

³ A National Rape Scrutiny Panel, involving police, prosecutors, academics and women's groups, met in April 2014 to investigate the previous fall in the volume of rape cases and assess ways to improve rape investigations and prosecutions across the criminal justice system.

profile conference in January 2015, launching systems to ensure appropriate referral from the police and charging advice, tool kits for police, prosecutors and advocates on the law related to consent and on addressing cases involving vulnerable victims. We have also reviewed our Rape and Serious Sexual Offence (RASSO) Units and the arrangements for instructing quality advocates. Furthermore we will be incorporating lessons from an *Independent Review into the Investigation and Prosecution of Rape in London*, published in June 2015, into our rape strategy.

Our VAWG work overall in 2014-15 has addressed the three CPS priorities: our service to victims and witnesses, casework quality, and tools and skills for the job. We have focused further on the safety, protection and support for VAWG victims. Our Victim Liaison Units are up and running in all CPS Areas and I am currently finalising ways to improve our support for victims at court.

The exploitation of victims, vulnerable because of a wide range of reasons, from age, drugs and alcohol through to learning difficulties and mental health issues, has been a consistent theme in our work over the last year. We have issued new guidance for our prosecutors addressing common issues identified in the targeting of victims, not just in rape and child sexual abuse cases but also in prostitution, pornography and sexual trafficking.

We have continued to work across government with regard to legislative improvement. New laws have been introduced on forced marriage and 'modern slavery' and amendments have been made to the legislation on female genital mutilation (FGM). In April 2015 new laws were also introduced on revenge and rape pornography and grooming, with further changes planned on criminalising sexualised messaging. Furthermore, we have worked with the Police with regard to establishing National Protocols on FGM and stalking.

Our report this year highlights the impact of social media on VAWG victims, including the links between indecent on-line images and child sexual abuse and the targeting of victims through the internet. We also report on more protection of victims - restraining orders used in stalking as well as domestic abuse; the introduction of European Protection Orders; sexual harm prevention orders; new offences for forced marriage; protection orders for FGM and prevention orders in human trafficking.

I would like to thank our stakeholders again for their support and expert advice through the VAWG External Consultation Group and the Community Accountability Forum. Locally thanks go to our dedicated VAWG Coordinators and Heads of the RASSO Units and their teams. We are proud of the changes we have made to the way in which we prosecute these offences in 2014-15 and continue to be committed to building on our achievements, learning lessons and working with our stakeholders to ensure a better service for the victims of these crimes.

Alison Saunders CB
Director of Public Prosecutions
June 2015

Executive Summary

The Violence against Women and Girls (VAWG) report addresses crimes that have been identified as being committed primarily, but not exclusively, by men against women, within the overarching strategic framework of 'VAWG'. The approach recognises VAWG as a fundamental issue of human rights, drawing on the United Nations conventions that the UK has signed and ratified. VAWG - is recognised worldwide, and by the UK Government, as a form of offending where gender plays a part.

However, CPS recognises, acknowledges and helps those victims that are not necessarily caught by the "VAWG" umbrella – that is, the men and the boys who can also be victims of VAWG crimes. To that end, CPS is inclusive in our approach. All our VAWG policies are applied fairly and equitably to all perpetrators and victims of crime - irrespective of their gender.

The report is an analysis of the key prosecution issues in each VAWG strand - domestic abuse (DA), rape, sexual offences, stalking, harassment, forced marriage, honour based violence, female genital mutilation, child abuse, human trafficking, prostitution and pornography. We recognise that these offences can be targeted at male and transgender victims as well as female victims and therefore the report includes total data on all perpetrators and victims. Where possible, data is broken, down in the body of the report, by gender as well as overall volumes and proportions. 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 report⁴ can be found on the CPS website, in the Publications section under [Underlying Data/Violence Against Women](#).

Violence against Women and Girls

In 2014-15, VAWG continued 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 crimes⁵, we have reached the highest level of police referrals of VAWG defendants for charging decisions. In 2014-15, 129,057 defendants were referred to CPS – a rise of 19,638 referrals (18%) from 2013-14 and higher than the previous highest level in 2010-11. This rise was also reflected in the volume and proportion charged⁶ – reaching 88,359 (68.5%) – a rise of

⁴ Data is reported throughout this report; any additional underlying data is provided in the annex available on the CPS website – link provided.

⁵ Data for 'VAWG crimes' was grouped together to include domestic abuse (the majority of VAWG crimes in terms of volume), rape and sexual offences (except pre-charge data for sexual offences) from 2007-08. Data from other VAWG strands is reported on separately. There will be some overlap of flagged data for domestic abuse, rape, sexual offences and child abuse, but this is not a significant volume.

⁶ The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, 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 prior to 2013-14.

11,833 (15.5%) from 2013-14 and the highest ever. Out of court disposals, decided on by CPS at the pre-charge stage, have also reached the lowest proportion to date (1,473, just over 1% of all referrals). The rise in volumes indicates the success of the work undertaken across the police and CPS to improve referral processes for DA and all sexual offences.

The volumes of VAWG crimes prosecuted⁷ in 2014-15 rose from 90,516 in 2013-14 to 107,104 in 2014-15, a rise of 16,588 defendants prosecuted – 18.3% more than the previous year and the highest level ever. The body of the report provides a breakdown by gender. The volume convicted also rose by 11,393, from 67,380 in 2013-14 to 78,773, a 16.9% increase and also the highest level ever.

Areas are supported by local VAWG coordinators, who provide strategic direction and provide a bi-annual assessment of performance directly to the DPP through a VAWG Assurance System. VAWG coordinators work with local community groups including through Local Scrutiny and Involvement Panels (LSIPs). There has been a range of good practice on VAWG shared across Areas:

- Most Areas worked closely with their Police and Crime Commissioner on the development of the Police and Crime Plans;
- All CPS Areas held joint training with the police on forced marriage, honour-based violence and female genital mutilation;
- Training on child sexual abuse was also held in every Area;
- All Areas have worked with local partners across a range of VAWG issues, holding conferences, seminars and training sessions.

Domestic abuse

- The volume of DA⁸ referrals from the police rose to the highest level ever of 122,898 in 2014-15 – a rise of 19,329 referrals (18.7%) from 2013-14.
- 84,711 (68.9% of these referrals) were charged, this reflects the highest volumes of cases recorded by the CPS and a rise of 11,806 charged defendants (16.2%) since 2013-14.
- The volume of prosecutions completed in 2014-15 rose to 92,779 from 78,071 – a rise of 14,708 defendants (18.8%) from 2013-14. The rise in charged defendants during 2013-14 impacted further on prosecution outcomes in 2014-15, reaching the highest level ever. The body of the report provides a breakdown by gender.
- The caseload of DA cases⁹ has risen since 2013-14 from 10.7% to 14.1% in 2014-15.
- The volume of convictions reached 68,601 – a rise of 10,325 convictions (17.7%) since 2013-14 and the highest volume ever.

⁷ Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2014-15 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2014-15.

⁸ Prior to 2015, there was no specific offence of “domestic violence or abuse”, so cases of “domestic violence or abuse” were prosecuted under a range of other offences, ranging from common assault to murder. CPS flags all cases of domestic abuse, whatever the offence, to ensure compliance with CPS policy and guidance as well as monitoring performance.

⁹ Domestic abuse caseload as a % of all court prosecutions.

- Between 2005-6¹⁰ and 2014-15, conviction rates have risen from 59.7% to 73.9% - just over 14 percentage point (ppt)¹¹ rise over this ten year period.
- The conviction rate fell slightly to 73.9%, from 74.6% in 2013-14, against the large rise in volume.
- Between 2005-06 when recording started and 2014-15, conviction volumes have risen from 29,719 to 68,601 – a rise of 38,882 defendants convicted, 131% rise over this ten year period and the highest level ever.
- The volume of guilty pleas rose again – reaching 63,132 a rise of 17.7%; although the proportion, out of all cases prosecuted, fell slightly to 68% from 68.7%.
- 92% of all successful outcomes are a result of guilty pleas.
- Discontinued cases have continued to be at a low level, at 19.3% of all prosecuted DA cases, similar to 19.2% in 2013-14, the lowest level ever.
- The stalking offences introduced in November 2012 have been implemented and there has been a significant rise in prosecutions started of stalking, harassment and breaches related to DA – a rise of 20.4% since 2013-14; within which stalking offences have risen by just under 50%.
- In December 2014, the DPP announced the new guidance on handling cases of domestic abuse. The new guidelines refer prosecutors to the range of ways in which abusers can control and coerce their victims through committing clear offences without necessarily carrying out a physical assault. This will support the new offence of coercive and controlling behaviour due for implementation in 2015-16.
- A review of Specialist Domestic Violence Courts was undertaken in 2014-15 and findings will be assessed and actions taken in 2015-16.
- Outlined within the body of this report are case studies and good practice from a number of CPS Areas illustrating ways that Areas have improved prosecution outcomes – including cases using hearsay; kidnapping, and teenage relationship abuse as well as wider local initiatives.

Stalking and harassment

- Prosecutions were commenced for 12,122 harassment and stalking offences in 2014-15; this is a rise of 1,587 offences (15.1%) from 2013-14 when 10,535 prosecutions were commenced.
- Of these, there were 1,103 prosecutions commenced under the new stalking offences (nearly 50% rise since last year).
- Prosecutions commenced for 13,559 breaches of restraining order offences, a rise of 1,908 breaches (16.4%) from 11,651 in 2013-14.
- Of all harassment and stalking prosecutions, 8,230 (67.9%) were DA related – an increase of 1,505 DA related (22.4%) from 6,725 in the previous year.
- 763 DA related prosecutions commenced under the stalking offences.
- 13,559 breaches of restraining order offences started prosecution, a rise of 16.4% from 11,651 in 2013-14; 82.1% were DA related.
- Of the 13,126 breaches of restraining orders (that were made on conviction), a rise of 18.0% from 2013-14, 10,796 (82.2%) were in DA cases.
- Of the 433 breaches of restraining orders (that were made on acquittal), a rise of 34.5% from 2013-14, 336 (77.6%) were in DA cases.

¹⁰ Ongoing recording of domestic abuse prosecutions by the CPS started in 2005-06.

¹¹ Changes in percentages are referred to as changes in percentage points (ppt).

- 7,013 breaches of non-molestation orders started prosecution, compared with 6,498 in the previous year, a rise of 7.9%; 89.7% were DA related.
- The 2014 MoJ data on restraining orders and prosecution of stalking, harassment, and breaches of restraining orders is included in the body of the report.
- In November 2014 a national joint police/CPS protocol on stalking was launched.
- In April 2014 a stalking e-learning module was launched.
- A National Stalking Awareness Day was held in April 2014.

Rape

- The volume of rape referrals from the police rose to 6,159 in 2014-15 – a rise of 309 referrals (5.3%) from 2013-14.
- 3,648 (59.2% of these referrals) were charged, the highest volumes ever and a rise of 27 charged defendants (0.75%) from 2013-14.
- The volume of prosecutions completed in 2014-15 rose to 4,536 – a rise of 645 prosecutions (16.6%) from 2013-14, reaching the highest volume ever. The body of the report provides a breakdown by gender.
- The rape caseload¹² has risen since 2013-14 from 11.1% to 12.8% in 2014-15.
- The volume of convictions reached 2,581 - a rise of 9.9% since 2013-14 and also reaching the highest volume ever.
- The official national rape statistics from the Ministry of Justice (MoJ) <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2014> Figures show that in the calendar year 2014 there were 3,538 defendants, on a principal offence basis^{13, 14, 15, 16} prosecuted for rape at the magistrates' courts in England and Wales, a rise from 3,081 in 2013. 3,459 cases were sent to the Crown Court for trial, compared with 3,020 in 2013. In 2014 there were 1,164 offenders convicted of rape in England and Wales, a rise from 1,121 in 2013, resulting in a prosecution to conviction ratio in 2014 of 33% - a fall from 36% in 2013. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence. MoJ prosecution data is where the hearing has been completed in the magistrates' Court in 2014, and therefore includes both completed and live cases in the Crown Court.
- CPS data on successful rape prosecutions include not only cases initially charged and flagged as rape, but also cases where a conviction was obtained

¹² Rape caseload as a % of all indictable-only prosecutions.

¹³ 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.

¹⁴ 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.

¹⁵ 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.

¹⁶ Due to improvements in data processing, pre-2014 results may not match those previously published.

for an alternative or lesser offence. The data is used for CPS case management purposes, alongside the 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, for victim care purposes. 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 2007-8¹⁷ and 2014-15, CPS conviction rates¹⁸ have fallen from 57.7% to 56.9%; a fall from 60.3% in 2013-14; but it is important that this fall is assessed against the 16.6% rise in prosecution volumes and 9.9% rise in conviction volumes recorded.
- Between 2007-08 and 2014-15, conviction volumes have risen from 2,021 to 2,581, a rise of 560 convictions, and the highest volume since records began.
- Discontinued cases have continued to fall and reached the low level of 13.3% of all prosecuted rape cases similar to the previous year which was at the lowest level ever of 13.1%.
- With the significantly lower levels of guilty pleas in rape cases compared to other crimes (34% in 2014-15, a fall from 35.9% the previous year), more cases go to trial.
- Of all unsuccessful outcomes¹⁹, the proportion due to jury acquittals has risen from 60.3% in 2013-14 to 62.7% in 2014-15; the proportion due to victim issues has fallen from 18% to 17%.
- Rape and Serious Sexual Offence (RASSO) Units were reviewed in 2014 and actions to further improve rape prosecutions are planned for 2015-16.
- A network of Heads of RASSO Units continued to meet bi-annually, with RASSO newsletters.
- A National Rape Action Plan was published in June 2014, following a National Scrutiny Panel held in April 2014.
- The Joint CPS and Police/CPS Rape protocol for the investigation and prosecution of rape was revised and launched in January 2015.
- A conference was held in January 2015 launching key initiatives arising from the National Rape Action Plan:
 - Public leaflet and toolkits on consent for police, prosecutors and advocates;
 - Toolkit on vulnerable VAWG victims;
 - Systems to address the instruction of appropriate advocates in rape trials;
 - Clarifying guidance on early investigative advice and charging for police and prosecutors;
 - Provision of Areas with data on timeliness of rape cases to be addressed locally.
- In March 2015, a cross-agency National Rape Monitoring Group distributed CJS rape data from 2009-2014 to Police and Crime Commissioners and local CJS agencies to scrutinise and improve rape investigations and prosecutions. The CPS is a member of the Rape Monitoring Group and contributed to the report.

¹⁷ Recording of rape data started later than that of domestic abuse.

¹⁸ Outcomes from charge to conviction.

¹⁹ Definitions for unsuccessful outcomes are in the glossary; a range of reasons include victim issues, conflict of evidence and acquittals, divided into judge-directed and jury acquittals.

- An independent review into the investigation and prosecution of rape in London was carried out and the report was published in June 2015. We are working, together with the police, to determine what further lessons can be learned from the report.
- Further webinars were held for RASSO Unit prosecutors dealing with alleged false allegations of rape and domestic abuse offences which continued to be monitored within the VAWG assurance system throughout 2013-14.
- Revised legal guidance on alleged false allegations of rape and DA was published in April 2015.
- A rape training programme was developed for implementation in 2015-16.
- In this report, a number of case studies illustrate the issue of consent, vulnerable victims, social media, non-recent rape cases and local good practice.

Sexual offences (excluding rape)

- The CPS is unable to record the pre-charge data for sexual offences²⁰.
- 9,789 defendants were prosecuted in 2014-15 for sexual offences, excluding rape; a rise from 8,554 in 2013-14; reaching the highest volume ever; The body of the report provides a breakdown by gender, where possible.
- Sexual offence prosecutions rose from 1.2% in 2013-14 to 1.5% of CPS caseload²¹ in 2014-15.
- The volume of convictions reached 7,591 – the highest volume ever and a rise of 12.4% since 2013-14; against a slight fall in the proportion (77.5%).
- New guidance on prosecuting non-recent cases where a nominal penalty is the likely outcome was published in September 2014.
- A number of case studies are provided in this report illustrating cases involving sexual offences where there was an abuse of trust, vulnerable victims and internet targeting.

Forced marriage, honour-based violence and female genital mutilation²²

Forced marriage

- The CPS data on forced marriage includes all cases flagged as ‘forced marriage’ and not just those related to the new forced marriage legislation introduced in 2014.
- The volume of forced marriage referrals from the police rose to 82 in 2014-15 – from 67 in 2013-14.
- 48 (58.5% of these referrals) were charged, the highest volumes ever recorded but a slight fall in proportion compared with 2013-14.
- The volume of prosecutions completed in 2014-15 rose to 46 – a rise from 45 in 2013-14. The body of the report provides a breakdown by gender.
- 63% were successful, a fall from 71% in 2013-14.

²⁰ 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.

²¹ Sexual offence caseload as a % of all CPS prosecutions.

²² The small number of cases indicates the need for caution in interpreting this data.

- Discontinued cases fell from 41.5% when these cases were first recorded in 2010-11, to 21.7% in 2014-15.
- New legislation was introduced to criminalise forced marriage in June 2014 and the first defendant convicted in Wales.
- New legislation on prosecuting breaches of Forced Marriage Protection Orders was also introduced and the first prosecutions were held in the North West.
- CPS legal guidance and e-learning training modules were refreshed in summer 2014.
- Police/CPS workshops on forced marriage, honour-based violence and FGM were held across every CPS Area throughout 2014.
- A number of cases studies are provided in this report illustrating forced marriage.

Honour based violence²³

- The volume of referrals from the police of honour based violence related offences (HBV) rose to 251 in 2014-15 – from 240 in 2013-14.
- 157 (62.5% of these referrals) were charged; about the same volume as last year (158).
- 225 defendants were prosecuted, a rise from 206 last year. The body of the report provides a breakdown by gender.
- 129 defendants were convicted, the highest volume ever, but a fall in the proportion convicted to 57.3% from 59.7% in 2013-14.
- Discontinued cases fell from 40.6% when these cases were first recorded in 2010-11 to 29.8% in 2014-15.

Female genital mutilation

- The first prosecution of female genital mutilation (FGM), in which both defendants were found not guilty, led to a post-case review to inform future practice.
- It also led to further development of guidance for medical practitioners.
- Amendments to strengthen the offences in the FGM Act were introduced in the Serious Crime Act 2015, given Royal Assent in March 2015.
- A new civil FGM Protection Order has been introduced.
- Joint protocols with the police were agreed in all CPS Areas, and joint training has been completed as part of the implementation of national action plans.
- Regular conference calls were held by the Director of Public Prosecutions with CCPs to monitor progress on FGM.
- Areas have carried out a range of initiatives to address prosecutions, including partnership working, conferences, seminars and training on FGM.

Child abuse²⁴

- The volume of child abuse referrals from the police rose to 12,840 in 2014-15 – a rise of 1,653 (14.8%) from 2013-14.

²³ Honour based violence cases are flagged within CPS.

²⁴ Child abuse cases are flagged within CPS.

- 8,696 (67.7% of these referrals) were charged, a rise of 965 (12.5% in volume) from 2013-14, reaching the highest volume ever.
- The volume of prosecutions completed in 2014-15 reached 10,045 - a rise of 2,047 (25.6%) since 2013-14, reaching the highest volume ever. The body of the report provides a breakdown by gender, where possible.
- There was a rise in the volume of successful outcomes in the overall child abuse cases to 7,469 in 2014-15 from 6,096 in 2013-14 – the highest volume ever and a rise of 22.5%.
- In 2014-15 there were only 17 child abuse homicide offence prosecutions²⁵, from 35 in 2013-14, with 58.8% successful outcomes.
- There was a rise in the volume of offences against the person (from 2,383 to 3,192); with successful outcomes falling from 72.4% to 71.3%, compared with 2013-14; against the highest volume ever.
- Child abuse sexual offence prosecutions completed in 2014-15 rose from 4,371 to 5,387 – a rise of 23.2%.
- Successful outcomes for child sexual abuse (CSA) rose from 3,344 to 3,975 - but a fall in conviction rate from 76.5% to 73.8% against the highest volume ever – a rise of 18.9%.
- The CPS worked on CSA as part of a wider effort across Government to respond to sexual violence against children.
- A range of new legislation related to grooming and sexual exploitation of children was introduced.
- All CSA specialists were trained to implement the legal guidance.
- Case studies from Areas in this report illustrate prosecution of non-recent abuse, gangs, grooming and CSA cases.

Human trafficking and prostitution

- Since April 2010, the CPS has flagged and monitored all cases of human trafficking²⁶.
- The volume of human trafficking defendants referred from the police rose to 234 in 2014-15 – a rise of 36.8% from 171 referrals in 2013-14.
- 195 (83.3% of these referrals) were charged, an increase of 92 from last year (89.3%).
- The volume of human trafficking prosecutions completed in 2014-15 reached 187 - a fall from 226 in 2013-14. The body of the report provides a breakdown by gender, where possible.
- There was also a fall in the volume of successful human trafficking outcomes from 155 in 2013-14 to 130 in 2014-15 (68.6% in 2013-14 rose to 69.5% in 2014-15).
- There was a rise in volume of prostitution related offences²⁷ for prosecution from 441 in 2013-14 to 446 in 2015-16.

²⁵ See glossary for definitions.

²⁶ 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.

²⁷ 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.

- The CPS contributed to the government's modern slavery strategy launched in November 2014.
- The CPS worked across the United Kingdom and internationally to address trafficking issues.
- The Modern Slavery Act 2015 was given Royal Assent in March 2015; revised guidance and training is planned.
- Case studies in this report include examples of trafficking and prostitution.

Pornography

- In 2014-15 there was a rise in the prosecution of child abuse images from 20,373 to 21,580, including prosecutions commenced for 16,129 offences of sexual exploitation of children through photographs; with a rise in prosecutions of the most recent offence of possession of a prohibited image of a child from 534 to 631.
- There was a rise in obscenity offences prosecuted from 4,764 to 5,782.
- Overall there was a rise of just under 6% of child abuse images and a rise of 21.4% of obscenity offences reaching a first hearing.
- New legislation was introduced in April 2015 on revenge pornography, rape pornography and a new offence of possession of a paedophile manual as well as amendments to tighten the Malicious Communications Act.
- A number of new e-learning modules, the Prosecution of Online Grooming and the Use of Social Media were launched for prosecutors during 2014-15.
- Case studies in this report illustrate prosecutions of child sexual abuse and indecent images and revenge pornography.

Introduction

This CPS Violence against Women and Girls (VAWG) Crime Report is the eighth edition published by the CPS. The report addresses issues within the overall CPS VAWG Strategy – the framework launched in 2008. The strategy recognises VAWG as a fundamental issue of human rights, drawing on the United Nations conventions that the UK has signed and ratified. Freedom from violence and abuse is explicitly recognised in international law with respect to both human rights and gender. VAWG - is recognised worldwide, and by the UK Government, as a form of offending where gender plays a part.

As the United Nations describes it: *Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and ... violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.*

The offence policies sit within the overarching framework of 'VAWG' to address crimes that have been identified as being committed primarily, but not exclusively, by men against women. However, CPS recognises, acknowledges and helps those victims that are not necessarily caught by the "VAWG" umbrella – that is, the men and the boys who can also be victims of VAWG crimes. To that end, CPS is inclusive in our approach. All our VAWG policies are applied fairly and equitably to all perpetrators and victims of crime - irrespective of their gender. The report therefore includes data of all perpetrators and victims.

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

- domestic abuse (DA)
- 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 2014-15 have been highlighted within each section and may differ according to strands. The CPS collects data²⁸ to assist in the effective management of its prosecution functions.

²⁸ 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.

The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007²⁹. We are committed to improving the quality of our data and from mid June 2015 introduced a new data assurance regime which may explain some unexpected variance in some future sets of data.

Equality profiles of defendants, by gender and ethnicity, are assessed and reported on in this report. Data on victims are reported where available and we continue to look for ways in which to improve the victim related data held in the criminal justice system.

Over the past five years CPS records show that most (84%) victims of these crimes, where gender is recorded, are female, and almost all (93%) perpetrators are male. This report includes data for all victims and perpetrators, irrespective of gender. Where possible, data is broken down in the body of the report by gender as well as overall volumes and proportions.

Cross-government plans

In March 2015, the government published a report on its VAWG work over the past five years – [A Call to End Violence against Women Progress report 2010-2015](#). The implementation of these actions has been overseen by the VAWG Inter-Ministerial Group. The Report included highlights of CPS achievements, including the domestic abuse conviction rate reaching the highest ever level; the establishment of Rape and Serious Sexual Offence (RASSO) units; the rise in stalking prosecutions and development of toolkits for prosecutors on the issue of consent in rape cases.

²⁹ 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

This section of the report covers the overall approach to crimes grouped together as 'VAWG' with the caveats as outlined in the introduction. VAWG work continued to be a priority within CPS National and Area business plans in 2014-15. A mainstreamed approach to VAWG issues has been achieved, with Area ownership and accountability. The work has addressed the priorities of the Director of Public Prosecutions (DPP) on services for victims and witnesses, casework quality, and ensuring prosecutors have the right tools and skills for the job.

Work in 2014-15 addressed the fall in police referrals of VAWG cases. This resulted in the highest volume of VAWG crimes ever charged, prosecuted and convicted. Specific work on rape, child sexual abuse (CSA), stalking and FGM has been of high priority over the past year. All policy work on the VAWG agenda has now been rationalised within CPS HQ Operations Directorate.

VAWG Coordinators:

VAWG Coordinators lead on VAWG issues at an Area level. They meet bi-annually as a network to address key issues, as well as working with their Chief Crown Prosecutors in providing bi-annual reports on performance directly to the DPP through the VAWG assurance system.

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.

Links across VAWG issues:

Over the last few years, we have focussed on better understanding of the vulnerability and intimidation of VAWG victims. In 2014-15 we published guidance on ensuring an offender-centric approach, reviewing VAWG cases on the credibility of the overall allegation, rather than focusing on that of the victim. The exploitation of vulnerable victims has been a consistent theme. Our new guidance addresses common issues in the targeting of victims by offenders, not just in rape and CSA cases but also in prostitution, pornography and sexual trafficking.

The use of the internet and social media has been identified as one of the main ways victims are being targeted and abused. New laws have been introduced in April 2015 on revenge pornography, rape pornography, grooming and are pending on criminalising sexualised messaging.

Transforming Summary Justice:

If unnecessary delays occur when cases are heard in magistrates' courts, this can cause additional distress for victims and witnesses. The Criminal Justice System (CJS) is working towards reducing delays in the Magistrates' courts, holding fewer hearings per case and increasing the number of trials that go ahead the first time that they are listed. This programme is called Transforming Summary Justice (TSJ) and is in operation from May 2015. The TSJ programme is being introduced to ensure that all parties in the CJS play their part more effectively. The aim is for a CJS with less delay, fewer hearings and more effective trials. For victims of VAWG, TSJ will provide

swifter justice and less distress for victims and witnesses, as trials should be listed sooner and be more likely to go ahead on the day.

Casework Quality Standards:

To ensure compliance with Core Quality Standards (CQS), the CPS developed a new system of Individual Quality Assessments (IQA) introduced in May 2014. IQA is currently in the pilot phase of development and will be fully implemented throughout the CPS in 2015-16. IQA assessments will be based on the work of individual members of staff and managers will be expected to assess the work of individuals engaged in non-advocacy roles on four occasions each year and advocates on two occasions each year. IQA will cover the following aspects of the prosecution process.

- Advice work;
- Charging and Review Decisions (including decisions to discontinue);
- Casework Preparation;
- Case Presentation (at all hearings and not just trials).

VAWG casework hub:

In line with the DPP's priority of ensuring that prosecutors have the tools and skills for the job, a VAWG section has been set up within the CPS casework hub. The CPS casework hub is an online resource and the VAWG section provides prosecutors with practical assistance related to casework preparation. It includes good practice examples as well as links to local leads, coordinators, legal guidance, toolkits and VAWG newsletters. We will continue to review and build on the information provided to ensure it is accessible and relevant.

CPS Direct (CPSD):

CPSD provides charging advice to the police 24 hours a day, 7 days a week. They are responsible for charging most DA cases. CPSD refer cases involving rape and other serious sexual offences to RASSO Units, unless a charge on the threshold test is necessary outside of office hours. During 2014-2015 46% of CPSD's caseload fell within the VAWG category. A VAWG Casework Quality Board has been set up alongside robust Individual Quality Assessments of VAWG casework decisions. All managers and prosecutors received training in evidence-led prosecutions with a view to improving quality of decision-making and ensuring cases are ready for progress in court. CPSD aims to become a centre of excellence for VAWG work.

VAWG performance

In 2014-15, CPS Areas continued to monitor their performance using the VAWG validation measure that assessed successful outcomes for DA, sexual offences and rape. Specifically the data in this section therefore covers DA, rape and sexual offences, grouped together as 'VAWG'. The validation measure is assessed alongside the volume of prosecutions, providing more detailed monitoring within the bi-annual VAWG assurance process. This oversight has been critical in achieving continuous improvement on this important area of work.

Areas are assessed further on a broad range of measures including consideration of trends in performance on caseloads and conviction rates, in comparison to the national average and ranked according to their VAWG performance. This involves detailed analysis of police referrals, charging, prosecutions and outcomes, including convictions, attrition linked to victim issues and, for all sexual offences, jury acquittals.

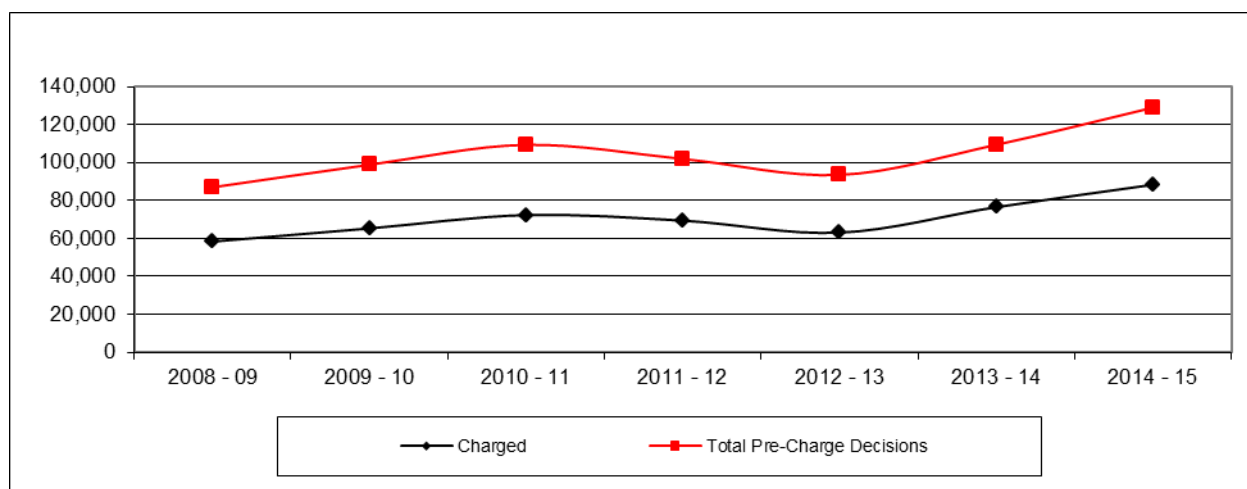
The Areas provide commentary on their overall performance and identify actions to address improvements. They also provide details of their work across all VAWG strands. Areas receive feedback on their assurance reports from the DPP and the VAWG team and are required to draw up and deliver three action points following each bi-annual assessment.

As in previous years, the majority (86.6%) of crimes grouped under VAWG³⁰, for performance management purposes are DA, with rape at 4.2% and sexual offences, excluding rape, at 9.2%.

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 2014-15 129,057 defendants were referred to CPS – a rise of 19,638 (18%) from 2013-14 and higher than the previous highest level in 2010-11. This rise was also reflected in the volume and proportion charged – reaching 88,359 (68.5%) – a rise of 11,833 (15.5%) from 2013 -14 and the highest ever³¹. Out of court disposals, decided on by CPS at the pre-charge stage, have also reached the lowest level to date (1,473, just over 1% of all referrals). The increase in volumes indicates the success of the work undertaken across the police and CPS to improve referral processes for DA and all sexual offences. Sections of the report provide further detail of actions taken.

Graph 1 illustrates the changes in volumes of referrals and charging since 2008-09.

Graph 1: VAWG volume of police referrals and charged defendants

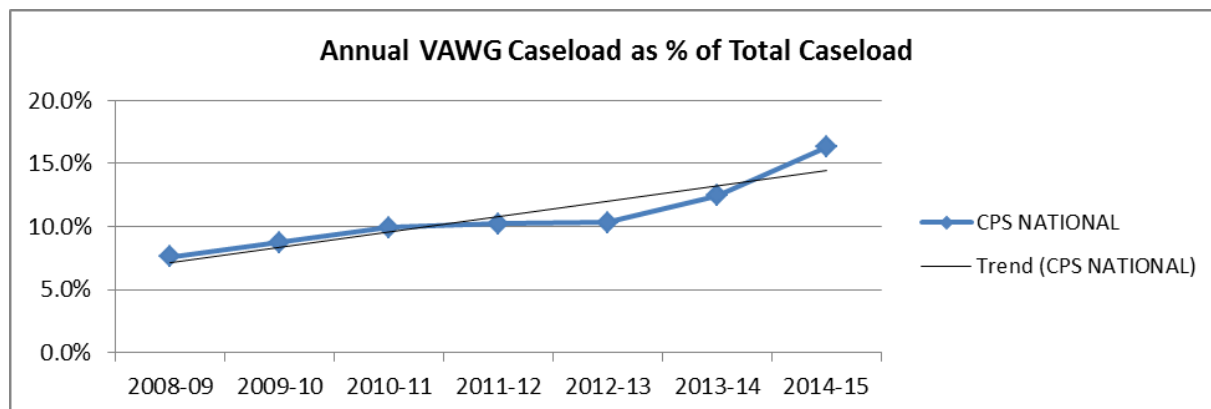


The volume of VAWG cases as a proportion of the total CPS caseload is assessed as the 'VAWG caseload'. The VAWG caseload rose in 2014-15, reaching the highest level ever at 16.3%, as in Graph 2.

³⁰ Data for 'VAWG crimes' includes domestic abuse, rape and sexual offences

³¹ The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, 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 prior to 2013-14.

Graph 2: VAWG caseload as % of total caseload 2008-09 to 2014-15.



Annual VAWG CASELOAD AS A % OF TOTAL

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
CPS NATIONAL	7.6%	8.7%	9.9%	10.2%	10.3%	12.5%	16.3%

The volumes of VAWG crimes prosecuted³² rose from 90,516 in 2013-14 to 107,104 in 2014-15, a rise of 16,588 defendants prosecuted – 18.3% more than the previous year and the highest level ever. Of the 107,104 defendants prosecuted, 99,680 defendants were men, 7,329 were women and 95 defendants had unrecorded gender³³. Of those with recorded gender 93% were men and 7% women.³⁴

The volume convicted also rose by 11,393, from 67,380 in 2013-14 to 78,773³⁵, a 16.9% increase and also the highest level ever.

³² Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2014-15 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2014-15.

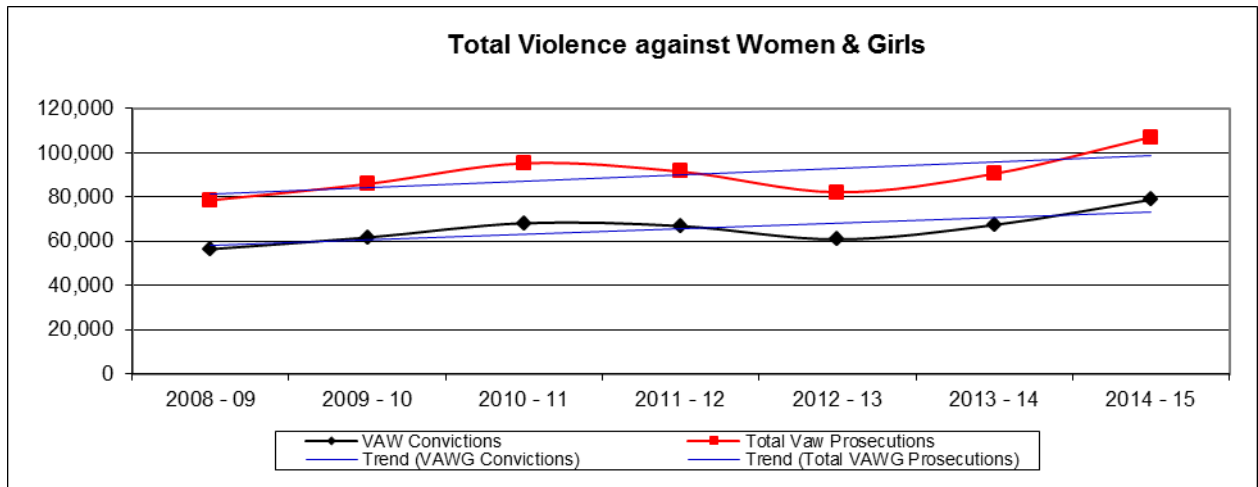
³³ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems. Victim data is provided in the Equalities section on page 21.

³⁴ The figure is the same if calculated out of total, including unrecorded gender.

³⁵ Data currently is not broken down by gender.

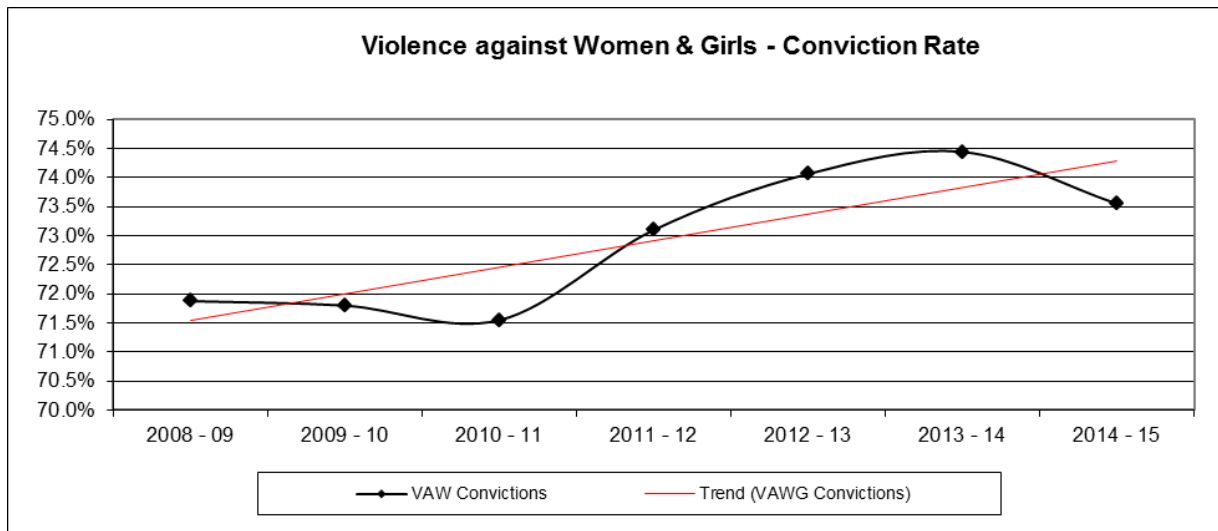
Graph 3 indicates increasing volumes, reversing the earlier decline from 2010-11.

Graph 3: Volume of convictions and prosecutions for VAWG crimes from 2008-09 to 2014-15.



The VAWG conviction rate at 73.5% successful outcomes in 2014-15, although a slight fall from 74.4% in 2013-14 is assessed against the 16.9% rise in volume of defendants convicted – 11,393 more. Graph 4 indicates the ongoing upward trend of conviction rates over the last seven years.

Graph 4: Conviction rates for VAWG crimes from 2008-09 to 2014-15.



90.3% 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.

Area performance

The tables on pages 98-99 provide VAWG prosecution data by Area and police force districts. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for both City of London Police (CLP) and the British

Transport Police (BTP) in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for the constituent police forces as there will be a small number of cross-border prosecutions between Areas as well as data from CLP and BTP.

The linked annex, provided at the beginning of the Executive Summary, provides Area and police force district pre-charge data. In 2014-15, the VAWG assurance assessment included pre-charge as well as charged data.

Equalities issues

Gender

Of the 107,104 defendants prosecuted, 99,680 defendants were men, 7,329 were women, 95 defendants had unrecorded gender³⁶. Of those with recorded gender, - 93% of defendants were men, similar to the proportion in 2013-14 and 7% were women.³⁷

For victim data, from the Witness Management System, 98,314 victims were recorded³⁸. Of all victims, 69,007 were women, 13,154 were men and 16,153 were not recorded. 84% of victim gender was recorded in 2014-15 – a rise from 83% in 2013-14. From those with recorded gender, the proportion of women victims was 84% and men victims were 16%, similar to that recorded over the past five years.

Ethnicity

In 2014-15, 77% of VAWG crime defendants³⁹ were categorised as White, of which 72% were identified as White British (similar to the previous year). Just under 6% of defendants were identified as Asian, and just under 6% were identified as Black, similar figures to the previous year⁴⁰. Just under 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 (22%). 25% of defendants (26,785) were under 24 years old, with 3,295 (3%) of defendants being 14-17 years old and 212 (0.2%) aged 10-13. From those victims with recorded age⁴¹, the majority were aged 25-59 (66%) and 18-24 (23%). Similar to defendant age, 29.3% of victims (23,558) were under 24 years old, with 3,733 (5%) of victims being 14-17 years old, 895 (1%) aged 10-13 and 228 under 10 (0.3%).

³⁶ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

³⁷ The figure is the same if calculated out of total, including unrecorded gender.

³⁸ The victim data includes domestic violence and rape, but data for victims related to sexual offences, excluding rape, is not available from the data systems.

³⁹ Ethnicity data on defendants are collected by the CPS in accordance with the agreed CJS definitions for the 16+1 ethnic categories.

⁴⁰ 4% 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.

⁴¹ 82% of victim ages were recorded in 2014-15 – a rise from 81% in 2013-14.

International VAWG work

In 2014-15 an International VAWG strategy was developed to effectively prosecute VAWG cases with an international element. The strategy addresses cases where evidence or witnesses are located overseas, offenders flee abroad or where offences occur in other jurisdictions as well as work with other jurisdictions to improve prosecution of VAWG offences at source. The aim is to maximise the effectiveness of CPS VAWG prosecutions with an international element, making greater use of its network of prosecutors deployed overseas, and working closely with CPS Areas, Casework Divisions, across Whitehall and other governments.

The casework hub provides easy access to essential country and fact specific information for lawyers engaged in international work.

Work to introduce European Protection Orders is outlined in the domestic abuse section of this report and details of international work are provided in the human trafficking section.

International liaison:

- In 2014- 2015 CPS provided advice and assistance in VAWG cases in connection with the following countries: Australia, Brazil, Canada, Czech Republic, Dominican Republic, Egypt, France, Hong Kong, Ireland, Italy, Israel, Jamaica, Kenya, Mauritius, Mongolia, New Zealand, Norway, Portugal, Romania, Spain, Turkey, UAE and USA.

This included enquiries to obtain witness statements, ABE interviews for victims, interview suspects, set up video links for live evidence, obtaining medical evidence, obtaining communications data, comparative law requests in extra-territorial jurisdiction cases, third party disclosure requests, jurisdictional issues and transferring proceedings to other countries.

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.

Improving services to victims and witnesses: the focus on improving the quality of services to victims and witnesses continued during 2014-15 in accordance with the priorities of the DPP.

Government cross-CJS commitment to victims: The CPS contributed to this commitment which was published in September 2014. Within CPS all relevant staff will have a victim-focused objective in 2015-16.

CJS strategy and action plan: The CPS is working with the Victim's Commissioner and CJS partners to ensure compliance with the Victim's Code and Witness Charter.

Victims' Right to Review: The Victims' Right to Review (VRR) scheme was set up in June 2013 to make it easier for victims to seek a review of a CPS decision not to

prosecute. Reviews are initially carried out by the Area and the case may be further reviewed by the Appeals and Review Unit (ARU) upon request by a victim, following the Area's decision. 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. The ARU has provided reports on the performance of all the areas for the CPS Board as part of Area Quality Performance Reviews. These highlighted the decisions involving sexual offences received and overturned by the ARU and included an analysis and report on the trends in decision-making. Furthermore, a rape specialist prosecutor from the ARU provided feedback and facilitated discussion at a meeting of the Heads of the RASSO Units. Regular updates are provided for Areas, for lessons to be shared.

Victim Liaison Units: dedicated Victim Liaison Units have been set up across all CPS Areas to ensure that victims are given timely, empathetic communications when we decide to stop a case or substantially alter the charges. These units are a 'one-stop-shop' for victims of most crimes in respect of our post finalisation communications. The units are also responsible for managing the Victims' Right to Review scheme, the CPS feedback and complaints policy and the administration of other victim related schemes such as supporting bereaved families.

Victim Communication and Liaison scheme: the new Victim Communication and Liaison scheme has been implemented across all CPS Areas. Under the scheme, which replaces the Direct Communication with Victims scheme, the CPS continues to inform victims of decisions to stop or substantially alter charges, providing tailored enhanced services to victims in most need of support. This includes VAWG victims.

Speaking to witnesses at court: as part of our commitment to improve the 'at court' experience for victims, we have developed proposals to give better support to victims and witnesses at court. We meet them, explain the role of the prosecution, and involve them where possible in key decisions about how to proceed in the case. We provide them with more information on the nature of the defence case before they give evidence. The proposals have been the subject of a public consultation and the responses received are currently being considered by the CPS.

Victim Personal Statements (VPS): the CPS has agreed and implemented a multi-agency protocol to ensure that more victims are given the opportunity to make and read out a VPS in court. This ensures that they are able to make the court aware of the impact of the crime on their life and wellbeing.

Special measures: updated guidance for prosecutors regarding special measures was published in May 2015. The revised guidance takes account of the recommendations made following 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 Advocate's Gateway: the CPS continues to contribute to the Advocate's Gateway, which provides practical guidance for criminal justice practitioners on vulnerable witnesses and defendants.

National victim and witness satisfaction survey: the CPS has conducted a national satisfaction survey to assess the level of satisfaction by victims and witnesses of the service they have received from the CPS. The fieldwork has been conducted – approximately 8,000 victims and witnesses participated in the survey – and analysis of the findings is underway. The survey included surveying victims of domestic and sexual abuse/violence. The findings will be published in 2015-16.

Guidelines on prosecuting cases involving communications sent via social media:

The guidelines on prosecuting cases involving communications sent via social media published in June 2013 have been used across VAWG issues. The social media guidelines need to be read in conjunction with the Code for Crown Prosecutors which identifies public interest factors. These include 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.

New laws in relation to grooming, sexualised messaging, malicious communications, rape and revenge pornography are outlined in the child abuse and pornography/obscene publications sections of this report.

The CPS has developed a number of new e-learning modules on the prosecution of online grooming and the use of social media which were launched for prosecutors during 2014-15.

Social media:

- A man was jailed for 13-and-a-half years for rape and sexual assault of a 19-year-old woman. He had contacted her through Facebook, posing as a female au pair. The victim had accepted the offer of a lift to from the defendant who she believed was the female au pair. He turned up at the meeting point convincing her that her Facebook friend had asked him to collect her. He drove to remote farmland before forcefully committing sexual offences against her. He initially claimed that he had previously met the victim and that she consented to the sexual activity. However, the evidence was so strong that he pleaded guilty at court to the most serious of the offences against him.

A toolkit for prosecutors dealing with VAWG cases involving vulnerable victims:

The toolkit was developed in partnership with the CPS VAWG External Consultation group. It aims to ensure that the credibility of the overall allegation, in line with the Code for Crown Prosecutors, is appropriately assessed and that vulnerable victims are supported to give their best evidence. The details are provided in the rape section of this report, as it was launched at the National Rape Conference in January.

Area VAWG work

In 2014-15 Area VAWG Coordinators continued to lead VAWG prosecutions locally and worked with Area Equality and Diversity Community Engagement Managers (EDCEMs) in the running of Local Scrutiny and Involvement Panels (LSIPs). All Areas have panels covering VAWG issues – predominantly addressing DA and rape prosecutions – with some also focused on honour-based violence.

A round table meeting was held in July 2014 for VAWG Coordinators to discuss the implementation of actions at a local level. They were also invited to the National Rape Conference in January 2015.

Good practice

Work with local community groups through LSIPs and community engagement has provided a range of good practice shared across Areas. Examples of good practice include:

- All Areas held LSIPs – covering domestic abuse, rape and other VAWG offences;
- Most Areas worked closely with their Police and Crime Commissioner on development of the Police and Crime Plans;
- All CPS Areas held training on forced marriage, honour-based violence and Female Genital Mutilation;
- Training on CSA was also held in every Area;
- A workshop for managers on the consistent approach to quality in relation to VAWG cases in November and training on ‘Victimless Prosecutions’ in February and March 2015 (CPSD);
- The CPS arranged a workshop with support groups to help CPS bust myths around VAWG crimes (Mersey and Cheshire).

Domestic Abuse

Prior to 2015, there was no specific offence of “domestic violence or abuse”, so cases of “domestic violence or abuse” were prosecuted under a range of offences, from common assault to murder. The CPS flags all cases of domestic abuse, whatever the offence, to ensure compliance with CPS policy and guidance as well as monitoring performance. With the introduction of domestic abuse legislation on coercion and control, all cases prosecuted in the future will include these offences in the flagging system.

In 2014-15 the overall pattern of DA prosecutions indicated, yet again, year on year improvements in prosecutions. The volume of DA referrals from the police rose to the highest level ever of 122,898 in 2014-15 – a rise of 19,329 referrals (18.7%) from 2013-14. 84,711 (68.9% of these referrals) were charged⁴². This reflects the highest volumes of cases recorded by the CPS and a rise of 11,806 charged defendants (16.2%) since 2013-14⁴³. All Areas indicated a rise in the volume of both referrals and charging; but only four Areas increased the proportion charged⁴⁴.

The average number of days to charge in 2014-15 was 4.31 days compared with 4.57 days in 2013-14; with nine Areas reducing the number of days⁴⁵ and two remaining the same⁴⁶. The timeliness of charging⁴⁷ has been addressed within the VAWG assurance process in 2014-15.

⁴² The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, 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 prior to 2013-14.

⁴³ 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.

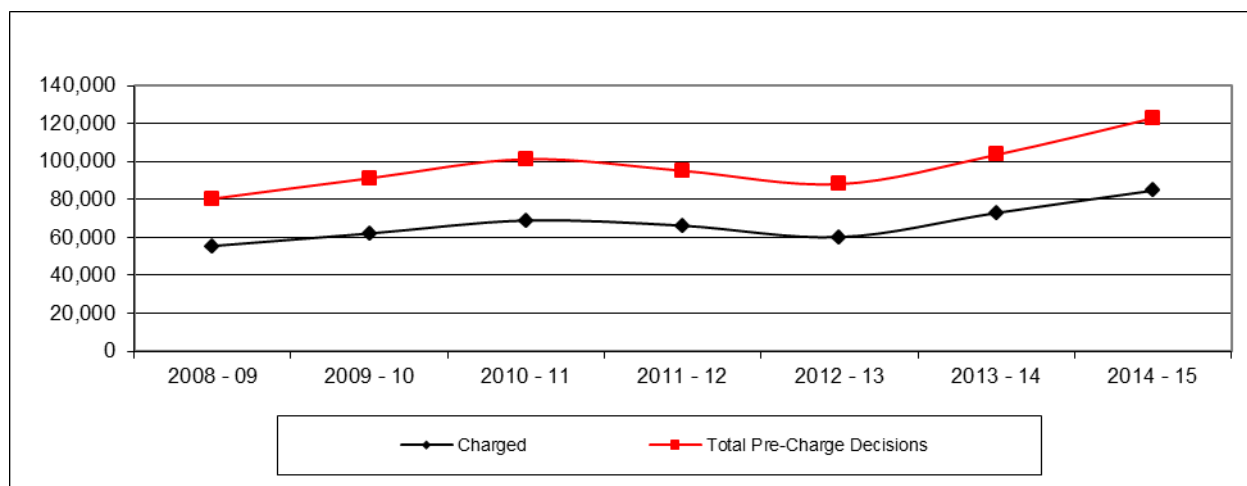
⁴⁴ Eastern, East Midlands, London and South East increased the % charged of referrals.

⁴⁵ Wales, Eastern, East Midlands, London, North East, South West, Thames and Chiltern Wessex and Yorkshire and Humberside reduced the time taken to charge domestic abuse defendants.

⁴⁶ North West and South East - time for charging remained steady.

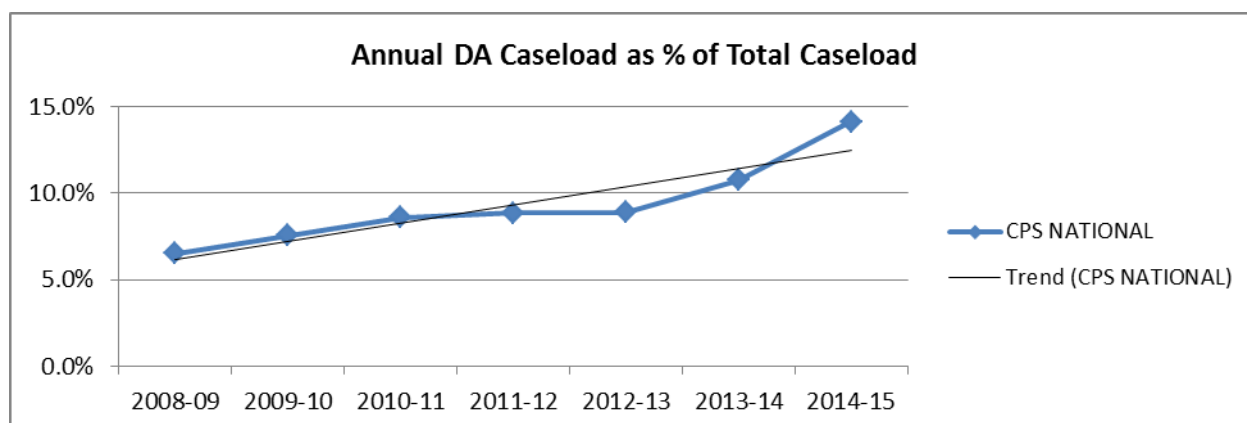
⁴⁷ CMS data reports the average number of calendar days that has elapsed since the first decision was sought from the police, to the date in which the last decision made was to charge. The system is unable to separately record the timeliness of those cases that were subject to advice and further work before a charge decision was made and recorded as the last decision.

Graph 5: Volume of police DA referrals and charged defendants 2008-09 to 2014-15



The proportion of DA cases⁴⁸ has risen year on year; from 10.7% in 2013-14 to 14.1% in 2014-15, as indicated in the table below and in graph 6.

Graph 6: DA caseload as % of total caseload 2008-09 to 2014-15



Annual DA CASELOAD AS A % OF TOTAL

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
CPS NATIONAL	6.5%	7.5%	8.6%	8.9%	8.9%	10.7%	14.1%

The volume of prosecutions completed in 2014-15 rose to 92,779 from 78,071 – a rise of 14,708 defendants (18.8%) from 2013-14, as indicated in table 1 and graph 7. The rise in charged defendants during 2013-14 impacted further on prosecution outcomes in 2014-15, reaching the highest level ever.

Of the 92,779 defendants prosecuted, 85,687 defendants were men, 7,013 were women, 79 defendants had unrecorded gender⁴⁹. Of those with recorded gender 92.4% were men and 7.6% women.⁵⁰

⁴⁸ Domestic abuse caseload as a % of all court prosecutions.

⁴⁹ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems. Victim data is provided in the Equalities section on page 31.

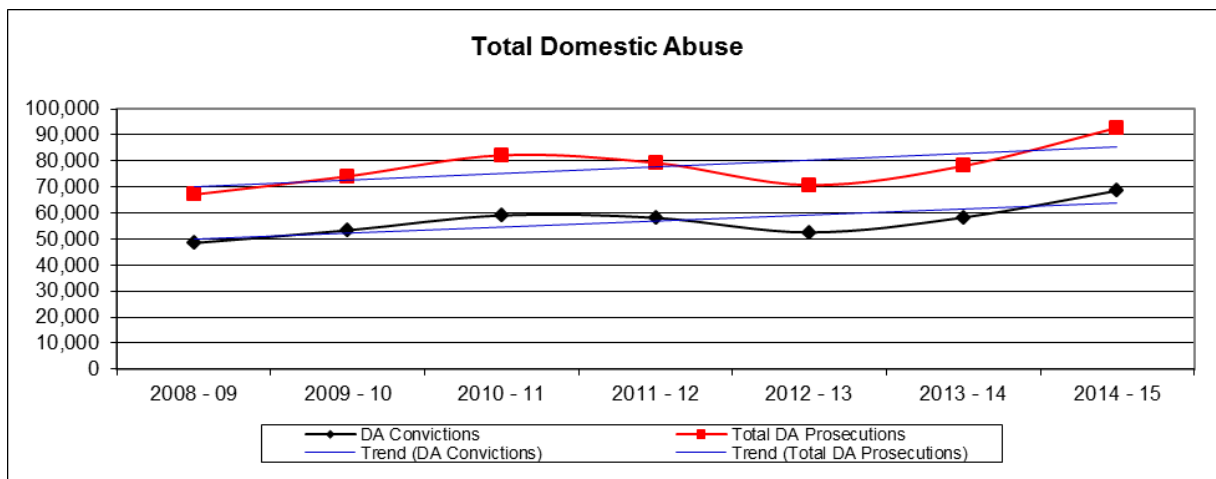
⁵⁰ The figure is the same if calculated out of total, including unrecorded gender.

Table 1 provides data from 2009-10 to 2014-15.

Table 1: Completed DA prosecutions by outcome 2009-10 to 2014-15

	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	53,347	72.0%	59,101	71.9%	58,138	73.3%	52,549	74.3%	58,276	74.6%	68,601	73.9%
Unsuccessful	20,766	28.0%	23,086	28.1%	21,130	26.7%	18,153	25.7%	19,795	25.4%	24,178	26.1%
Total	74,113		82,187		79,268		70,702		78,071		92,779	

Graph 7: DA volumes 2008-09 to 2014-15

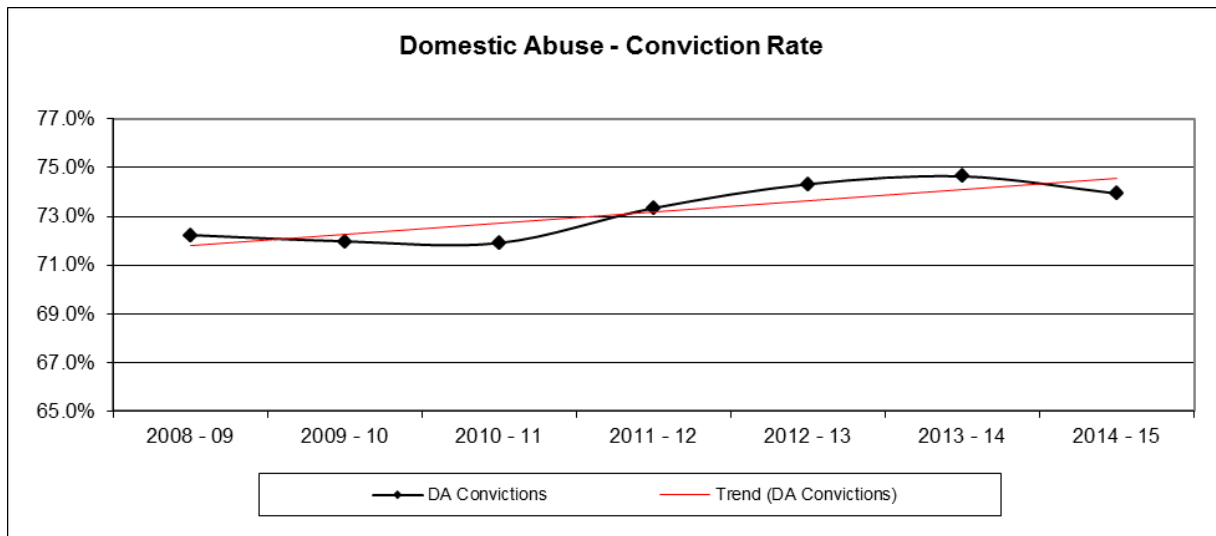


The volume of convictions reached 68,601⁵¹ - a rise of 10,325 convictions (17.7%) since 2013-14. The conviction rate fell slightly to 73.9%, from 74.6% in 2013-14, against the large rise in volumes. Between 2005-6 when recording started and 2014-15, conviction volumes have risen from 29,719 to 68,601 – a rise of 38,882 defendants convicted – 131% rise over this ten year period and the highest level ever.

⁵¹ Data currently is not broken down by gender.

Graph 8 illustrates the overall upward conviction trend.

Graph 8: DA conviction rates 2008-09 to 2014-15



The volume of guilty pleas rose again – reaching 63,132, a rise of 17.7%; although the proportion, out of all cases prosecuted, fell slightly to 68% from 68.7%. 92% of all successful outcomes are a result of guilty pleas. Discontinued cases have continued to be at a low level, at 19.3% of all prosecuted DA cases, similar to 19.2% in 2013-14, the lowest level ever. Bind overs have fallen over the years (6.6% in 2007-08) to 0.8% in 2014-15.

In this period, as in the previous years, offences against the person were the most frequently prosecuted offences, representing 72% of DA crimes. Criminal damage and public order offences accounted for a further 12% and 5% respectively⁵².

There was a slight fall in the reasons for unsuccessful outcomes that were due to victim issues⁵³ - from 54.8% in 2013-14 to 53.7% in 2014-15. This was mainly due to a fall in the proportion unsuccessful due to victim retractions (from 28.1% to 26.8%).

Out of *all* cases prosecuted, the proportion that was unsuccessful due to victim issues⁵⁴ has only risen slightly from 13.9% in 2013-14 to 14.0% in 2014-15, a similar proportion to that from 2008-2011. Support for victims through the court process is key in reducing retractions and work with Independent Domestic Violence Advisers (IDVAs) locally is key to improve prosecutions. Ways to address prosecutions following retractions were explored further during 2013-14 and actions were included in the revision of the DA legal guidance in 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.

⁵² See Glossary for CPS definitions of 'principal offence' and the different categories.

⁵³ Victim issues include victim retractions, victim non-attendance and 'evidence of victim does not support the case'.

⁵⁴ Unsuccessful cases due to victim retraction; non-attendance or where the victim's evidence does not support the case.

Hearsay Evidence

- The offender punched his ex-partner in the face outside a primary school in front of other people, including his ex-partner's two sons. The victim provided a verbal account and a witness also provided a statement, but they were both in fear of repercussions from the perpetrator so their statements were given as hearsay evidence. The defendant was sentenced to 24 weeks imprisonment, suspended for two years and an indefinite restraining order.

'Hearsay' in criminal proceedings is 'a statement not made in oral evidence in the proceedings that is evidence of any matter stated'. Section 116 of the Criminal Justice Act 2003 sets out a series of categories under which hearsay evidence, whether oral or documentary, will be admissible, provided that the witness is unavailable to testify for a specified reason. A victim's statement can be given under S 116 (2) (e) of the Criminal Justice Act 2003 if the victim is in fear; and other evidence, e.g. from a third party witness under S114 (1) (d), if in the interests of justice. See glossary for full definition.

Area performance

The tables on pages 100-101 provide DA prosecution data by Area and police force district. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for both City of London Police (CLP) and the British Transport Police (BTP) in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for the constituent police forces as there will be a small number of cross-border prosecutions between Areas as well as data from CLP and BTP. The linked annex, provided at the beginning of the Executive Summary, provides Area and police force district pre-charge data.

Hearsay Evidence

- In another case, the perpetrator repeatedly punched and kicked his wife during the course of an argument in her car. The victim provided a signed police notebook entry but she refused to provide a further statement on the basis that her husband's abuse might escalate. Her statement was given as hearsay evidence (S 116 (2) (e)) and he was sentenced to 16 weeks imprisonment, suspended for 18 months, 150 hours unpaid work to be completed within 12 months, and 18 months supervision.
- And in a third case, a victim made three 999 calls to the police in which she described strangulation at the hands of her boyfriend. She refused to provide a witness statement as she feared for herself and her son's safety. Police discovered a number of text message exchanges in which the suspect appeared to admit the assault, the prosecution advocate successfully persuaded the magistrates to admit the 999 call and officers' statements as res gestae evidence. The defendant was sentenced to an immediate 16 week custodial term. This set a new precedent that the court must not only ensure a fair trial for the defendant but also be mindful of the risk of victims suffering further harm from cooperation with prosecuting authorities.

Res-gestae statements are admissible - they are those made by the complainant or third party around the time of the offence that are so directly linked that it is unlikely they were distorted or concocted. See glossary for full definition.

Equalities issues

Gender

Of the 92,779 defendants prosecuted, 85,687 defendants were men, 7,013 were women, 79 defendants had unrecorded gender⁵⁵. In 2014-15, of those with recorded gender 92.4% were men and 7.6% women⁵⁶, similar to the previous years.

For victim data, from the Witness Management System, 92,597 victims were recorded. Of all victims, 65,205 were women, 12,631 were men and 14,761 were not recorded. The recording of victim gender remained steady at 84% in 2014-15. From those with recorded gender, the proportion of women victims was 84% and men victims were 16%, similar to that recorded over the past five years.

Ethnicity

In 2014-15, 78.8% of DA defendants were categorised as White (a slight fall from 79.5% in 2013-14), with 74% being identified as belonging to the White British category. 5.5% of defendants were identified as Black, a slight fall from the previous year and 5.5% were identified as Asian, the same as in 2013-14⁵⁷. 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 (73%) and 18-24 (22%). Just over 25% of defendants (23,382) were under 24, with 2,549 (3%) of defendants being 14-17 years old and 111 (0.1%) aged 10-13.

From those victims with recorded age⁵⁸, the majority were aged 25-59 (64%) and 18-24 (22%). Similar to defendant age, 28% of victims (21,283) were under 24 years old, with 2,908 (4%) of victims being 14-17 years old, 570 (0.7%) aged 10-13 and 161 under 10 (0.2%).

⁵⁵ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

⁵⁶ The figure is the same if calculated out of total, including unrecorded gender.

⁵⁷ 3.2% 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.

⁵⁸ 82.4% of victim ages were recorded in 2014-15 – a rise from 81.8% in 2013-14.

Teenage relationship abuse

- A 16-year-old defendant had been in an “on and off violent relationship” with a 15-year-old victim, and they had a child together. The victim asked the defendant to leave her house, as she had become aware that he had impregnated another woman. The next day the victim let him back in and allowed him to feed the baby, but would not allow him to take the child out due to the early time. At this point, the defendant attacked the victim, biting her and pulling her hair. She ran to get her mother, and when she returned the defendant was holding the baby. He then proceeded to break the baby’s basket, a phone and a television, before pursuing the victim to the front room of the property, attacking her again. This caused her to fall onto her disabled brother. The victim’s mother asked the defendant to leave. He threatened her, and then left the property, smashing a door on his way out. The defendant pleaded guilty on the day of trial. He was sentenced to attend a youth offender panel meeting for nine months.

The majority of actions developed at the National Scrutiny Panel on teenage relationship abuse in 2012 have been implemented through the revised domestic abuse guidance and planned future training, as well as plans to consider piloting specialist CJS response to youth cases.

Relationships

Recording of the relationship between the perpetrator and victim is not yet robust enough to assess, however the recording in the CPS database has improved again, from 17% in 2010-11 to 57% in 2014-15. 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:

Legislation on coercive and controlling behaviour

The CPS contributed to the development of a new domestic abuse offence of coercive and controlling behaviour which was announced by the Home Secretary in March 2015.

A new offence of controlling or coercive behaviour in intimate or family relationships was introduced into the Serious Crime Act 2015 and will come into force later in 2015-16. A person commits an offence if they repeatedly or continuously engage in behaviour towards another person that is controlling or coercive. At the time of the behaviour they are personally connected, and the behaviour has a serious effect on the other person. The offence is drawn more widely to cover conduct involved in intimate or family relationships and is triable either way with a maximum penalty (on conviction on indictment) of five years’ imprisonment.

The CPS is working closely with the Home Office and National College of Policing in providing guidance on interpretation of the offence. Examples of conduct and behaviour and the evidence needed to support the elements of the offence will be used. This will assist police officers in investigating, prosecutors in case building and ultimately leading to successful prosecutions.

Revision of CPS DA legal guidance

In December 2014, the DPP announced the new guidance on handling cases of domestic abuse following a public consultation. The guidance addresses improvements in casework quality and support for victims and witnesses and training will follow to ensure that prosecutors have the skills for the job.

The new guidelines refer prosecutors to the range of ways in which abusers can control and coerce their victims, through committing clear offences without necessarily carrying out a physical assault. This will support the new offence of coercive and controlling behaviour.

To enhance casework quality, links are provided to the joint CPS-Police Domestic Abuse Evidence Checklist and details on victim withdrawals, outlining appropriate steps to take. The guidance also expands on the issues relating to specific groups of people including, for the first time, enhanced guidance on issues relating to children of adult victims, teenagers in abusive relationships and teenagers in gangs.

Kidnapping

- A man in Yorkshire and Humberside was sentenced to 30 months imprisonment for kidnapping. He subjected his partner to significant and serious domestic abuse which began with verbal threats and then escalated to physical violence, culminating in a terrifying incident in which he bound her legs and locked her in his house.

Work with Police

Since 2014-15, the Police have been developing their revision of the Authorised Professional Practice on domestic abuse. The CPS is working with them in the revision and updating of the Joint Police-CPS Checklist in the light of the new legislation. The checklist encourages police officers and prosecutors to gather all available evidence at the start of an investigation, recognising that the victim may at some point decide not to support the prosecution.

The CPS continues to work locally with the police on how to maximise the value of evidence in domestic abuse cases, especially that captured by body worn video worn by officers.

Out of court disposals

A Revised Out Of Court Disposal (OOC) Framework test began in November 2014 in three police force Areas, Leicestershire, Staffordshire and West Yorkshire. The pilot is scheduled to last 12 months and applies to the range of offences that can currently be dealt with by means of an OOC. In addition the three forces are permitted to take a different approach to tackling offences involving domestic violence and hate crime. Under the current system, police officers can administer a simple caution for such offences but not a conditional caution. For the duration of the pilot, the three forces have been granted an exemption to the Director of Public Prosecution's guidance on conditional cautions which will allow them to use this disposal in place of a simple caution, where this is an appropriate course of action. Positive action is recommended in cases of domestic abuse and/or abuse to ensure the safety and protection of victims and children.

If the evidential stage of the Full Code test is satisfied then it will rarely be appropriate to deal with the case by way of an OOC in cases of domestic abuse. However, where a positive action policy has been adhered to but the victim does not support a prosecution and the available evidence (including any additional evidence adduced) would only support charging a very minor offence, an OOC can be considered in preference to a decision to take no further action.

The guidance states that consideration should also be given to applying for a Domestic Abuse Protection Notice/Order to ensure the victim's safety. As this is a civil procedure it can run in parallel to criminal proceedings.

There are some overarching principles that the pilots must adhere to in relation to safety of victims in deciding to proceed with OOCs. There are two levels of OOCs – community resolutions and conditional cautions:

- Community resolutions cannot be used for intimate partner abuse; if any form of violence is used or if the offender has any previous domestic abuse history;
- Conditional cautions have limited use and must be approved by an experienced police supervisor.

Clarification is also provided on the use of restorative justice:

- Restorative justice cannot be used in intimate partner abuse and it is recommended that it is an exception for use in extremely low level family abuse, following thorough risk assessments and carried out by a fully accredited trained facilitator.

The pilots are due to run until the end of 2015 and findings will then be reported.

Perverting the Course of Justice:

- An 80-year-old man was sentenced to 18 years imprisonment for hiring two young men to throw acid over his ex-partner. He, along with his accomplices, was found guilty of intentionally causing her grievous bodily harm. He was also found guilty of intending to pervert the course of public justice as he had asked someone to provide a false statement to the police about who was responsible for the attack.

Specialist DV Courts⁵⁹

During 2014-15, 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 2014-15 – visiting one SDVC 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 final results will be presented to Ministers in 2015-16.

Following a questionnaire to Local Criminal Justice Boards and an information sharing exercise with local partners in 2013-14, the CPS prepared proposals outlining the key components of a Youth Court Specialist DV model. This was considered by the National SDVC Steering Group in 2014-15 to determine possibilities for potential piloting in 2015-16.

Training

The core domestic abuse training modules will be updated as a result of the revised DA legal guidance and the new legislation. The updates 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 separate training events to supplement the national training resources. With domestic abuse cases forming over 40% of CPSD charging work, they have prioritised training, holding sessions on bad character, hearsay and use of evidence from body worn cameras.

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 CJS enabling them to inform victims accurately

⁵⁹ Specialist Domestic Violence Courts, shortened to SDVCs, continue to have this name, despite the terminology for 'domestic violence' changing to 'domestic abuse'.

about the law and procedures around the CPS's role in the prosecution of DV cases. In April 2014, the CPS delivered training to IDVAs in Bristol, Leeds and London. The training was delivered by the Strategy and Policy Directorate with input from six DA prosecutors. Further training was delivered in November 2014 in Bristol, Manchester and London, involving seven DA prosecutors. Dedicated support from IDVAs has been shown to have a positive impact on victim safety.

Victim issues

A number of local initiatives have been identified as good practice throughout 2014-15.

- CPS Mersey and Cheshire identified victim issues through their witness care units and carried out a snapshot review of police NFA decisions leading to a more robust quality assurance process;
- They also set up a specialist domestic abuse team of trained expert advocates and dedicated preparation lawyers.
- CPS West Midlands Area works with a forum of 35 ISVAs/IDVAs that meet twice a year to share best practice, knowledge and case developments;
- Their Witness Care Unit is checking all domestic abuse cases two weeks before trial to maximise the opportunities for victims to come to court.
- CPS Eastern has prepared a domestic abuse toolkit for prosecutors.
- CPS London has set up systems to increase the speed of trials, including digital provision of 999 recordings and body worn camera images.
- In Thames Valley the police, CPS, Her Majesty's Courts and Tribunals Service (HMCTS) and victim agencies work to ensure all domestic abuse cases will be listed for a first hearing at the local Specialist Domestic Abuse Court, within 14 days from the date the suspect was charged. For cases which go on to trial, the aim will be to list for trial within two to three weeks of the first hearing rather than the current six to eight weeks.

Role Models

- A boxing champion was convicted after admitting assaulting his girlfriend. He had originally denied the assault and the victim was not willing to pursue the case but CPS decided it was in the public interest to prosecute. As a boxing champion, the force of any assault would have a substantial impact on the victim as well as send a negative message to young people. Witnesses who had seen the assault and the verbal abuse were called to give evidence. He was convicted and given a 12 month community order including taking part in "building better relationships" sessions run by the Probation Service and ordered to pay £300 costs.

Research into good practice

In January 2015 the CPS Chief Crown Prosecutor lead for Victims and Witnesses distributed a domestic abuse questionnaire within the CPS, following some analysis undertaken on the impact that these cases have on CPS casework outcomes.

The questionnaire targeted specific court centres achieving high conviction rates with the aim of understanding further why these areas were performing so well and identifying any good practice. The questionnaire provided data for the court centre and focussed on gathering information on:

- The overview of key activities that may contribute to positive outcomes;
- Details of what it is about that activity that contributes to the success.

From these questionnaires, five courts have been identified for further research in 2015-16, to explore in more depth why they are achieving such good results. Visits of a team of CJS practitioners will be made to meet a number of key agencies as well as conduct a court visit and possibly speak with victims who have successfully been involved in cases. The aim of the project is to develop a checklist of good practice which can then be shared across the CJS.

DA harassment and stalking

The next section of this report on 'Stalking and Harassment' provides general data on stalking and harassment offences⁶⁰ and restraining orders. Of all harassment and stalking offences starting prosecution, 8,230 (67.9%) were DA related – an increase of 1,505 DA related (22.4%) from 6,725 in the previous year.

The stalking and harassment offences, in which a prosecution started, as DA cases, are outlined below.

Table 2a below shows that in 2014-15:

- There were 6,242 offences flagged as DA charged under s2 Prevention of Harassment Act (PHA) 1997 - course of conduct amounting to harassment - (compared with 5,257 in 2013-14);
- There were 1,225 offences flagged as DA charged under s4 PHA 1997 - putting people in fear of violence - (compared with 952 in 2013-14);
- There was an increase of 18.7% in S2 PHA 1997 and 28.7% in s4 PHA 1997 offences starting prosecution;
- 471 offences flagged as DA were charged of stalking with fear/alarm or distress and 292 offences of DA stalking involving fear of violence or serious alarm or distress were prosecuted (compared with 384 and 132 in 2013-14);
- 11,132 breaches of restraining orders were related to DA; a rise of 23.6% from 2013-14;
- Of these, 10,796 were breaches of restraining orders that were made on conviction; 336 were breaches of restraining orders that were made on acquittal, a rise from 245 in 2013-14;

⁶⁰ 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.

- 6,294 breaches of non-molestation orders related to DA started prosecution, compared with 5,584 in the previous year, a rise of 12.7%.

Table 2a: Harassment and stalking offences charged and reaching a first hearing in magistrates' courts - DA Flagged

		2010 - 11	2011 - 12	2012 - 13	2013-14	2014-15
		Volume	Volume	Volume	Volume	Volume
Family Law Act 1996 {42A(1) and (5)}	Breach a non-molestation order - Family Law Act 1996	4,262	4,333	4,414	5,584	6,294
Protection from Harassment Act 1997 {2(1) and (2)}	Harassment without violence	4,822	4,710	4,217	5,257	6,242
Protection from Harassment Act 1997 {4(1) and (4)}	Harassment - put in fear of violence	1,423	1,056	775	952	1,225
Protection from Harassment Act 1997 {2A(1) and (4)}	Stalking with fear / alarm / distress	-	-	52	384	471
Protection from Harassment Act 1997 {4A(1)(a)(b)(i) and (5)}	Stalking involving fear of violence	-	-	8	49	98
Protection from Harassment Act 1997 { 4A(1)(a)(b)(ii) and (5) }	Stalking involving serious alarm / distress	-	-	7	83	194
Protection from Harassment Act 1997 {5(5) and (6)}	Harassment - breach of a restraining order on conviction	3,962	6,163	7,154	8,761	10,796
Protection from Harassment Act 1997 {5(5) and (6)}	Harassment - breach of a restraining order after acquittal	93	202	220	245	336

Stalking S4A PHA 1997

- A man was sentenced to six-and-a-half years imprisonment for stalking his victim, under s4A PHA 1997, and for perverting the course of justice. The case involved a number of emails and texts and was extremely complex technically. He sent continual text messages of a sexual nature to his ex-girlfriend after she ended their relationship and threatened her mother with violence. He used a website to make it appear that the victims had been harassing him with texts and emails. The case was evidentially challenging because on the surface, the messages looked genuine. However, by revealing the electronic 'footprint' of the messages this was used as evidence and led to a successful conviction.

Restraining orders

Applications for restraining orders can be made on conviction or acquittal⁶¹. The MoJ data for 2014 on restraining orders on conviction and acquittal is provided in the stalking and harassment section below. The revised DA legal guidance also provides advice to prosecutors on appropriate terms to apply for when handling cases involving teenage victims and defendants. Locally Areas record restraining orders on acquittal.

Criminal Behaviour Order

Part 2 of the Anti-social Behaviour, Crime and Policing Act 2014 introduced the Criminal Behaviour Order (CBO). The CBO is an order on conviction, available following conviction for any criminal offence in any criminal court. The CBO came in to force on 20 October 2014, and replaces the Anti-Social Behaviour Order (ASBO) on conviction.

There will be a small number of occasions when it will be appropriate to use a CBO in connection with domestic abuse cases. For example, a CBO may be appropriate where the domestic abuse has an impact on the wider community. Where there is a named victim and the offence is one which falls within the broad definition of being a domestic incident, an application for a restraining order is more appropriate.

Harassment using social media

- The defendant had met the victim on a dating website. They only met once and exchanged a number of messages throughout the following day by text/telephone. When the victim failed to respond to one of his messages that night, as she was asleep, the defendant bombarded her with over 700 text messages, most of which were very abusive and threatening in nature, including threatening to burn her house down. She had sent him some intimate photographs during their contact and he threatened to publish these on social media. He was charged with harassment without violence. He pleaded guilty at court and was given six weeks custody, suspended for 18 months along with an 18 month supervision order and a restraining order.

⁶¹ Section 12 of the Domestic abuse, 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.

Stalking and harassment

The CPS performance data shows that there has been a rise of prosecutions commenced in relation to stalking, harassment and breaches in 2014-15. The CPS data is provided below, followed by the national official statistics from the MoJ for the calendar year 2014.

In 2014-15⁶²:

- Prosecutions were commenced for 12,122 harassment and stalking offences in 2014-15; this is a rise of 1,587 offences (15.1%) from 2013-14 when 10,535 prosecutions were commenced;
- A prosecution commenced in respect of 9,180 offences charged under s2 PHA 1997 for harassment without violence – a rise of 10.6% from 8,303 in 2013-14; 68% of these offences were DA related;
- 1,839 prosecutions were commenced under s4 PHA 1997 – harassment putting people in fear of violence – a rise of 23.5% from 1,489 in 2013-14; 67% of these offences were DA related;
- There were 1,103 prosecutions commenced under the new stalking offences (nearly 50% rise since last year);
- Of these offences 676 were with fear/alarm/distress (a rise of 27.8%); 70% were DA related;
- 427 of these offences involve fear of violence/serious alarm or distress (a rise of nearly 100% from last year); 74% of fear of violence and 66% of those with serious alarm or distress were DA related;
- Of all harassment and stalking prosecutions, 8,230 (67.9%) were DA related – an increase of 1,505 DA related (22.4%) from 6,725 in the previous year;
- 13,559 breaches of restraining order offences started prosecution, a rise of 16.4% from 11,651 in 2013-14; 82.1% were DA related;
- Of these, 13,126 breaches of restraining orders (that were made on conviction), a rise of 18.0% from 2013-14, 82.2% were in DA cases;
- Of all the breaches, 433 were breaches of restraining orders that were made on acquittal, a rise of 34.5% from 2013-14; 78% DA related; and
- 7,013 breaches of non-molestation orders started prosecution, compared with 6,498 in the previous year, a rise of 7.9%; 89.7% were DA related.

Table 2b provides a breakdown of all offences including the percentage of those flagged as DA.

⁶² 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 2b: Harassment and stalking offences charged and reaching a first hearing in magistrates' courts – Total Volume and Percentage of total flagged as DA.

		2010 - 11		2011-12		2012 - 13		2013-14		2014-15	
		Vol	% DA	Vol	% DA	Vol	% DA	Vol	% DA	Vol	% DA
Family Law Act 1996 {42A(1) and (5)}	Breach a non-molestation order - Family Law Act 1996	5,281	80.7	5,323	81.4	5,563	79.3	6,498	85.9	7,013	89.7
PHA ⁶³ 1997 { 2(1) and (2)}	Harassment without violence	8,039	60.0	7,713	61.1	7,159	58.9	8,303	63.3	9,180	68.0
PHA 1997 {4(1) and (4)}	Harassment - put in fear of violence	2,199	64.7	1,632	64.7	1,398	55.4	1,489	63.9	1,839	66.6
PHA 1997 {2A(1) and (4)}	Stalking with fear / alarm / distress	-	-	-	-	72	72.2	529	72.6	676	69.7
PHA 1997 {4A(1)(a)(b)(i) and (5)}	Stalking involving fear of violence	-	-	-	-	9	88.9	65	75.4	133	73.7
PHA 1997 {4A(1)(a)(b)(ii) and (5)}	Stalking involving serious alarm / distress	-	-	-	-	10	70.0	149	55.7	294	66.0
PHA 1997 {5(5) and (6)}	Harassment - breach of a restraining order on conviction	5,768	68.7	8,447	73.0	9,962	71.8	11,329	77.3	13,126	82.2
PHA 1997 {5(5) and (6)}	Harassment - breach of a restraining order after acquittal	154	60.4	286	70.6	313	70.3	322	76.1	433	77.6

Offence data is not available by gender of defendant or victim.

⁶³ PHA – Protection from Harassment Act

MoJ statistics⁶⁴:

The Ministry of Justice (MoJ) data covers a calendar year.

MoJ prosecution data is for cases where the defendant was prosecuted in 2014.

MoJ conviction data is for cases convicted in 2014 (there may be some convictions in 2014 for cases that were prosecuted prior to 2014; and there will be some prosecutions in this data that are not yet completed).

CPS data in Tables 2a and 2b above is based on the financial year (2014-15) which includes *all* offences *starting* a prosecution rather than completed. The data is by offence and does not provide data by defendant. There may be a number of offences carried out by each defendant.

Stalking and Harassment:

In 2014, the MoJ figures for England and Wales show that 6,660 defendants were prosecuted for s2 PHA offences (harassment without violence) were prosecuted (compared with 5,895 in 2013). The conviction ratio rose to 77%.

1,215 defendants were prosecuted for s4 PHA offences (harassment - put in fear of violence) were prosecuted in 2014 (compared with 1062 in 2013); with 779 convicted (compared with 641 in 2013). The conviction ratio rose from 60% to 64%.

509 defendants were prosecuted for s2A PHA offences (Stalking with fear/alarm/distress) in 2014, compared with 293 in 2013. 348 were convicted (68%), compared with 196 in 2013.

94 defendants were prosecuted in 2014 under s4A (stalking involving fear of violence), compared with 57 in 2013; with 38 convictions, compared with 16 in 2013 – a rise to 40% conviction ratio compared with 29% in the previous year.

218 defendants were prosecuted in 2014 under s4A (stalking involving serious alarm or distress), compared with 100 in 2013; with 109 convictions, compared with 37 in 2013 – a conviction ratio of 50% up from 37%.

⁶⁴ 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.

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.

Due to improvements in data processing, pre-2014 results may not match those previously published.

Restraining orders and breaches:

The MoJ figures for England and Wales show that in 2014, 19,410 restraining orders were issued on conviction (compared with 18,656 in 2013) and 2,062 on acquittal (compared with 1,667 in 2013).

During 2014, there were 8,265 prosecutions for breaches of restraining orders that had been imposed on conviction, with 7,371 convictions. This was an increase from 7,251 prosecutions in 2013 with 6,348 convictions.

During 2014, there were 241 prosecutions for breaches of restraining orders related to those that were issued following the acquittal of the defendant, with 172 convictions. This was an increase from 236 prosecutions in 2013, although the number of convictions was higher, with 183 in 2013.

In total, 89% of all prosecutions for breaches resulted in a conviction this year.

The MoJ data relates to cases prosecuted where restraining orders were the principal offences prosecuted. CPS data in Table 2a and 2b includes *all* breaches *starting* a prosecution, not just those where a restraining order is a principal offence.

Revenge pornography

- A man was jailed for harassment without violence after he posted naked photos of a woman on social media. He was sentenced to 12 weeks custody and issued with a restraining order, preventing him from contacting the victim. The type of offending in this case is often referred to as 'revenge pornography' and follows social media guidance that clarified the use of existing legislation to prosecute perpetrators of these offences.

Legislation

In January 2015, the European Protection Order (EPO) came into force. This provides for mutual recognition between EU member states of 'protection measures' in criminal proceedings. These protection measures are essentially measures preventing individuals from entering areas or approaching or contacting a 'protected person'. In England and Wales this includes Restraining Orders made under the Protection from Harassment Act 1997 or bail conditions.

The 'protected person' who has the benefit of one of these protections can ask the courts to issue an EPO if they intend to reside or stay in a different member state (the 'executing' state). A person who has an EPO issued in one member state will be able to travel to another EU member state (the executing state), except for Denmark which has opted out, and get protection equivalent to that provided by the domestic protection measure, without the need for new court proceedings.

An application can be made by the person at risk or their representative. The CPS can act as a representative but only at the request of the protected person.

Prosecutors are encouraged to ascertain as soon as possible before the hearing at which the protection order application is to be made, whether a victim plans to locate to another EU jurisdiction in the near future and whether an EPO is required.

Stalking protocol

Guidance on the 2012 stalking offences focused 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 process⁶⁵.

In November 2014, a joint police/CPS protocol on the investigation and prosecution of stalking was launched – a useful tool for both police and prosecutors. The Area VAWG Coordinators act as a named Single Point of Contact (SPOC) to work with the police on stalking cases. The protocol focused on how the police and the CPS will improve services to victims of stalking, build stronger cases from the outset so that there are successful prosecutions for stalking and harassment. As the CPS is committed to securing the safety of victims and witnesses, prosecutors were encouraged to apply for restraining orders upon conviction and acquittal when appropriate.

Stalking S4A PHA 1997

- Stalking of a high profile woman news presenter was charged by the police as s2 harassment. CPS amended this to s4A (1)(b)(ii) (stalking involving serious alarm/distress). CPS guidance on stalking/harassment was considered throughout the case. During the case the stalking protocol came into effect which was circulated to the police and counsel to ensure awareness of the actions required. The police appropriately consulted the victim about special measures which were implemented (screens) and offered to take a Victim Personal Statement. The defendant was convicted after trial and sentenced to a suspended sentence and a restraining order.

Training

In April 2014, a specific stalking e-learning module was launched to complement the mandatory cyber stalking course. The e-learning module deals with stalking and harassment offences, building a strong case, working closely with the police and engaging with victims throughout the legal process. The module was developed with assistance from the Suzy Lamplugh Trust which provided cases studies.

⁶⁵ 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.

Awareness

A national conference '*Stalking- Working without Fear*' was held to mark National Stalking Awareness Day in April 2014 to raise awareness about the crime of stalking. The CPS gave a presentation on the prosecution of stalking offences. It was attended by a number of support agencies, victims, professionals and partners in the community and criminal justice sector.

Rape

In 2014-15 the overall pattern of rape prosecutions indicated a rise in the volume of police referrals, charged defendants and prosecutions, culminating in the highest volume convicted ever. 233 more defendants were convicted of rape in 2014-15 compared with 2013-14, but the proportion of prosecuted defendants who were convicted fell. This section of the report details the data and provides some narrative about the actions taken to address the identified issues.

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 data on convictions of cases charged and convicted for rape only. 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 97.4% by Q4 2013-14 to 99.6% Q4 2014-15. 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 – more details of the differences between CPS and MoJ data is explained in the MoJ section.

The volume of rape referrals from the police rose to 6,159 in 2014-15 – a rise of 309 referrals (5.3%) from the volume of 5,850 in 2013-14. Nine Areas indicated a rise in referrals⁶⁶. 3,648 defendants were charged⁶⁷, a rise in volume of 27 charged defendants (0.75%) from 2013-14. Of all police referrals, 59.2% were charged. This was the highest volume ever of rape cases charged. Seven Areas had a rise in volumes charged⁶⁸.

Work with the police has identified ways to ensure early investigative advice is provided by the CPS and appropriate charging advice given. We have stressed the importance of applying the merits-based approach within the context of the Code for Crown Prosecutors.

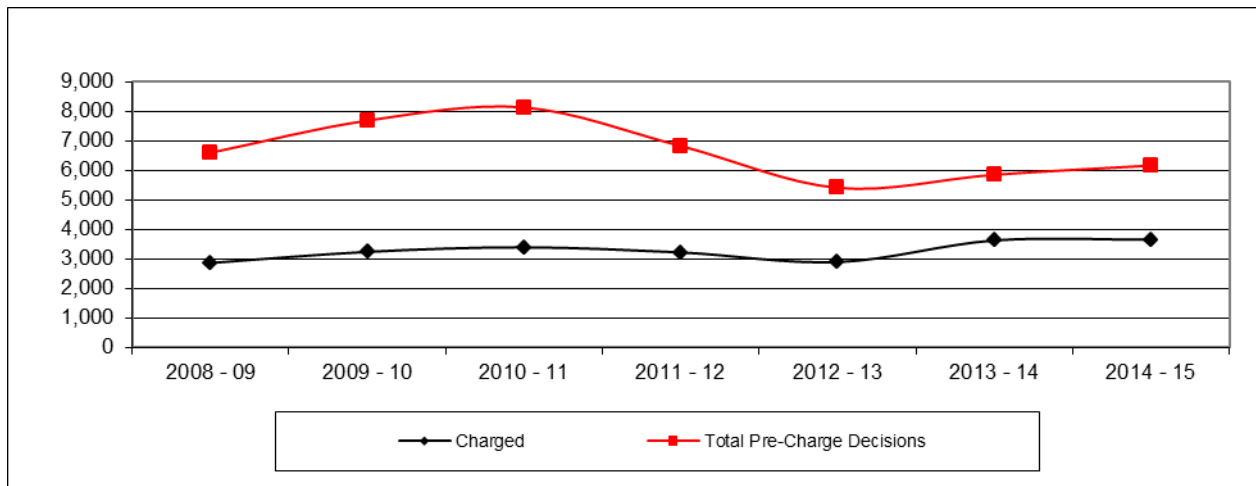
⁶⁶ Eastern, Mersey and Cheshire, North East, North West, South West, Thames and Chiltern, Wessex, West Midlands and Yorkshire and Humberside had a rise in volume of police referrals of rape cases.

⁶⁷ The CPS is continually striving to improve the quality of data used in both internal and external reports. During the course of 2013-14, 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 prior to 2013-14.

⁶⁸ Eastern, East Midlands, Mersey and Cheshire, South East, Thames and Chiltern, West Midlands and Yorkshire and Humberside had a rise in volume of charged rape cases.

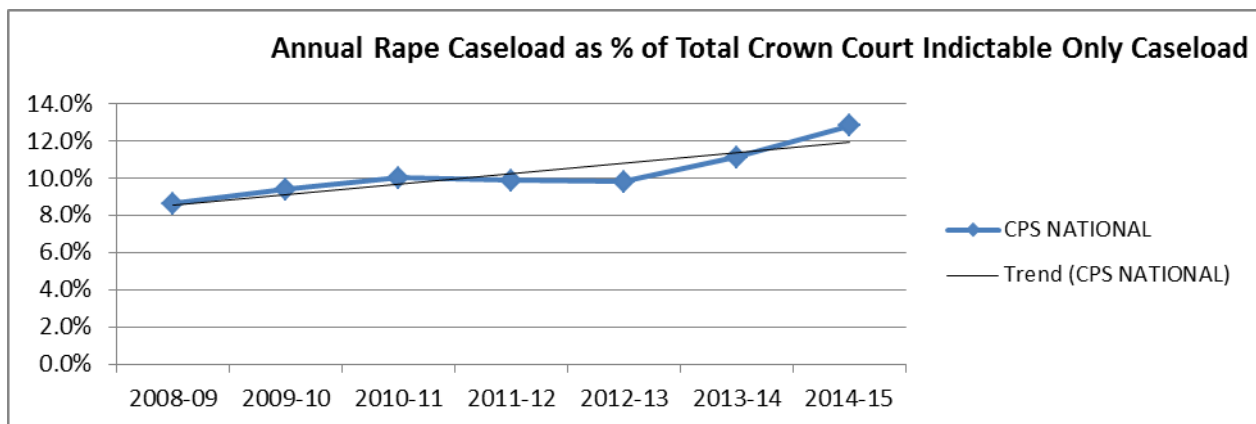
Graph 9 outlines the changes in volume of referrals and prosecutions from 2008-09 to 2014-15.

Graph 9: Volume of police rape referrals and charged defendants 2008-09 to 2014-15



The proportion of rape cases, as a % of all indictable-only prosecutions, has risen year on year to 12.8% in 2014-15.

Graph 10: Rape caseload as % of total crown court indictable only outcomes 2008-09 to 2014-15.



Annual Rape CASELOAD AS A % OF TOTAL CROWN COURT INDICTABLE ONLY OUTCOMES

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
CPS NATIONAL	8.6%	9.4%	10.0%	9.9%	9.8%	11.1%	12.8%

Table 3: Completed rape prosecutions by outcome

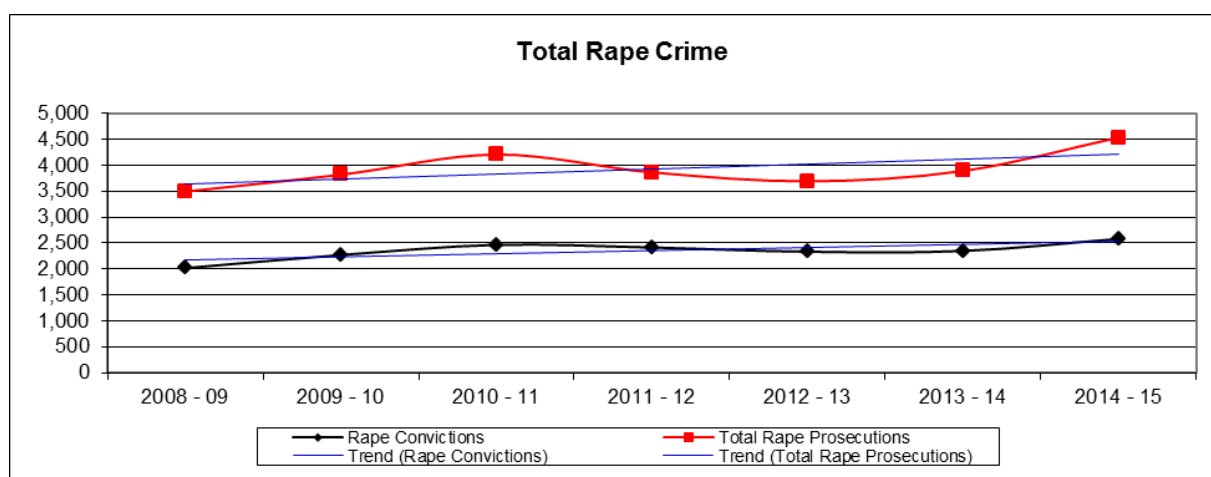
	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	2,270	59.4%	2,465	58.6%	2,414	62.5%	2,333	63.2%	2,348	60.3%	2,581	56.9%
Unsuccessful	1,549	40.6%	1,743	41.4%	1,450	37.5%	1,359	36.8%	1,543	39.7%	1,955	43.1%
Total	3,819		4,208		3,864		3,692		3,891		4,536	

In 2014-15 the CPS rape conviction rate⁶⁹ was 56.9%, a fall from 63.2% in 2012-13 (Graph 12), the highest recorded CPS conviction rate for rape since recording began. However this is assessed against the volume of rape prosecutions and convictions. In 2014-15⁷⁰ the number of prosecutions rose to 4,536 – a rise of 645 defendants (16.6%) from 2013-14, the highest volume ever (Graph 11 and Table 3). The large rise in charged defendants last year (a 25.3% rise from 2012-13) has led to the subsequent large increase in prosecutions in 2014-15. From CPS data, the volume of convictions reached 2,581⁷¹ - a rise from 2,348 convictions (9.9%) in 2013-14. This was the highest volume ever of convictions.

Of the 4,536 defendants prosecuted, 4,474 defendants were men, 60 were women, two defendants had unrecorded gender⁷². Of those with recorded gender 98.6% were men and 1.3% women.⁷³

Following the pattern over a number of years, it appears that the previous rise in conviction rate in 2012-13 coincided with the fall in volumes to the lowest level since 2008-09.

Graph 11: Rape volumes 2008-09 to 2014-15



⁶⁹ Outcomes from charge to conviction; see details above.

⁷⁰ Note the charging numbers covers those cases, by defendant, *forwarded* to CPS during 2014-15 for charging decisions and are not directly comparable in numbers with those prosecuted which covers cases, by defendant, *finalised* during 2014-15.

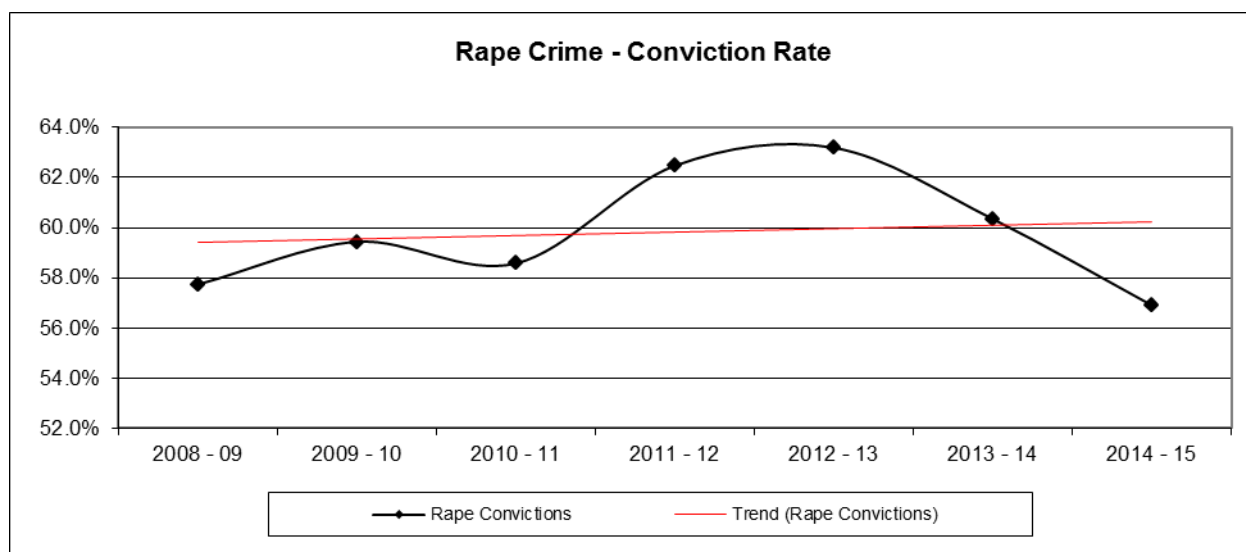
⁷¹ Data currently is not broken down by gender.

⁷² It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems. Victim data is provided in the Equalities section on page 53.

⁷³ The figure is the same if calculated out of total, including unrecorded gender.

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

Graph 12: Rape conviction rates 2008-09 to 2014-15



From CPS data 2014-15, 4,320 (97.8%) of cases initially flagged as rape were finally prosecuted for the principal offence⁷⁴ categories of ‘sexual offences, including rape’ or more serious principal offences of ‘homicides’ or ‘offences against the person’. Of these 3,982 were for sexual offences including rape; five for homicide and 333 for offences against the person.

Successful outcomes⁷⁵:

Guilty pleas fell slightly from 35.9% in 2013-14 to 34.0% in 2014-15, although the volume of defendants pleading guilty rose to 1,540 – similar to the highest volume ever recorded in 2010-11 (of 1,542). Of all successful outcomes, 59.7% were due to guilty pleas.

Unsuccessful outcomes:

Outcomes can be unsuccessful for a number of reasons – they may be discontinued by the CPS following a decision to charge, attrition may be due to victim issues (such as the impact of a victim withdrawing their support for the case) or acquittal at trial. The section below explores the key issues, focusing in detail on the main reason for unsuccessful outcomes of jury acquittals. The summary of data below is provided in more detailed tables on the CPS website – link provided in the Executive Summary.

Discontinued cases have continued to fall and reached the low level of 13.3% of all prosecuted rape cases, similar to the previous year which was at the lowest level ever of 13.1%.

Out of all unsuccessful outcomes, the proportion due to jury acquittals⁷⁶ has risen year on year - from 60.3% in 2013-14 to 62.7% in 2014-15. More work on

⁷⁴ 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 allocated, have been excluded.

⁷⁵ Data annexes are available in link at beginning of Executive Summary.

presentation of cases at court has been undertaken in 2014-15 to address this issue – details are provided below.

Out of unsuccessful outcomes, those due to victim issues have fallen from 18% in 2013-14 to 17% in 2014-15; of which 10.3% was due to victim retraction.

Out of *all* cases prosecuted, the proportion that was unsuccessful due to victim issues⁷⁷ has risen slightly from 7.1% last year to 7.3%. Support for victims through the court process, such as through Independent Sexual Violence Advisers (ISVAs) is key in reducing retractions and work to improve this, identified through the National Rape Scrutiny Panel, is detailed below.

Overall the data indicates that within the large rise in prosecutions, a smaller proportion of defendants pleaded guilty, meaning more cases went before a jury. For clarity, tables 4 and 5 provide data on contested cases⁷⁸ since 2010-11 to supplement the data provided above based on prosecutions and unsuccessful outcomes. One measure of the appropriateness of the cases we are taking forward is the low level of judge directed acquittals (JDAs)⁷⁹. The proportion of JDAs is falling as indicated in both tables 4 and 5.

Table 4: Contests exclusive of mixed pleas⁸⁰

	2010 - 11	2011-12	2012 - 13	2013-14	2014-15
Conviction after trial	793	854	849	936	1,016
% Conviction after trial	46.6%	52.3%	51.5%	49.2%	44.5%
Judge directed acquittal	72	45	35	38	41
% JDA	4.2%	2.8%	2.1%	2.0%	1.8%
Jury Acquittal	838	733	763	930	1,225
% Jury Acquittal	49.2%	44.9%	46.3%	48.8%	53.7%
Total Acquittal after trial	910	778	798	968	1,266
% Total Acquittal	53.4%	47.7%	48.5%	50.8%	55.5%
TOTAL Contests	1,703	1,632	1,647	1,904	2,282

⁷⁶ All 'unsuccessful reasons due to acquittals' outlined in previous reports included 'Jury acquittals' and 'dismissed after full summary trial' – this rose from 61.0% in 2013-14 to 63.7% in 2014-15

⁷⁷ Unsuccessful cases due to victim issues includes those due to victim retraction; non-attendance or where the victim's evidence does not support the case.

⁷⁸ The Crown Court contests data excludes any contests heard and completed in magistrates' courts.

⁷⁹ Judge directed acquittals are cases where at the close of the prosecution putting forward the 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.

⁸⁰ Exclusive of mixed pleas means defendant cases where only 'not guilty' pleas are entered to all charges and a trial ensues.

Table 5: Contests inclusive of mixed pleas⁸¹

	2010 - 11	2011-12	2012 - 13	2013-14	2014-15
Conviction after trial	939	1,012	986	1,113	1,200
% Conviction after trial	50.1%	55.5%	54.7%	52.9%	48.0%
Judge directed acquittal	74	48	35	40	41
% JDA	4.0%	2.6%	1.9%	1.9%	1.6%
Jury Acquittal	860	763	780	951	1,260
% Jury Acquittal	45.9%	41.9%	43.3%	45.2%	50.4%
Total Acquittal after trial	934	811	815	991	1,301
% Total Acquittal	49.9%	44.5%	45.3%	47.1%	52.0%
TOTAL Contests	1,873	1,823	1,801	2,104	2,501

Tables 4 and 5 above provide a different way of looking at jury acquittals – focusing on the proportion of contested cases, to supplement the previous data on the proportion of unsuccessful cases. They indicate that juries are as likely to convict as to acquit, (although note that in both tables, acquittals rose by nearly 5% in 2014-15 from the previous year, to 53.7% jury acquittals in trials where only not guilty pleas have been entered by defendants (Table 4) or, 50.4% if trials where mixed guilty and not guilty pleas to indictments are included (Table 5)).

However, the data on the previous page, looking at reasons for unsuccessful prosecutions indicates that the majority were due to jury acquittals (62.7% in 2014-15) rather than discontinuance by the CPS, victim issues or any other reason. It is therefore important to note that the nearly-equal likelihood of jury convictions or acquittals does not negate the need to address the *main* reason why prosecutions are unsuccessful, from charge to trial, which is acquittal at trial by the jury.

This has led to work during the year to address the quality and expertise of advocates, as well as the challenging of myths and addressing key issues of consent. In addition we have acknowledged that as more complex cases are being taken forward it may be more difficult to convince juries of the credibility of vulnerable victims when stereotypes are so common and expert evidence may not be admissible to explain behaviour.

Timeliness of pre-charge decisions⁸²

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 has risen to 55.1 days in 2014-15. Areas have been asked to

⁸¹ Inclusive of mixed pleas means the defendant enters a guilty plea or pleas to some charges and not guilty pleas to other charges. These pleas are not acceptable to the Crown and the case proceeds to trial.

⁸² CMS data reports the average number of calendar days that has elapsed since the first decision was sought from the police, to the date in which the last decision made was to charge. The system is unable to separately record the timeliness of those cases that were subject to advice and further work before a charge decision was made and recorded as the last decision.

draw up plans to improve performance and progress is mapped through the VAWG assurance process. Charging decisions in these cases require meticulous attention and can include the consideration of complex evidence, especially in non recent cases (in respect of which there has been an increase in referrals). 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 the 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. Several Areas have introduced police checklists so all investigative avenues are explored early on to avoid delays.

Within the work on the National Rape Action Plan timeliness was addressed and is outlined below.

MoJ official national statistics^{83 84 85 86}

The official national rape statistics from the Ministry of Justice (MoJ) <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2014> figures show that in the calendar year 2014 there were 3,538 defendants, on a principal offence basis prosecuted for rape at the magistrates' courts in England and Wales, a rise from 3,081 in 2013. 3,459 cases were sent to the Crown Court for trial, compared with 3,020 in 2013. In 2014 there were 1,164 offenders convicted of rape in England and Wales, a rise from 1,121 in 2013, resulting in a prosecution to conviction ratio in 2014 of 33% - a fall from 36% in 2013. This ratio does not take account of defendants prosecuted for rape but convicted at the Crown Court of another offence.

To note - CPS data differs from that of MoJ in that:

- CPS data is for the financial year; MoJ data for the calendar year;
- CPS data is for completed prosecutions in 2014-15; MoJ prosecutions data is where the hearing has been completed in the Magistrates' Court in 2014, and therefore includes both completed and live cases in the Crown Court;
- CPS convictions are for rape flagged cases convicted for rape, or for an alternative or lesser offence; MoJ convictions are for cases convicted of rape;
- CPS conviction rate is the proportion of convictions out of *completed* rape flagged prosecutions in 2014-15; MoJ conviction ratio is the number of

⁸³ 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.

⁸⁴ 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.

⁸⁵ 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.

⁸⁶ Due to improvements in data processing, pre-2014 results may not match those previously published.

defendants convicted of rape divided by the number of defendants prosecuted (as defined above).

Area performance

The tables on pages 102-103 provide rape prosecution data by Area and police force district. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for both City of London Police (CLP) and the British Transport Police (BTP) in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for the constituent police forces as there will be a small number of cross-border prosecutions between Areas as well as data from CLP and BTP. The linked annex provided at the beginning of the Executive Summary provides Area and police force district pre-charge data.

Good practice

- In Yorkshire and Humberside, CPS training was provided for the Rape Scrutiny Panel members on the relevance of third party materials and best practice handling.
- In CPS East Midlands a series of workshops on rape myths and stereotypes was held for staff to mark the International Day for the Elimination of Violence Against Women.
- CPS London held an event in July 2014, with victims and ISVAs sharing their experience of the CJS and Judge Rook outlining plans for cross-CJS training in relation to vulnerable victims.

Equalities issues

Gender

Of the 4,536 defendants prosecuted, 4,474 defendants were men, 60 were women, two defendants had unrecorded gender⁸⁷. Of those with recorded gender 98.6% were men and 1.3% women⁸⁸, similar to that recorded over the past five years.

For victim data, from the Witness Management System, 5,717 victims were recorded. Of all victims, 3,802 were women, 523 were men and 1,392 were not recorded. The recording of victim gender at 76% is not robust enough to include gender proportions in this report.

Ethnicity

In 2014-15, 59% of rape crime defendants were categorised as White, of which 54% were identified as belonging to the White British category, just under two ppt (percentage points) less than in the previous year. 7.6% of defendants were identified as Asian – a fall of 1.2ppt from 2013-14, and 9.7% were identified as Black – a fall of

⁸⁷ It is not possible to provide data on the gender of victims in relation to the gender of the defendant from the current data systems.

⁸⁸ The figure is the same if calculated out of total, including unrecorded gender.

0.8ppt⁸⁹. There was a fall of 5.0ppt in the recording of defendant ethnicity. 67% 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 (59%) and 18-24 (21%). 30% of defendants (1,361) were under 24, with 354 (just under 8%) of defendants being 14-17 years old and 56 (1%) aged 10-13. 27% of victim age is not recorded; therefore data is not included in this report.

Qualitative assessment of rape cases

In 2014-15 Areas were asked to focus on qualitative improvements in their casework and check 15% of their rape cases⁹⁰. Heads of RASSO Units met during 2014-15 to address issues arising from the VAWG assurance and work across the CJS.

Cross-government issues

The CPS was 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.

In addition the CPS is part of the National Rape Monitoring Group chaired by Her Majesty's Inspectorate of Constabulary (HMIC). In March 2015, CJS rape data from 2009-10 to 2013-14 was released from the police, CPS and MoJ for every police force area. The data published was provided to Police and Crime Commissioners and local CJS agencies to ensure equal access to the data that will allow them to analyse and scrutinise how rape is dealt with in their local area. The aim is to identify and address further improvements to investigations, prosecutions and the service provided to victims.

National Rape Scrutiny Panel and National Rape Action Plan

In April 2014 a Police and CPS National Rape Scrutiny Panel was held to better understand the previous falls in the number of rape cases referred by police to prosecutors for charging advice and the wider issues related to the investigation and prosecution of rape. The panel was attended by police, prosecutors, academics and victims' groups. Following the panel findings, the CPS and police launched a National Rape Action Plan in June 2014, covering three broad areas for further improvement:

- 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.

⁸⁹ 8.7% of defendants did not state an ethnicity on arrest and 11.9% of defendants' ethnicity was not provided to the CPS by the police – both of these had risen since 2013-14.

⁹⁰ 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.

A steering group involving academics and representatives of victims' groups, as well as police and prosecutors, oversaw the delivery of actions. The majority of actions were completed by early 2015 and a number of initiatives to address casework quality, support for victims and witnesses and tools and skills for the job were developed. A national conference was held in January 2015 to launch the key initiatives, outlined under the three themes below:

Striking the balance: Offender centric investigations while ensuring an effective response to victims.

The panel found that an effective strategy on investigation and prosecuting rape requires a focus on the actions of, and tactics used by offenders, rather than just the behaviour of the victim.

Consent:

Police, prosecutors, in-house advocates and third sector representatives developed a public-facing leaflet and toolkits for police, prosecutors and advocates in relation to consent. The toolkits outlined the key issues for investigators, police supervisors, RASSO reviewing lawyers and in house specialist rape Advocates to address in rape cases. Specifically, the toolkits outline ways to assess and address the freedom and capacity of victims to consent and establish what steps, if any, the suspect took to obtain the complainant's consent and how the prosecution must prove that the suspect did not have a reasonable belief that the complainant was consenting. The toolkits covered the context of rape and the vulnerability of many targeted victims. It is intended that the presentation of the law related to consent issues can be put to juries clearly and an offender-centric narrative presented to counter the defence, as appropriate.

All consent documents have been put on the CPS casework and knowledge hub as well as disseminated to RASSO Units and internal advocates. In 2015, training will be developed for RASSO Units and advocates on consent, offender-centric approaches, vulnerability and rape myths and stereotypes. In addition further training is outlined below.

Consent

A number of cases illustrate the importance of challenging consent issues – on, mental health, learning difficulties and alcohol:

Mental health:

- A former male nurse was jailed for 12 years and six months for sexually assaulting two female mental health patients in his care. He was also given a Sexual Offences Prevention Order (SOPO) for life and has been placed on the Sex Offenders' Register for life. This is an example of where the victim did not have the capacity to consent.

Learning disabilities:

- A 28-year-old man was sentenced to 11 years and seven months imprisonment for the stranger rape of a 14-year-old girl with severe learning disabilities and ordered to sign the Sexual Offenders Register and made subject to a SOPO for life. The prosecution stated that he would have been well aware of the young victim's vulnerability and therefore he could not have had her consent when he deliberately targeted her and subjected her to this ordeal, as she did not have the capacity to consent.

Consent

Alcohol:

- Three men were jailed for six years each for the rape and sexual assault of a 23-year-old woman, following an ordeal of 20 hours. The issue central to the prosecution case was that the victim lacked the capacity to consent to the sexual activity. The victim, who had been drinking, was taken by the men in a taxi to the flat where the attacks took place. The trial was suspended for a number of days after the trial judge ruled that there was insufficient evidence to put before a jury on the basis that a lack of memory did not amount to a lack of capacity to consent. The prosecution sought a ruling from the Court of Appeal on the evidential sufficiency of the case, arguing that the full context needed to be taken into consideration when considering the issue of consent, including mobile phone footage taken by one of the defendants and blood tests demonstrating a high level alcohol in the victim's blood. They showed she was incapacitated and that she could not have consented to sexual activity. The Court of Appeal ruled in favour of the prosecution and the trial continued.
- A man was jailed for a total of nine years for rape and serious sexual assault and he must also sign the Sex Offenders' Register for life. At 3am he approached an 18-year-old woman outside a nightclub while she was waiting for a taxi. He followed her into a taxi and when they got out, he attacked her in a park before taking her back to a hotel and attacking her again. CCTV showed him carrying the victim over his shoulder through the town centre and it was clear that the victim was unable to consent to sexual activity due to her condition.

Vulnerable victims:

A toolkit for prosecutors dealing with VAWG cases (including rape), involving vulnerable victims, was launched at the national conference. The toolkit aims to ensure that the credibility of the overall allegation, in line with the Code for Crown Prosecutors, is appropriately assessed and that vulnerable victims are supported to give their best evidence. The toolkit provides information about the types of tactics and behaviours that an offender might use or display to minimise the risk of punishment and should be considered alongside relevant CPS Legal Guidance. In addition the toolkit considers issues related to a vulnerable victim's account including ways that trauma can affect their powers of recall/concentration, their cognition of the events and their ability to communicate.

Vulnerable Victims

- Two men were each sentenced to 14 years imprisonment for each of two counts of rape of a young woman who had just arrived in the UK. In order to make the court process easier for the victim her main evidence was given by pre-recorded video and she gave further live evidence from behind screens.
- A man was sentenced to 18 years imprisonment for the rape of one woman and for the attempted rape and sexual assault of another woman. He had preyed on these two women when they were vulnerable through drink. In both cases he offered the women a lift home and they believed that he was a legitimate taxi driver.

Victim withdrawal:

Victim withdrawal data from the CPS in 2013-14 was assessed with support from Professor Betsy Stanko. The data indicated that of all the defendants prosecuted only 7.1% were unsuccessful due to victim issues (retraction, non-attendance or their evidence did not support the case). This amounted to ten or fewer cases during the year in each police force area, due to victim retraction, apart from in London and Manchester⁹¹ and five or fewer cases unsuccessful where the evidence of the victim did not support the case, apart from in London.

However, despite low numbers the issue is key in relation to victim confidence. Research into reasons behind victim withdrawals in rape cases was therefore conducted in conjunction with Professor Liz Kelly, Metropolitan University. A questionnaire was sent to Independent Sexual Violence Advisers (ISVAs) and Sexual Assault Referral Centres (SARCs) for views of victims from September–November 2014. 90 responses were returned indicating that in both early and late withdrawals victims indicated reasons of feeling disbelieved/judged and fear of giving evidence in court. However for later withdrawals the main reason was due to delays in going to trial, which have been addressed during 2014-15, outlined below.

External advocates:

CPS arrangements for instructing advocates in rape trials were reviewed to ensure that advocates with the relevant skills, attitudes and training are instructed at the appropriate stage. An analysis was undertaken of all outcomes achieved by individual external advocates during 2013/14, to help inform Areas in their performance reviews. Guidance on *Errant Conduct and Poor Performance by External Advocates* was revised and re-issued to include a greater emphasis on dealing with advocates' performance, including securing outcomes.

⁹¹ In 2013-14, in London 49 out of 730 prosecutions were unsuccessful due to victim retraction and in Manchester 12 out of 274; in London 24 out of 730 prosecutions were unsuccessful as the evidence of the victim did not support the case.

Social Media

- A 19-year-old man, who raped three women, was given an extended prison sentence of ten years. The man targeted vulnerable women and girls who he met through social media chat-forums. After they agreed to meet him, he forced himself on his victims. He raped a 15-year-old girl, who was in care, a 17-year-old girl and a 21-year-old woman in her home. He assaulted another 17-year-old girl, giving her a black eye, and he engaged in sexual activity with a 13-year-old girl. The judge stated that he had relied on his victims being too embarrassed to report him.

Tools for the Job: Investigators and Prosecutors on Handling of Rape Cases.

Police Authorised Professional Practice on Rape

In 2014-15 the Police developed updates to their Authorised Professional Practice (APP) on rape, to be published in 2015. As part of the National Rape Action Plan proposals have been developed for exit strategies following decision to take no further action, to assess the risk of re-offending and to safeguard victims against any further abuse.

Early investigative and charging advice

Guidance for police and prosecutors on seeking early investigative and charging advice, clarifying in detail the Director's Charging Guidance, was issued to police and prosecutors in late 2014 to help in the development of appropriate and speedy charging.

Rape protocol

An updated police/CPS Rape Protocol for the CPS and police was published in January 2015, setting out how to deal with all rape cases from the initial complaint to after the verdict in a trial.

Continuous Improvement: Oversight and Accountability

Rape and Serious Sexual Offence Units (RASSO) Review

An internal review of RASSO Units in all CPS Areas was carried out in 2014. The purpose of the review was to consider the structure and resourcing of the units. It included the gatekeeping arrangements, the process for submission and provision of early investigative advice and charging decisions, in order to achieve consistency in approach and implement best practice nationally.

The review's recommendations are being implemented across 2015 and will contribute to securing improvements in structure and functions. The plan includes the development of a bespoke national RASSO Resource Model to help Areas ensure they have adequate local resources.

An inspection of RASSO Units, following the Review in 2014, is planned for 2015-16 by Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI).

Victim's Right to Review

Lessons from the Victim's Right to Review (VRR) were drawn up and disseminated to RASSO Units and future lessons from VRR will be provided directly to the Area Deputy Chief Crown Prosecutor (DCCP), with the lead for VAWG, to disseminate across RASSO Units.

Timeliness from charge to trial

Overall data on the timeliness of rape cases from charge to completion, across England and Wales, was provided from the MoJ from 2010-11 to 2013-14. To further address the issue of the timeliness from charge to trial, data was obtained from CPS Areas for a two week period in November 2014, which also addressed whether trials were given fixed dates.

From the MoJ data, the timeliness from charge to completion appears to be relatively steady over the last four years⁹². In the small CPS snapshot there seems to be a projected fall in time planned for cases to reach trial. However, the average time taken from charge to completion was approximately nine months in 2013-14. The main delay in the process was between sending to the Crown Court and the main hearing.

	2010-2011	2011-2012	2012-2013	2013-2014
MoJ data - Median⁹³ time in days from charge to completion	212	220	214	219

Areas were provided with data on the time taken from referral to charge and also on the time taken from charge to trial by court, during the November two-week assessment. Areas have been asked to use this data, broken down by police force area and court, to help assess where improvements are needed and discuss at a local CJS level.

Legal Guidance

Legal guidance continues to be kept under review and updated. In 2014-15, further clarification was provided on the 'merits based approach' re-stating that it supports and builds upon the Full Code Test as set out in the Code for Crown Prosecutors. The approach applies to all cases, but can be particularly important in rape cases. It reflects the requirement to assume that every case will be considered by an objective,

⁹² Note data for 2014-15 is not available at time of publication

⁹³ The median is the value is at the middle of the data distribution; half of the recorded durations in the time period are longer than the median, and half are shorter. The median is relatively unaffected by extreme values and is better suited as a measure of the 'average' for heavily skewed data.

impartial and reasonable tribunal. This does not equate to a prosecutor suspending their judgement, but does require them to make objective decisions which are fair and reasonable.

Legal guidance on rape will be updated in 2015-16 in line with the findings from the National Rape Action Plan, the RASSO Review and the independent review of rape investigations and prosecutions in London. The guidance will also link to new legislation, e.g. rape pornography and grooming legislative changes, as outlined later in the report under child abuse and pornography sections.

Abuse of Trust:

- A 21-year-old man was jailed for nine years for rape and sexual assault of two young women in 2013 and 2014. He had befriended each of the two victims and gained their trust over a period of time. Whilst pretending to be walking them to safety after nights out, he had lured them both off the beaten track with the sole intention of overpowering them to carry out violent sexual attacks upon them.

Training

A rape training programme has been drawn up following the implementation of the National Rape Action Plan including issues of consent, those identified in the internal RASSO Review and the independent review of rape investigations and prosecutions in London. The programme of work started at the end of 2014-15, auditing the training of existing RASSO specialists and advocates, and in 2015 will be followed by a staged programme consisting of:

- Practical training based on addressing issues around consent, vulnerability and taking an offender-centric approach;
- Joint CPS and police workshops across every CPS region addressing early investigative advice, charging, supporting victims and witnesses, implementation of the rape protocol, welfare of staff; ensuring effective advocacy in rape cases and local scrutiny arrangements;
- Updated refresher training addressing any new practices and procedures from the internal RASSO and the independent Metropolitan Reviews and outlined in revised legal guidance;
- Advocacy training run by the Advocate Training Council on vulnerable victim issues.

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 includes:

Good practice:

- In the North East, CPS trained volunteers for a panel set up to assess how rape trials run, led by the Police and Crime Commissioner. The scheme runs from January to June 2015 – arising issues will be reported and addressed later in 2015.
- Work has also been undertaken to inform local Rape Crisis agencies about pre-trial therapy and a local pre-trial therapy protocol developed in the North East.
- In Yorkshire and Humberside there is a programme for all RASSO lawyers to visit SARCS and Rape Crisis centres; CPS has also trained local ISVAs.

Alleged false allegations

Webinars for prosecutors were held in spring 2014 for rape specialists to follow up the DVD of the Master Class delivered at the end of 2013 on alleged false allegations.

Legal guidance on *Guidance for Charging Perverting the Course of Justice and Wasting Police Time in Cases Involving Allegedly False Allegations of Rape and / or Domestic Abuse* was updated and published in April 2015 to ensure that prosecutors have the most up-to-date tools necessary to carry out this work. The key issues updated include:

- An outline of core considerations including: addressing myths and stereotypes; the wider context of the allegation; background information and vulnerabilities of suspects including issues related to their mental health;
- Clarification of the evidential criteria in cases of retractions to avoid prosecuting victims who retract true allegations of rape and/or domestic abuse;
- A section on the use of retractions as a basis of prosecution to clarify that there is no automatic immunity;
- Advice on the appropriate level of charge i.e. whether to charge with Perverting the Course of Justice or Wasting Police Time; and
- Procedural steps, including the ratification process involving Deputy Chief Crown Prosecutors, with the Director's Legal Advisor ratifying all charges of Perverting the Course of Justice in cases involving allegations of rape and/or domestic abuse.

A practical workshop was led by the Director's Legal Advisor and the VAWG coordinator for Mersey and Cheshire in May 2015 for DCCPs and RASSO unit Heads, looking at cases and setting standards focusing particularly on vulnerable suspects.

Monitoring of alleged false allegations through the VAWG assurance system has continued with a further dip-sample review of at least 25% of all charging decisions made across Areas in late 2014. National issues were discussed with the national

policing lead on rape and local issues were raised with Chief Crown Prosecutors following this assurance process. Areas were asked in Spring 2015 to ensure the data was recorded on these cases and the ratification procedures were in place for charging. Data will continue to be gathered in future VAWG assurance returns and a dip sample is being carried out in early summer 2015.

A Rape Review of the Metropolitan Area

An independent review of rape investigations and prosecutions in London by Dame Elish Angiolini QC was commissioned by the Metropolitan Police and CPS in 2014. A report following her review, alongside a response from the Metropolitan Police Service and CPS London to the recommendations made, was published on 2 June 2015. The response focussed on four key areas: the service provided to victims; supporting the practitioners; accountability and continuous improvement and legislative change.

Lessons learned from the review will be shared and applied nationally including through the delivery of a national programme of work to provide guidance and training to specialist prosecutors.

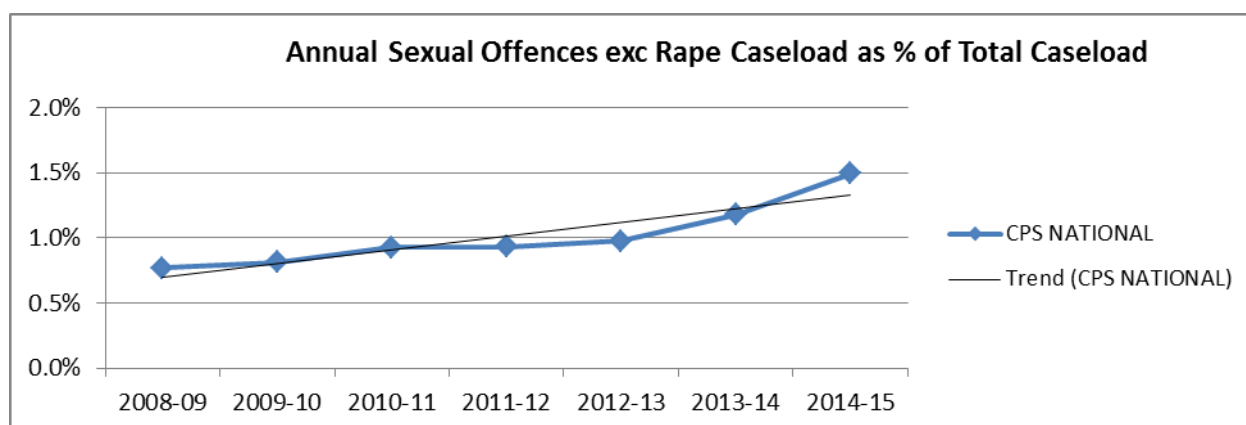
Sexual offences (excluding rape)

The 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 proceedings⁹⁴.

9,789 defendants were prosecuted in 2014-15 for sexual offences, excluding rape; a rise of 1,235 defendants (14.4%) from 8,554 in 2013-14; reaching the highest volume ever. Sexual offence prosecutions rose from 1.2% of CPS caseload⁹⁵ in 2013-14 to 1.5% in 2014-15.

Of the 9,789 defendants prosecuted, 9,519 defendants were men, 256 were women, 14 defendants had unrecorded gender. Of those with recorded gender 97.2% were men and 2.6% women⁹⁶, similar to that recorded over the past five years.

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



Annual SO excluding Rape, CASELOAD AS A % OF TOTAL

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
CPS NATIONAL	0.8%	0.8%	0.9%	0.9%	1.0%	1.2%	1.5%

⁹⁴ 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.

⁹⁵ Sexual offence caseload as a % of all CPS prosecutions

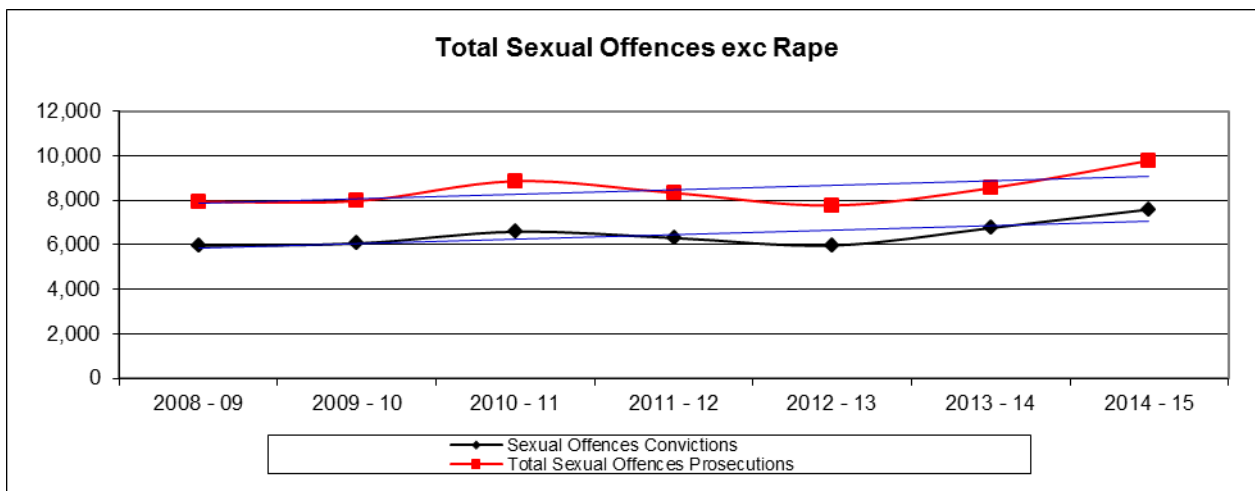
⁹⁶ The figure is the same if calculated out of total, including unrecorded gender.

Table 6: Completed sexual offence prosecutions by outcome

	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	6,060	76.0%	6,588	74.3%	6,308	75.7%	5,971	76.8%	6,756	79.0%	7,591	77.5%
Unsuccessful	1,912	24.0%	2,274	25.7%	2,026	24.3%	1,800	23.2%	1,798	21.0%	2,198	22.5%
Total	7,972		8,862		8,334		7,771		8,554		9,789	

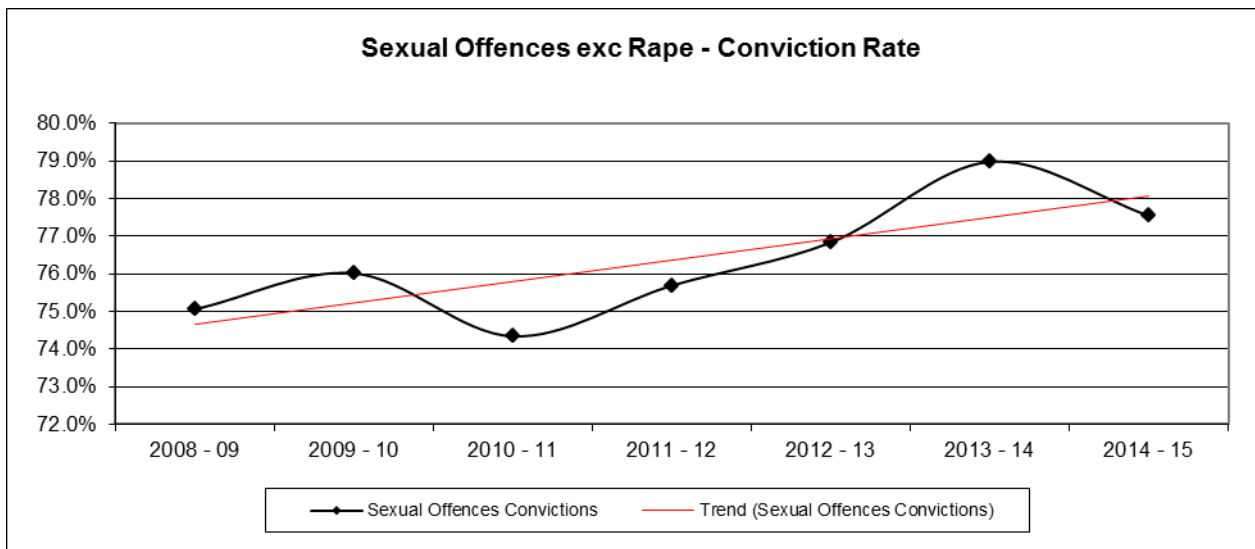
In 2014-15 there was the highest volume ever of convictions (7,591) a rise of 835 (12.4%) since 2013-14, against a slight fall in the proportion (77.5%), as in Graphs 14 and 15 and Table 6.

Graph 14: Sexual offences (excluding rape) volumes 2008-09 to 2014-15



The proportion of guilty pleas fell slightly to 65.8%, against the highest volume ever. 85% of all successful outcomes were guilty pleas.

Graph 15: Sexual offences (excluding rape) conviction rates 2008-09 to 2014-15



Area performance

The tables on pages 104-105 provide sexual offence prosecution data by Area and police force district. From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for both City of London Police (CLP) and the British Transport Police (BTP) in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for the constituent police forces as there will be a small number of cross-border prosecutions between Areas as well as data from CLP and BTP. The linked annex provided at the beginning of the Executive Summary provides Area and police force district pre-charge data.

Equalities issues

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.

Gender

Of the 9,789 defendants prosecuted, 9,519 defendants were men, 256 were women, 14 defendants had unrecorded gender. Of those with recorded gender 97.2% were men and 2.6% women⁹⁷, similar to that recorded over the past five years.

Ethnicity

In 2014-15, 61% of defendants prosecuted for a sexual offence were identified as belonging to the White British category and 66.9% were categorised as White (a fall from 67.5% in 2013-14) of those with recorded ethnicity⁹⁸. 7% of defendants were identified as Asian (1ppt fewer than the previous year) and 5% were identified as Black (also nearly 1ppt fewer than in the previous year).

Age

The majority of defendants were aged 25-59 (65%) and 18-24 (16%). Just over a fifth of defendants (2,042) were under 24, with 4% of defendants (392) being 14-17 years old and 0.5% (45) aged 10-13 years old.

⁹⁷ The figure is the same if calculated out of total, including unrecorded gender.

⁹⁸ Just under 8% of defendants did not state an ethnicity on arrest and just under 11% of defendants' ethnicity was not provided to the CPS by the police – both a rise since 2013-14; in total a rise of 2.3% not recorded.

Young Victims

- A man was jailed for a total of three years and four months for targeting teenage girls on their way to school or college, rubbing himself in front of them and making lewd suggestions. On the bus to court he committed further offences. At court he admitted a previous charge of sexual assault and was given a two-month prison sentence suspended for 12 months. Having left court, he was promptly arrested again for the offences earlier in the day on the way to court. The court heard he also had a previous conviction for attempted rape back in his home country, for which he had been jailed for five years. He was put on the sex offenders' register and given a SOPO, preventing him from approaching women on buses or in any public place.

Non-recent sexual offences

Legal guidance on the public interest in prosecuting non-recent cases, where a nominal penalty is the likely outcome, was published in September 2014 following publication consultation. The guidance makes it clear that a complaint of CSA made years after an incident should be taken just as seriously as one made at the time and that the views of the victim and their sense of justice should be a factor for prosecutors to consider. The guidance includes recognising that many victims of CSA may only understand what happened, or feel able to report it, later in life and victims with learning difficulties may fear not being believed.

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

Non-recent rape

- A 51-year-old man was jailed for 18 years for raping, assaulting and sexually assaulting a woman between 1992 and 1994. He had used extreme violence to bully and control her. She was forced to endure a whole manner of degrading sexual acts and if she failed to comply it would result in taunts, humiliation and further beatings which left her so terrified of him that she was unable to report him to the police at the time.

Sexual Harm Prevention Orders

The Sexual Harm Prevention Order replaced the Sexual Offences Prevention Order and the Foreign Travel Order, and can be applied to anyone convicted or cautioned for a sexual or violent offence, including where offences are committed overseas. The new civil preventative order was introduced as an amendment to the Anti-Social Behaviour, Crime and Policing Bill in October 2014.

To make an order, the court must be satisfied that the person's behaviour means it is necessary to protect the public, or any particular members of the public, from sexual

harm from the defendant (the test for the grant of a Sexual Offences Prevention Order was previously “serious sexual harm”), or protecting children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

The Order can include any prohibition the court considers necessary for this purpose, including the prevention of foreign travel.

Video interview with intermediary

- A conviction was obtained in a ground breaking rape case where an 11 year old victim was not called to give live evidence and was not cross examined by the defence. This was possible due to a new procedure with vulnerable witnesses which meant CPS could negotiate with the defence about the victim's evidence. The offences took place when the victim was just six years old; and at 11 years she was interviewed about what happened with the help of an intermediary to support her. The interview was filmed and later shown in court after the film of her evidence was played to the jury, it was agreed she would not be cross examined by the defence as normally happens. The two defendants were sentenced to 12 years and five-and-a-half years respectively.

Abuse by person in position of trust or power

- A cancer treatment doctor in Cambridgeshire took advantage of 18 of his young patients who were battling serious illness by systematically sexually abusing them. He admitted 25 charges, including sexual assault of a child under-13 years, sexual activity with a child, causing or inciting a child to engage in sexual activity and making indecent photographs. He was sentenced to a total of 22 years.
- A DJ was found guilty of sexual offences at Manchester Crown Court. The offences occurred in the 1960s and 1970s and involved 11 victims. He was found guilty of seven charges of rape and 11 of sexual assault. He used his DJ status to target young and vulnerable girls who were impressionable. Some he groomed over a period of time, whilst others he assaulted soon after he first approached them. Some of the victims were only 13 years of age.
- A 50-year-old consultant neurosurgeon was found guilty of sexually abusing six of his female patients, some of whom were vulnerable, whilst he was working in local hospitals. He had performed highly intimate examination without wearing gloves during which he would often make inappropriate sexual remarks to the victims. One victim reported him and he was arrested and charged, and following media coverage, more victims came forward making similar complaints of sexual assault to the police. The case is an example of a gross breach of trust at the highest level.

Pre-recorded cross examination pilot

Pre-trial recorded cross-examination is currently being piloted, enabling a vulnerable victim or witness to be cross-examined by the defence in advance of the trial. Available in Leeds, Liverpool and Kingston Crown Courts, the pilot benefits children under 16 amongst others and is intended to improve the experience of the victim or witness by ensuring they give evidence as early as possible. The Government has committed to rolling out such arrangements across England and Wales, subject to the results of the pilots.

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 will 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, which reduces the stress and trauma for young or vulnerable victims.

Vulnerable victim

- A 64-year-old man, who sexually assaulted a vulnerable teenager in his car, was jailed for 14 months. He had been a family friend of the 18-year-old and her family. He was warned to stay away from her after inappropriate messages on Facebook, but he saw the girl and offered her a lift. The young woman was vulnerable as she had learning difficulties. He paid her compliments, and encouraged her to drink a bottle of alcopops, then touched her in a sexual way. He was put on the Sex Offenders' Register for ten years.

Internet targeting

- A man was sentenced to jail for nine years for a series of charges, which resulted from an investigation started by the Federal Bureau of Investigation (FBI) in New York. The defendant had accessed a website used by those who fantasise about various sexual and violent actions, including cannibalism. After befriending a user on the site, who he believed was a 14-year-old girl, he arranged to meet her, with the intention of committing a sexual offence on her during or after that meeting. He was convicted by a jury of attempting to meet a child following sexual grooming. The charge stemmed from an FBI investigation into Internet communications over raping, killing and cannibalising women, with one of the email addresses found during that investigation traced back to the defendant.

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. Cases are flagged as forced marriage or honour-based violence.

Forced marriage⁹⁹

The data below includes all cases flagged as ‘forced marriage’ and not just those related to the new forced marriage legislation introduced in 2014.

Table 7: Completed forced marriage prosecutions by outcome

	2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	20	48.8%	23	54.8%	29	70.7%	32	71.1%	29	63.0%
Unsuccessful	21	51.2%	19	45.2%	12	29.3%	13	28.9%	17	37.0%
Total	41		42		41		45		46	

The volume of forced marriage (FM) referrals from the police rose to 82 in 2014-15 from 67 in 2013-14. 48 (58.5% of these referrals) were charged, the highest volumes ever but a slight fall in proportion compared with 2013-14.

The volume of prosecutions completed in 2014-15 rose to 46 from 45 in 2013-14, the highest volume ever. Of the 46 defendants prosecuted, 37 defendants were men and nine defendants were women. 80.4% were men and 19.6% women. For victim data, from the Witness Management System, 45 victims were recorded. Of all victims, 29 were women, nine were men and seven had no recorded gender. 84% of victim gender was recorded in 2014-15 – a rise from 78% in 2013-14. From those with recorded gender, the proportion of women victims was 76% and men victims were 24%. Note low numbers indicates the need for caution in interpreting the % data.

63% of prosecutions¹⁰⁰ were successful, a fall from 71% in 2013-14. Discontinued prosecutions fell from 41.5% when these cases were first recorded in 2010-11 to 21.7% in 2014-15.

⁹⁹ The small number of cases indicates the need for caution in interpreting this data.

¹⁰⁰ Data currently on convictions is not broken down by gender.

Partnership working

- CPS East Midlands participated in a National Forced Marriage Conference hosted by the Police and Crime Commissioner for Derbyshire, in support of the new forced marriage legislation.

Forced marriage legislation

A specific offence of forced marriage under s121 of the Anti-Social Behaviour, Crime and Policing Act 2014 came into force in June 2014. Prior to the introduction of the new offence, prosecutors dealt with forced marriage cases using existing legislation such as rape, sexual offences, false imprisonment, kidnapping and offences of abuse where this is a feature of the offending. The new specific criminal offence of FM is another offence for prosecutors to use. The first conviction under the new legislation was in Wales. Prosecutors are being encouraged to consider the use of the new forced marriage offence.

First prosecution under the new force marriage offence

- A defendant was sentenced to 16 years imprisonment under the new forced marriage legislation. He had raped and threatened the victim for over six months in 2014, when she had agreed to enter into an arranged marriage with another man. He had bombarded the victim with text messages, had stolen her mobile phones and had threatened that he would arrange for her, her family and her fiancée to be killed if she did not agree to marry him or if she told anyone. He also threatened to post photographs and video recordings of the complainant and her family showering on the internet. The defendant is also alleged to have sabotaged the complainant's arranged marriage by posing as the complainant's fiancée on the social networking website Facebook, stating he was gay – which was not true. It culminated in him forcing her to marry him against her will in an act of bigamy on his behalf. The defendant pleaded guilty to other offences including four counts of rape, one count of bigamy and one count of voyeurism.

The new offence of FM applies 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. An offence is committed whether or not the FM goes ahead. This is an 'either way'¹⁰¹ offence with a maximum penalty on indictment of seven years imprisonment, or a fine, or both. In the magistrates' court, the statutory maximum applies.

In addition to the new forced marriage offence, a breach of a Forced Marriage Protection Order (FMPO) was introduced. This is a civil remedy issued under the FM (Civil Protection) Act 2007. It offers protection to a victim from all civil or religious

¹⁰¹ In an 'either way' offence a case can be tried in the magistrates' or Crown Court.

ceremonies, by forbidding the respondent(s) themselves, or by encouraging or agreeing with any person whatsoever, from entering into any agreements in relation to the engagement or matrimony. A FMPO may contain such prohibitions, restrictions or requirements and any other such terms as the court considers appropriate for the purposes of the order. An application for a FMPO can be made by a victim, a person obtaining the court's permission to apply for an order on behalf of the victim, a relevant third party or by the court of its own volition. A breach of a FMPO is now a criminal offence (either way) and carries a maximum penalty on indictment of five years imprisonment, or a fine, or both. In the magistrates' court, the statutory maximum six months imprisonment and/or a fine applies. The first criminal prosecutions for breach of FMPOs were in the North West, in one case two parents were convicted and a further case is also underway.

Honour based violence

The data below relates to all cases flagged as 'honour based violence'.

Table 8: Completed honour based violence prosecutions by outcome

	2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	121	51.7%	86	50.0%	126	63.0%	123	59.7%	129	57.3%
Unsuccessful	113	48.3%	86	50.0%	74	37.0%	83	40.3%	96	42.7%
Total	234		172		200		206		225	

The volume of referrals from the police of honour-based violence (HBV) related offences rose to 251 in 2014-15 from 240 in 2013-14. 157 (62.5% of these referrals) were charged; about the same volume as last year (158).

225 defendants were prosecuted, a rise from 206 last year, with 129 convictions¹⁰², the highest ever. Of the 225 defendants prosecuted, 190 defendants were men and 35 defendants were women. 84.4% were men and 15.6% women, a rise in women defendants over the past five years. For victim data, from the Witness Management System, 163 victims were recorded. Of all victims, 98 were women, 35 were men and 30 had no recorded gender. 81.6% of victim gender was recorded in 2014-15 – a fall from 88.4% in 2013-14, but a rise from the previous three years. From those with recorded gender, the proportion of women victims was 74% and men victims were 26%. The proportions have fluctuated from 68% - 74% women victims over the past five years.

57.3% of prosecutions were convicted, a fall of 2.4ppt from 2013-14. Discontinued prosecutions fell from 40.6% when these cases were first recorded in 2010-11 to 29.8% in 2014-15. In HBV cases there was a rise in unsuccessful outcomes due to victim issues (from 35% in 2013-14 to 46% in 2014-15).

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

¹⁰² Data currently on convictions is not broken down by gender.

Honour Based Violence

- A 44-year-old man was sentenced to three years imprisonment for conspiracy to cause actual bodily harm. The victim was violently attacked by two men and left lying unconscious on the pavement as they fled the scene in a car waiting nearby. The men who carried out the attack were not identified but the defendant orchestrated this pre-planned attack as he did not approve of the victim's relationship with his niece, which he believed brought shame and dishonour upon the family.

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.

Partnership working

- CPS North West played a leading role in the UK UNICEF summit meeting in July 2014 on FGM/HBV/Forced marriage in Manchester.
- CPS representatives in the South West have taken part in national and regional conferences and worked closely with voluntary sector partners.
- A regional conference was organised by the South Yorkshire PCC 'Protecting the Vulnerable – Unreported Crime' focusing on HBV, FM and FGM).
- Over one hundred and fifty people attended a conference in Hertfordshire in June 2014, to raise awareness of Forced Marriage, Honour Based Violence, and Female Genital Mutilation (FGM).

Legal Guidance

The CPS Legal Guidance and e-Learning training module on FM and HBV was refreshed in summer 2014, to include the new offence of FM and criminalisation of a breach of an FMPO. The CPS continues to have specialist FM prosecutors who have been trained in measures to improve victim safety and their capacity to give evidence. The CPS also continues to flag prosecutions of FM cases and performance is considered under the VAWG assurance regime by Areas and reported to the DPP and action is taken where necessary. Cases of FM and HBV are flagged and monitored to address improvements in prosecutions.

Training

To ensure the prosecutors had the skills for the job, the CPS and the police jointly delivered a number of workshops on FM, HBV and FGM to the police and prosecutors included raising awareness of the FM offence throughout 2014.

In addition, an e-learning training programme for prosecutors focused 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.

Forced Marriage

- A Leicester man was jailed for a potentially life threatening attack upon a young couple. He was sentenced to 23 years in prison. He attacked the young couple who had fled from London to escape the forced marriage of the young woman to the defendant. At the same trial, the young woman's father was convicted of common assault for putting his hands around his daughter's throat prior to her escape from the family home. He received a conditional discharge for the assault, having already served over three months on remand. Both victims suffered extremely serious injuries and were traumatised by the ordeal.

FGM

The DPP provided evidence to the Home Affairs Select Committee on FGM which reported in July 2014. The CPS contributed to the government response published in December 2014.

During 2014 -15 the CPS has delivered on the CPS FGM Action Plans published in 2012 and 2013. The CPS has been working closely with the police, other government departments and third sector organisations to identify how effective action can be taken to increase awareness of FGM; improve reporting and strengthen investigation to lead to prosecutions.

The Girls' Summit in July 2014 developed an action to improve the CPS and police response to FGM through the delivery of training. Joint FGM training was delivered to all police force and CPS areas between July and December 2014.

The trial in the first prosecution of FGM in England and Wales concluded in February 2015; both defendants were found not guilty. A post case review took place on 25 February; lessons learned will inform future guidance. It has also led to meetings between the DPP and the Royal College of Obstetricians & Gynaecologists to inform improved guidance to medical practitioners.

FGM Ministerial events took place in February 2015 to mark FGM Zero Tolerance Day. The UK Government Zero Tolerance FGM Summit was held in London, attended by the Solicitor General. The DPP spoke about the work of the CPS.

Local protocols

All CPS Areas agreed local protocols with their local police forces setting out the arrangements for investigation and prosecution of FGM. The protocols also outlined how they will raise awareness through local community events.

Lead prosecutors have been appointed for each CPS Area and participate in community engagement work with relevant community leaders to educate and prevent FGM in the first instance. Updates on how each CPS Area is achieving this are provided through monthly telephone conference calls between lead CPS prosecutors and Operations Directorate.

Legislation

One of the key actions from the published action plans was to review the existing legislation. Through close work between the CPS and police, examining cases which had been reported but where a prosecution could not be brought, proposals were developed to strengthen the legislation. The DPP wrote to Ministers in 2014 identifying areas to amend the law on FGM. This included extending the scope of extra-territorial offences so that those with temporary residency status in the UK are covered; granting victims of FGM lifelong anonymity from the time an allegation is made, to encourage victims to come forward to report; placing a positive duty on medical/health care professionals to report cases of FGM or where there is a risk of FGM; and proposing a new offence of parental liability, placing a positive duty on parents or carers to prevent their child from being mutilated by another or on the instigation of another. The proposal for this offence of parental liability was developed following research to identify good practice in other jurisdictions and was highlighted as an effective offence in Spain; many of the cases referred to the CPS where a prosecution could not be brought involved parental complicity but fell short of the threshold for FGM offences. The Serious Crime Act 2015, which was given Royal Assent on 3 March 2015, introduces all of these provisions. A further measure proposed was introduction of a civil law remedy (an FGM protection order) to put a potential victim under the protection of the court. This too was introduced by way of amendment to the Serious Crime Act.

Local partnership working

- In the North East a meeting was held with FGM support agencies to set up a North East FGM Forum. A list of support agencies for CPS has been compiled.
- CPS West Midlands was involved in the Birmingham against Female Genital Mutilation Multi Agency Conference and the Staffordshire Police and Crime Commissioner's FGM professional day for practitioners.
- CPS Mersey and Cheshire hosted a joint information stand with the FGM Midwife at Liverpool Women's Hospital for FGM Zero Tolerance Day aimed at awareness raising and myth busting.
- Wales CPS has been working with the health service to provide FGM training for student doctors and nurses.
- In the South West, CPS has worked with local partners in national and regional conferences.

Child abuse

All cases of child abuse are flagged¹⁰³; with those of child sexual abuse (CSA) being identified according to any sexual offence flagged as child abuse¹⁰⁴. The volume of child abuse referrals from the police rose to 12,840 in 2014-15 – a rise of 1,653 referrals (14.8%) from 11,187 in 2013-14. Twelve Areas indicated a rise in referrals.

8,696 were charged, a rise in volume of 965 defendants, from 7,731 in 2013-14 (a rise of 12.5%). 67.7% of these referrals were charged, a slight fall from 69.1% in 2013-14; however the highest volume ever. Ten Areas indicated a rise in volume¹⁰⁵ and five Areas have had an increase in the proportion¹⁰⁶ of defendants charged.

The volume of prosecutions completed in 2014-15 reached 10,045 - a rise of 2,047 defendants (25.6%) since 2013-14, reaching the highest volume ever. There was a rise in the volume of successful outcomes in the overall child abuse cases to 7,469 in 2014-15 from 6,096 in 2013-14 – the highest volume ever and a rise of 22.5%. There were 74.4% successful outcomes in 2014-15 falling from 76.2% in 2013-14.

In 2014-15 there were only 17 child abuse homicide offence prosecutions¹⁰⁷, a fall from 35 in 2013-14, with 58.8% successful outcomes¹⁰⁸. There was a rise in the volume of prosecutions of child abuse offences against the person (from 2,383 to 3,192 – the highest level ever); with successful outcomes falling from 72.4% to 71.3%, compared with 2013-14; against the highest volume ever. Child abuse sexual offence prosecutions¹⁰⁹ completed in 2014-15 rose (from 4,371 to 5,387) – a rise in volume of 23.2%. Successful outcomes rose from 3,344 to 3,975, also the highest volume ever and a rise of 18.9%, but a fall in conviction rate from 76.5% to 73.8%.

Tables 9a-9d provide further detail.

Table 9a: Child abuse prosecutions - Homicide

	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	33	82.5%	24	88.9%	15	88.2%	22	73.3%	32	91.4%	10	58.8%
Unsuccessful	7	17.5%	3	11.1%	2	11.8%	8	26.7%	3	8.6%	7	41.2%
Total	40		27		17		30		35		17	

¹⁰³ The CPS definition of “child abuse” was agreed in March 2010.

¹⁰⁴ See Glossary for the definition of child abuse.

¹⁰⁵ All Areas apart from London, North East and the North West have had a rise in volumes of defendants charged.

¹⁰⁶ East Midlands; London; Mersey-Cheshire; South East and Thames and Chiltern

¹⁰⁷ See glossary for definitions.

¹⁰⁸ Note caution re percentages with such low number of cases

¹⁰⁹ 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.

Table 9b: Child abuse prosecutions – Offences against the person

	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	1,896	72.4%	2,186	74.0%	1,835	71.4%	1,642	74.0%	1,725	72.4%	2,277	71.3%
Unsuccessful	723	27.6%	767	26.0%	734	28.6%	578	26.0%	658	27.6%	915	28.7%
Total	2,619		2,953		2,569		2,220		2,383		3,192	

Table 9c: Child abuse prosecutions – Sexual Offences

	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	3,133	75.7%	3,551	74.1%	3,530	75.8%	3,070	75.8%	3,344	76.5%	3,975	73.8%
Unsuccessful	1,004	24.3%	1,243	25.9%	1,125	24.2%	981	24.2%	1,027	23.5%	1,412	26.2%
Total	4,137		4,794		4,655		4,051		4,371		5,387	

Table 9d: Child abuse prosecutions – Total child abuse

	2009 - 10		2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	6,043	74.8%	6,855	74.2%	6,444	75.1%	5,755	76.1%	6,096	76.2%	7,469	74.4%
Unsuccessful	2,036	25.2%	2,380	25.8%	2,137	24.9%	1,803	23.9%	1,902	23.8%	2,576	25.6%
Total	8,079		9,235		8,581		7,558		7,998		10,045	

Men were defendants in 76% of homicide prosecutions (13 out of 17); 75% of offences against the person (2,389 out of 3,192, of which there were four unrecorded gender) and 98% of sexual offences (5,284 out of 5,387, of which there were also four unrecorded gender).

For victim data, from the Witness Management System, 11,178 victims of child abuse were recorded. Of all victims, 6,520 were women, 2,247 were men and 2,411 were not recorded. The recording of victim gender at 78.4% is not robust enough to include gender proportions in this report.

Recent reports of sexual abuse, that occurred in the past when the victim was under 18 years of age, are recorded as a child sexual abuse, regardless of the age of the victim at the time the report was made.

Good practice:

- The North West Area Child Sexual Exploitation lead is part of the Operation Phoenix team and Operation Doublet – a large scale Police inquiry into “grooming” suspects from Rochdale.
- The North West Complex Case Unit is a centre of excellence for such child sexual exploitation cases, especially those involving institutions, celebrities, and organised gangs/groups.
- In Thames and Chiltern, a Serious Case Review was undertaken of Operation Bullfinch to draw out good practice.

Cross government action on child sexual abuse

The CPS work on CSA is one part of a wider effort across Government to respond to sexual violence against children and vulnerable people. Following the Savile cases, the previous Government set up the Sexual Violence Against Children and Vulnerable People (SVAVC) National Group, with CPS as a member. Its most recent action plan was published in March 2015 and featured the greater use of ground rules hearings, which were included in the revised Criminal Procedure Rules that was published in April 2015.

In March 2015, the Home Office established the CSA Directors’ Group which is looking to create a whole system cross-government strategy. Departments involved in include the CPS, MOJ, Home Office, Department for Education, Department of Health and Department of Communities and Local Government.

The group has commissioned work within each department, with the following three main areas of focus:

- Aggregating research to demonstrate what works across the spectrum of abusers and victims - to prevent abuse, build resilience and stop perpetrators;
- Mapping the system across health, local government, children’s services, education, the voluntary sector, the police, prosecutors and criminal justice system. Seeking to identify costs and levers at every stage;
- What could be done to create a central engine to produce tangible change focusing on reducing abuse and supporting victims and their families.

All of this is being done to help understand the key intervention points, costs and numbers of child sexual abuse cases. Clear common aspirations have emerged from this work to date: focusing more on upstream interventions – preventing abuse before the harm is done; taking a multi-agency, multi-disciplinary approach at every level; relentless efforts to improve the quality of frontline practice; and building our evidence of what works through research, analysis, pilots, evaluations.

Justice Lowell Goddard was appointed to chair the Independent Panel Inquiry into Child Sexual Abuse. The statutory Inquiry into Child Sexual Abuse has been set up to consider whether, and the extent to which, public bodies and other non-state institutions have taken seriously their duty of care to protect children from sexual abuse in England and Wales.

Non-recent cases perpetrated by offenders in a position of trust

- A former priest from Derbyshire was sentenced to 15 years in prison for over twenty sexual offences against young people between six and 14-years-old between 1957 and 1991. He had fled while on bail in 1991 but was discovered in Tenerife and in 2013 he was arrested on a European Arrest Warrant to face charges against three of his victims. As a result of this news, four other victims came forward to report crimes he had committed against them. He pleaded guilty just a week before the trial which that meant his victims did not have to go through the ordeal of describing what happened to them in court.
- A dance teacher who was sentenced to a community order for child sex offences had his sentence increased to four years imprisonment at the Court of Appeal. The defendant groomed and had sexual relationships with two 15-year-old pupils. The CPS considered that the original sentence was unduly lenient and referred the case to the Solicitor General for consideration, who referred it to the Court of Appeal.

Legislation

There have been a number of changes in legislation during 2014-15 that are of use in child abuse cases and updated guidance has been provided:

- **Grooming:** Section 36 of the Criminal Justice and Courts Act 2015 amends section 15 of the Sexual Offences Act 2003 (the offence of meeting a child following sexual grooming etc) so that the number of initial occasions on which the defendant must meet or communicate with the child in question in order to commit the offence is reduced from two to one – in force from 13 April 2015.

Grooming and Social Media

- Two men and a 17-year-old boy were sentenced in the North East for their involvement in the grooming and abuse of six vulnerable underage girls. Both defendants were jailed for eight years. The young defendant was found guilty of two counts of arranging or facilitating the commission of a child sex offence. He was sentenced to three years in a young offenders' institution. All three were made subject to SOPOs.
- **Sexual exploitation of children:** From 3 May 2015 Section 68(1) to (6) of the Serious Crime Act 2015 amends the Sexual Offences Act 2003 to remove

references to 'child prostitution' and 'child pornography'. These terms are referred to in the titles of sections 48 (causing or inciting child prostitution or pornography), 49 (controlling a child prostitute or a child involved in pornography) and 50 (arranging or facilitating child prostitution or pornography) of the 2003 Act, and in the body of those sections (and also in section 51, which contains definitions). The amendments to those sections replace these terms with references to the sexual exploitation of children, but do not alter the scope of the relevant offences. The changes to the terminology used are intended to reflect a modern understanding of the position of children involved in such activities. They do not however change the behaviour to which the offences apply, which remains the recording of an indecent image of a person or the offer or provision of sexual services to another person in return for payment or a promise of payment.

- **Ill-treatment or willful neglect:** Sections 20-25 and Schedule 4 to the Criminal Justice and Courts Act 2015 create two new criminal offences of ill-treatment or wilful neglect applying to individual care workers (s20) and care provider organisations (s21).
- **Cruelty and neglect:** From 3 May 2015: Section 66 of the Serious Crime Act 2015 clarifies, updates and modernises some of the language of, section 1 of the 1933 Act. The effect of the changes made by section 66 are to make it absolutely clear:
 - that cruelty which causes psychological or physical suffering or injury is covered;
 - that the behaviour necessary to establish the ill-treatment limb of the offence can be non-physical (for example a sustained course of non-physical conduct, including, for instance, isolation, humiliation or bullying, if it is likely to cause unnecessary suffering or injury to health);
 - that a person is also deemed to have neglected a child if under the influence of "prohibited drugs" and applies irrespective of where the adult and child were sleeping (for example if they were asleep on a sofa).

Child sexual abuse and child cruelty

- A man was jailed for 12-and-a-half years for committing sexual offences and child cruelty. There were six victims who were all under the age of 16 at the time of the offences; the offences spanned 20 years and the sadistic child cruelty included frequent beatings and spanned ten years. The prosecutor successfully challenged the 'myths and stereotypes' often applied in sexual abuse cases such as lengthy delays in reporting, reporting of other abusers but not this one, and failing to report when the opportunity was made available.

The CPS also supports the introduction of legislation to criminalise sexualized-messaging between adults and children and liaised closely with the NSPCC prior to the offence being put forward as an amendment to the Serious Crime Bill. There is a perceived gap in the present law in that an adult sending a sexualized-message to a child is not currently a criminal offence. The proposed new offence would enable

earlier intervention. This 'Sexual Communications with a Child' received Royal Assent on 3 March 2015 but has no commencement date at publication of this report.

From April 2015, a new provision added to the Criminal Procedure Rules will enable prosecutors to make an application to a judge for a 'Ground Rules Hearing'. This new type of Crown Court hearing would address the most effective way to question a witness; it would determine what questions could be asked during cross examination and would ensure that lengthy and repetitive questioning in a multi-defendant scenario did not happen. Judges would also be able impose time limits on the length of cross examination.

Child Sexual Abuse Network

In 2013-14 a national network of CSA prosecutors was established to share good practice. Training was delivered to all specialist prosecutors on lessons arising out of the Jimmy Savile case.

Protocols

The Protocol and Good Practice Model on disclosure of information in cases of alleged child abuse (sexual and non-sexual 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. Local CPS Areas are in the process of signing protocols with local agencies and the family judiciary.

As part of the judicial-led Young Witness Initiative the CPS has, since 1 April 2013, flagged all cases involving witnesses aged 10 years and under, allowing them to be prioritised, particularly when contested. A new protocol has been agreed between the police, HMCTS and the CPS to expedite these cases and is effective from April 2015 - [Young Witness Initiative Protocol](#).

Child Sexual Abuse Review Panel

The police and the DPP launched the National Child Sexual Abuse Review Panel in June 2013. The Panel was formed in the wake of the Jimmy Savile revelations and in response to a number of high profile cases which highlighted the need for police and prosecutors to ensure an informed and fresh approach to the investigation and prosecution of sexual offences was established. The Panel provides the opportunity to allow a review of offences whereby previous decisions may be re-assessed against current guidance.

Since the inception of the National Child Sexual Abuse Review Panel on the 11th June 2013 the panel secretariat has received 70 referrals up to 31st March 2014. From 1 April 2014 to 31 March 2015, a further 22 referrals were received.

Child sexual exploitation

- Two men were sentenced for sexual offences against a teenage girl, whilst another has been found guilty of intending to pervert the course of justice for threatening to shoot the victim if she spoke to the police. All men were arrested as part of the ongoing Operation Bullfinch investigation into child sexual exploitation. One was sentenced to three years and two to 18 months imprisonment. This was a year after seven men were found guilty of dozens of offences against young women in Oxford.
- Five men and a teenage boy were convicted of child sexual exploitation offences in Thames and Chiltern. The offences took place from 2009 to 2014 – victims aged 12-16 years were actively targeted and groomed via social media including Facebook and WhatsApp. Once befriended, sexual relationships were established before the girls were used and abused for the sexual gratification of the defendants and others. This resulted in prison sentences of between three and nine years each.

Prosecution Advocate Panel

The remit of rape advocates on the Advocates Panel was extended to include other sexual offences involving children, meaning advocates prosecuting all CSA cases will now be specialists and have had appropriate training.

In more complex cases, joint case review meetings took place periodically between the CPS and the police, so that progress can be checked and advice on case matters can be given.

Training

Specific training on prosecuting cases of CSA has been delivered to specialist lawyers regarding lessons arising out of the Savile case and the CSA legal guidelines. The CPS developed a new e-learning course which was mandatory for all lawyers and associate prosecutors. Additionally, there was a second e-learning module developed during 2014 aimed specifically at specialist prosecutors dealing with these types of cases.

Gangs

During 2014 -15, the CPS has worked on an on-going basis with Home Office colleagues in connection with the Ending Gang and Youth Violence (EGYV) programme of work, particularly with regard to issues concerning women, girls and gangs.

Many of the identified EGYV areas are located within London, and CPS London proactively works to respond to gang crime. CPS London has, together with London Crime Reduction Board colleagues, developed a 'package of measures' to improve the way gang crime cases are dealt with. The package of measures includes the use

of a template Community Impact Statement, in order to inform the sentencing court of the impact on the community of gang offending.

The CPS revised guidance for prosecutors on domestic abuse, includes enhanced guidance on issues relating to teenagers in abusive relationships and teenagers in gangs. The revised guidance is available from the CPS website.

Good practice:

- Mersey and Cheshire hosted a series of action planning days in July and August 2014 in partnership with Liverpool City Council and a social enterprise group that works directly with young women affected by gangs.

Human trafficking and slavery

Since April 2010, the CPS has flagged and monitored all cases of human trafficking and slavery¹¹⁰. The volume of human trafficking referrals from the police rose to 234 in 2014-15 – a rise of 36.8% from 2013-14; the highest volume ever. 195 (83.3% of these referrals) were charged, an increase of 92 from last year (89.3%) and also the highest volume ever.

The volume of human trafficking prosecutions completed in 2014-15 reached 187 - a fall from 226 in 2013-14. However, there may be a number of defendants per case and this may vary, by case, each year.

Of the 187 defendants prosecuted, 139 defendants were men, 46 defendants were women and two defendants did not have gender recorded. 99% of gender of defendants was recorded. Of those with recorded gender, 75.1% were men and 24.9% women, a rise in women defendants over the five years. The majority of defendants were aged 25-59 years.

For victim data, from the Witness Management System, 192 victims were recorded. Of all victims, 115 were women, 36 were men and 41 were not recorded. The recording of victim gender at 78.7% is not robust enough to include gender proportions in this report.

There was also a fall in the volume of successful human trafficking outcomes from 155 in 2013-14 to 130 in 2014-15 (68.6% in 2013-14 rose to 69.5% in 2014-15).

Table 10: Completed human trafficking prosecutions by outcome

	2010 - 11		2011 - 12		2012 - 13		2013-14		2014-15	
	Volume	%	Volume	%	Volume	%	Volume	%	Volume	%
Convictions	73	70.9%	94	66.2%	99	71.2%	155	68.6%	130	69.5%
Unsuccessful	30	29.1%	48	33.8%	40	28.8%	71	31.4%	57	30.5%
Total	103		142		139		226		187	

Perpetrators are prosecuted and convicted for serious offences other than trafficking and slavery, 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 may be a lot easier to explain – particularly to juries.

¹¹⁰ 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. See updated definition in the glossary. 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.

Cross government work

The Inter-Departmental Ministerial Group on Modern Slavery meets bi-annually and leads on cross government work on human trafficking and slavery.

The CPS has contributed to the government's modern slavery strategy published in November 2014. The commitments in the strategy include working with partner organisations across the CJS both here and overseas to prevent trafficking through disruption and pursue through prosecution by:

- ensuring that all opportunities to include alternative strategies are considered by prosecutors in trafficking cases, and when advising law enforcement in pre-charge investigations;
- working in priority countries in consultation with law enforcement to focus on identifying and seizing assets abroad; and
- liaison with the National Crime Agency, to identify blockages and improve mutual legal assistance.

The CPS is also contributing to significant cross government work to respond to Child Sexual Exploitation – which includes internal trafficking - through the work of the Sexual Violence against Children and Vulnerable People Group, led by Home Office Minister. A particular strand the CPS is leading on is to reduce the distress of victims of sexual violence and ensure appropriate support for them in criminal proceedings.

The CPS is supportive of and has contributed to the review of the National Referral Mechanism (NRM) to improve the identification and support of victims of trafficking and slavery. The report on findings was published in November 2014. The CPS has worked with stakeholders in considering how these should be implemented and in the development of pilots to take place later in 2015.

Legislation

The CPS worked closely with the other criminal justice partners in the development of clauses in the Modern Slavery Act 2015, which was given Royal Assent in March 2015. The CPS is supportive of the Act which brings all existing offences of human trafficking and slavery together; as previously, the offences were under 3 separate Acts. The DPP submitted statements on the CPS' practical experience to inform the development of the offences.

Other clauses in the Act which will impact on investigation and prosecution include increasing the penalties for those convicted of trafficking and slavery offences to life imprisonment and creation of further powers to support police in investigation. The Act also includes the introduction of risk and prevention orders, places prohibitions on suspected criminal activities and increases law enforcement powers. It creates the role of an independent Anti-Slavery Commissioner who will be central to encouraging good practice in prevention, detection, investigation and prosecution of these offences. A number of meetings have already been held between the Commissioner, the DPP and others in the CPS to discuss how best to support the delivery of his commitments.

The Act also introduces a number of clauses for the protection of victims. This includes a statutory defence for victims of trafficking and slavery which will run in

parallel to the CPS policy on non-prosecution of victims who have committed a criminal offence as a consequence of their trafficking situation. Special Measures have been extended to all victims of trafficking and slavery. Evidence from prosecutors has highlighted that traffickers are targeting those with more extreme vulnerabilities, such as learning difficulties or physical disabilities, which present challenges in presenting cases. These victims are crucial to the success of a prosecution and require more innovative thinking that goes even wider than special measures. The CPS is working with officials from other government departments on improving access to Special Measures and other initiatives to assist victims of trafficking in criminal proceedings. In addition the new guidance on vulnerable VAWG victims outlined in the Rape section of the report will be of use.

Legal Guidance and training

The CPS has delivered face-to-face training for prosecutors across England and Wales on human trafficking and modern slavery, targeted at prosecutors working in our specialist divisions most likely to deal with these cases. Further training sessions will be developed in respect of the provisions of the Modern Slavery Act 2015.

The CPS is working with the national policing lead and The College of Policing on the development of guidance and training events to support the Act when it comes into force. The DPP has also given a commitment to work closely with the police to drive up investigations and prosecution of child non-sexual exploitation offences through joint guidance.

Good practice:

- ‘Modern Day Slavery and Human Trafficking’ was the theme of the National Black Crown Prosecutors Association’s conference.
- In Wales, CPS is working with Senior Lecturers on Social Worker courses to add human trafficking sessions to student modules – it is hoped that this will be cascaded across Wales.
- West Midlands Police and Crime Commissioners worked with CPS to hold a Child Sexual Exploitation and Human Trafficking Summit.

Work across the United Kingdom

The DPP has met with heads of prosecution services from Northern Ireland, Scotland and Ireland in October 2014 to discuss how we can work more closely together through agreed cross jurisdiction commitments, to provide an improved UK response. These commitments are already being developed and progressed through regular meetings. All jurisdictions are implementing new legislation which provides an opportunity to exchange and share good practice in policy development.

International work

The CPS international network is building capacity in many of the countries where victims of trafficking are recruited, through the CPS International Division (ID). ID is working with investigators and prosecutors in those countries to improve the way in which they investigate and prosecute; to disrupt traffickers at source and strengthen their rule of law. Improving asset recovery through building capability in other countries is being achieved through better linking of Regional Asset Recovery Teams (RARTs) with human trafficking investigators to improve financial investigation.

Sexual trafficking

- Two people who admitted trafficking two women into Wales for the purposes of prostitution were sentenced to 15 months and two years and seven months respectively. The trafficked women were able to seek support from a charity which offers support to victims of abuse, ultimately leading to the involvement of the police.

Prostitution

In 2014-15 there were 83 prosecutions started for controlling prostitution compared to 58 in the previous year. The number of kerb crawling prosecutions that were commenced fell slightly from 237 offences prosecuted in 2013-14 to 227 in 2014-15. Brothel keeping offences rose. Prosecutions started for offences of advertising prostitution (through carding in public places) fell from 91 in 2013-14 to 37. Offence data is not available by gender of defendant or victim.

Table 11 outlines the CPS data collected on prostitution¹¹¹.

Table 11: VAWG crime prosecutions: prostitution offences

	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013	2013- 2014	2014- 2015
A Control of prostitution						
Sexual offences act (2003) {52}	11	24	19	11	9	25
Sexual offences act (2003) {53}	87	87	61	39	49	58
TOTAL	98	111	80	50	58	83

B Brothel keeping	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013	2013- 2014	2014- 2015
Sexual offences act 1956 {33}	39	48	35	31	19	19
Sexual offences act 1956 {33A of and schedule 2}	70	106	92	54	31	72
Sexual offences act 1956 {34}	0	0	1	2	0	1
Sexual offences act {35(1)}	2	3	3	1	2	2
Sexual offences act {36}	3	0	2	1	3	2
Sexual Offences Act 2003 { 53A } ¹¹²	0	40	7	8	0	3
TOTAL	114	197	140	97	55	99

¹¹¹ 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.

¹¹² 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.

C Kerb crawling	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013	2013- 2014	2014- 2015
Sexual offences act 1985 {1(1)(a)}	375	161	7	2	0	0
Sexual offences act 1985 {1(1)(b)}	21	5	0	0	0	0
Sexual offences act 1985 {2(1)}	23	38	2	1	0	0
Sexual offences act 2003 {51A} ¹¹³	0	123	305	230	237	227
TOTAL	419	327	314	233	237	227

D Advertising prostitution	2009 - 2010	2010 - 2011	2011- 2012	2012- 2013	2013- 2014	2014- 2015
Criminal Justice and Police Act 2001 {46}	457	331	149	80	91	37

The overall approach to prostitution has changed over the last few years, aiming at responding without a criminal justice response, underlined with safeguarding policies and focusing on those who control prostitution. There has been a slight rise last year in prosecuting those that control prostitution.

As reported last year, 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 approach emphasises that anyone abused and exploited through prostitution needs help and support for health and welfare in order to exit prostitution. In addition there are recommendations to adopt a partnership approach with local authorities and other statutory and non-statutory organisations 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 the CPS. Where women are working in off-street prostitution with a maid whose assistance is minor, and who is not controlling or exploiting the women, prosecutors will consider whether it is 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 supportive of the intentions behind the introduction of this offence in the protection of those involved in prostitution from harm and exploitation, challenges remain in enforcing the offence. This is reflected in the low (and falling) numbers of offences.

¹¹³ 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.

National issues

Engagement and Support Orders (ESOs) continue 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.

Prostitution:

- A man was jailed for four years, given a SOPO for ten years, and was placed on the Sex Offenders' Register for life after pleading guilty to sexual activity with a child. His offences included 19 counts of sexual activity with a child, one count of causing or inciting child prostitution or pornography and one count of making indecent photographs of a child. The offences related to three teenage girls.

Pornography and obscenity

In 2014-15 there was a rise of 1,207 offences of child abuse images starting prosecution - from 20,373 in 2013-14 to 21,580; this included prosecutions commenced for 16,129 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 534 to 631. Offence data is not available by gender of defendant or victim.

Table 12 outlines CPS data on child abuse image offences overall¹¹⁴.

Table 12: Child abuse image offences

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Criminal Justice Act 1988 (160) - Possession of an indecent photograph of a child	4,117	4,543	3,885	3,849	4,265	4,820
Coroners and Justice Act 2009 (62) - Possession of a prohibited image of a child ¹¹⁵	0	21	179	394	534	631
Sexual exploitation of children through photographs of which:						
▪ Protection of Children Act 1978 (1 (1)(a)) - Making an indecent photograph of a child	13,652	15,768	14,570	13,596	14,443	14,518
▪ Protection of Children Act 1978 (1 (1)(b)) - Distributing an indecent photograph of a child	804	670	695	803	907	1,318
▪ Protection of Children Act 1978 (1 (1)(c)) - Showing indecent photographs of children	137	410	333	294	224	292
▪ Protection of Children Act 1978 (1(1)(d)) – publishing an advertisement likely to suggest that the advertiser distributes or shows indecent photographs of children	2	3	1	1	0	1

During 2014–15, pornography and other offences were charged and reached at least one hearing in magistrates' courts under a number of Acts¹¹⁶. The CPS records identify the volume of proceedings which commenced under the individual offences,

¹¹⁴ 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.

¹¹⁵ 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.

¹¹⁶ 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.

but do not distinguish between 'communications related to pornography' and those which were not. Overall there was a rise of just under 6% of child abuse images and a rise of 21.4% of obscenity offences.

Links between child sexual abuse and indecent images

- A former deputy headmaster and foster carer was jailed for 14 years for sex offences including arranging the commission of a child sex offence, paying for the sexual services of a child, distributing, taking and making indecent images of children, sexual assault on a child and outraging public decency. He will serve a ten year jail term, with an additional four years on licence. He has been placed on the sex offenders register for life and banned from ever working with children again.
- A man was jailed for three years after he downloaded indecent images of children onto his computer and he was given a ten year SOPO and will be on the Sex Offenders' Register for an indefinite period. The police also discovered he had committed acts of gross indecency with a young girl years earlier. He pleaded guilty to three offences of indecency with a child, possessing indecent photos of a child, and four offences of making indecent photos of a child. The youngest girl was around three years old. He also admitted a further charge of possessing an extreme pornographic image.
- A man was jailed for ten years for assaulting two girls and having thousands of child abuse images on his laptops, some with children as young as three years old. He attacked one girl when she was aged seven for around a year and also admitted assaulting another girl on one occasion when she was aged eleven in 1996. Many of the images were at the most serious levels. Following his arrest, he was bailed and his computers were seized. He went out and bought another laptop and downloaded more child sex images. He received a SOPO which included a ban on him contacting the youngest victim and having any unsupervised contact with children. He must also sign on the Sex Offenders' Register for life.

Table 13 outlines CPS data¹¹⁷ on obscenity offences¹¹⁸. There was a rise in obscenity offences prosecuted from 4,764 to 5,782. Over the last few years, with the rise of the use of technology and the internet, there have been more offences prosecuted under

¹¹⁷ See footnote 114.

¹¹⁸ 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.

section 127 of the Communications Act¹¹⁹ and section 1 of the Malicious Communications Act 1988¹²⁰ with fewer prosecutions under the Obscene Publications Act for obscene publications. Under s127, in 2014-15 there was a rise of grossly offensive or indecent communications of 41.2% against a small fall of 7.7% of causing annoyance, inconvenience or needless anxiety to another. In total the offences under s127 rose by 19.7% and s1 by 31%.

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 1,564 in 2014-15.

Table 13: Obscenity offences

	2009-10	2010-11	2011-12	2012 - 13	2013-14	2014-15
Malicious Communications Act 1988 Sections (1 (1)(a) & (1)(b)) - Indecent or grossly offensive material	899	1,273	1,301	1,250	1,210	1,586
Obscene publications Act 1959 (2 (1)) - Obscene publications	82	71	76	34	33	88
Communications Act 2003 (127 (1)(a), (1)(b) & (3))Grossly offensive or indecent communications	1,315	1,869	1,924	1,909	1,190	1,680
Communications Act 2003 (127 (2)(a), (2)(b), (2)(c) and (3)) - Causing annoyance, inconvenience or needless anxiety to another person	888	1,037	1,181	1,003	936	864
Criminal Justice and Immigration Act 2008 (63 (1), (7)(d) and 67(3)) - Possession of extreme pornographic images ¹²¹	270	1,165	1,319	1,312	1,395	1,564

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.

The CPS is supportive of the Child Abuse Image Database (CAID). CAID is a single, secure database of illegal images of children, which will help police in different parts of the country work together more effectively’ and is working with the police to roll it out nationally. The CAID will reduce time spent grading the seriousness of the same image for sentencing purposes over again.

¹¹⁹ 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.

¹²⁰ 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.

¹²¹ 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.

New legislation

'Revenge pornography': From 13 April 2015 Sections 33-35 of, and Schedule 8 to, the Criminal Justice and Courts Act 2015, create a new criminal offence of disclosing private sexual photographs and films without the consent of an individual who appears in them and with intent to cause that individual distress. Typically circumstances may involve an adult ex-partner, uploading onto the internet intimate sexual images of the victim, to cause the victim humiliation or embarrassment. These cases involving 'revenge pornography' may be considered under the social media guidelines¹²² which have been updated to reflect this new offence. The offence carries a maximum prison sentence of two years on conviction.

Revenge Pornography

- An 18-year-old man was sentenced to a three year community order for blackmailing a 14-year-old girl with revenge pornography and making indecent images. He was also given a 16 week curfew order, a ten year SOPO and ordered to sign the sexual offenders register for five years. He had contacted the victim on Facebook using a fake account. He used images of the victim to blackmail her into sending him more explicit images, when she refused he threatened to post them online. When his computer was seized by the police, numerous indecent images of children were found.

Section 32 of the Criminal Justice and Courts Act 2015 amends section 1 of the Malicious Communications Act 1988 from 13 April 2015¹²³. The new section S1 MCA an either-way offence and increases the maximum penalty to 2 years' imprisonment and/or a fine. This will allow more time for investigation, and make a more serious penalty available in appropriate cases.

'Rape pornography': From 13 April 2015, Section 37 of the Criminal Justice and Courts Act 2015 amends the offence of possession of extreme pornographic images in section 63 of the Criminal Justice and Immigration Act 2008 so that, in England and Wales, the offence can be committed by the possession of extreme pornographic images depicting non-consensual penetration and rape.

From 3 May 2015: Section 69 of the Serious Crime Act 2015 creates a new offence of possession of a paedophile manual, which is any item that contains advice or guidance about abusing children sexually, including grooming.

¹²² The offence contrary to s. 33 of the Criminal Justice and Courts Act 2015 has an overlap with s.1 of the Malicious Communication Act 1988, s.127 of the Communications Act 2003 and s.2 and s.4 of the Harassment Act 1997.

¹²³ Section 1 of the Malicious Communications Act 1988 makes it an offence for a person, with the intention of causing distress or anxiety, to send certain items to another person which convey an indecent or grossly offensive message or are themselves of an indecent or grossly offensive nature, or which convey a threat or information which is false and known or believed to be false by the sender. This offence is currently a summary-only offence punishable by a maximum term of imprisonment of 6 months or a fine not exceeding level 5 on the standard scale, or both.

As outlined in the child abuse section, the CPS supports the introduction of legislation to criminalise sexualized-messaging between adults and children. We liaised closely with the NSPCC prior to the offence being put forward as an amendment to the Serious Crime Bill. There is a perceived gap in the present law in that an adult sending a sexualized-message to a child is not currently a criminal offence. The proposed new offence would enable earlier intervention. This 'Sexual Communications with a Child' received Royal Assent on 3 March 2015 but has no commencement date at publication of this report.

Indecent photographs of infants and children

- A man, who committed sex offences on a baby girl, was given an extended prison sentence of 14 years. He was also added to the sex offender's register and he was made the subject of SOPO. The defendant sexually assaulted the tiny infant and photographed himself in the act. The photos were found on his computer amongst a hoard of child pornography that was so disturbing some police officers needed counselling after seeing it.
- A man was sentenced to five years imprisonment after pleading guilty to arranging or facilitating the commission of a child sex offence, sexual activity with a child and eight offences of making indecent photographs of a child. He was also put on the Sexual Offenders Register and an indefinite SOPO. He used the internet to arrange and encourage others, based mainly in America, to sexually abuse and rape their own children. He provided indecent images of children to two men in payment for them raping their daughters. Fortunately the two men were covert internet investigators, whose roles were to mirror the actions of perpetrators and therefore they apprehended him and gathered compelling evidence against him.

Training

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

Annex 1: Prosecutions by Area

From 2014-15, a revised method of data interrogation and reporting has been used which provides figures for both City of London Police (CLP) and the British Transport Police (BTP) in addition to the other 42 police forces. Data for the 13 CPS Areas will not fully align with the data for the constituent police forces as there will be a small number of cross-border prosecutions between Areas as well as data from CLP and BTP.

VAWG prosecutions by CPS Areas:

Violence against women and girls	2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Cymru Wales	5124	74.5%	1754	25.5%	6878
Eastern	6039	80.0%	1512	20.0%	7551
East Midlands	6025	75.2%	1985	24.8%	8010
London	9417	66.0%	4843	34.0%	14260
Merseyside & Cheshire	4303	78.5%	1181	21.5%	5484
North East	4428	70.4%	1862	29.6%	6290
North West	10899	77.8%	3105	22.2%	14004
South East	4327	71.1%	1761	28.9%	6088
South West	4452	75.2%	1469	24.8%	5921
Thames and Chiltern	4370	70.7%	1812	29.3%	6182
Wessex	3970	71.7%	1568	28.3%	5538
West Midlands	7608	72.0%	2957	28.0%	10565
Yorkshire & Humberside	7811	75.6%	2522	24.4%	10333
Total	78773	73.5%	28331	26.5%	107104

Violence against women and girls	VAWG prosecutions by police force areas 2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	2085	74.8%	704	25.2%	2789
Bedfordshire	613	69.3%	271	30.7%	884
British Transport Police	261	79.6%	67	20.4%	328
Cambridgeshire	893	79.7%	228	20.3%	1121
Cheshire	1576	80.7%	378	19.3%	1954
City of London Police	31	70.5%	13	29.5%	44
Cleveland	985	76.7%	299	23.3%	1284
Cumbria	814	83.9%	156	16.1%	970
Derbyshire	1527	76.7%	463	23.3%	1990
Devon & Cornwall	1789	75.2%	590	24.8%	2379
Dorset	859	73.7%	306	26.3%	1165
Durham	984	76.4%	304	23.6%	1288
Dyfed-Powys	595	72.2%	229	27.8%	824
Essex	2679	78.9%	717	21.1%	3396
Gloucestershire	584	76.9%	175	23.1%	759
Greater Manchester	6589	77.9%	1873	22.1%	8462
Gwent	856	79.0%	228	21.0%	1084
Hampshire	2364	69.9%	1018	30.1%	3382
Hertfordshire	1375	76.8%	416	23.2%	1791
Humberside	1252	82.0%	275	18.0%	1527
Kent	1922	72.3%	738	27.7%	2660
Lancashire	3488	76.2%	1089	23.8%	4577
Leicestershire	1179	77.3%	346	22.7%	1525
Lincolnshire	749	79.1%	198	20.9%	947
Merseyside	2714	77.4%	792	22.6%	3506
Metropolitan Police	9248	65.8%	4798	34.2%	14046
Norfolk	1318	79.2%	346	20.8%	1664
Northamptonshire	771	71.5%	307	28.5%	1078
Northumbria	2451	66.2%	1254	33.8%	3705
North Wales	1173	76.4%	363	23.6%	1536
North Yorkshire	752	79.9%	189	20.1%	941
Nottinghamshire	1805	73.0%	668	27.0%	2473
South Wales	2495	72.8%	931	27.2%	3426
South Yorkshire	1995	74.1%	698	25.9%	2693
Staffordshire	1387	67.9%	657	32.1%	2044
Suffolk	1140	83.9%	218	16.1%	1358
Surrey	842	66.5%	424	33.5%	1266
Sussex	1546	72.4%	588	27.6%	2134
Thames Valley	2363	67.7%	1126	32.3%	3489
Warwickshire	470	79.5%	121	20.5%	591
West Mercia	1452	77.4%	424	22.6%	1876
West Midlands	4285	70.9%	1755	29.1%	6040
West Yorkshire	3766	73.6%	1353	26.4%	5119
Wiltshire	748	75.9%	238	24.1%	986
Total	78770	73.5%	28331	26.5%	107101

DA prosecutions by CPS Area:

Domestic Abuse	2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Cymru Wales	4598	75.6%	1488	24.4%	6086
Eastern	5349	80.6%	1287	19.4%	6636
East Midlands	5287	75.0%	1764	25.0%	7051
London	7871	66.3%	4006	33.7%	11877
Merseyside & Cheshire	3775	78.1%	1058	21.9%	4833
North East	3934	70.7%	1633	29.3%	5567
North West	9854	79.0%	2616	21.0%	12470
South East	3607	71.4%	1442	28.6%	5049
South West	3819	75.5%	1239	24.5%	5058
Thames and Chiltern	3739	70.5%	1563	29.5%	5302
Wessex	3420	72.4%	1302	27.6%	4722
West Midlands	6643	71.6%	2635	28.4%	9278
Yorkshire & Humberside	6705	75.8%	2145	24.2%	8850
Total	68601	73.9%	24178	26.1%	92779

Domestic Abuse	DA prosecutions by police force areas 2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	1779	75.7%	572	24.3%	2351
Bedfordshire	531	69.2%	236	30.8%	767
British Transport Police	128	81.0%	30	19.0%	158
Cambridgeshire	763	80.3%	187	19.7%	950
Cheshire	1391	80.1%	345	19.9%	1736
City of London Police	20	90.9%	2	9.1%	22
Cleveland	851	77.0%	254	23.0%	1105
Cumbria	699	83.4%	139	16.6%	838
Derbyshire	1331	76.3%	413	23.7%	1744
Devon & Cornwall	1544	74.8%	519	25.2%	2063
Dorset	766	74.7%	259	25.3%	1025
Durham	872	78.1%	245	21.9%	1117
Dyfed-Powys	533	72.3%	204	27.7%	737
Essex	2451	79.9%	615	20.1%	3066
Gloucestershire	502	77.3%	147	22.7%	649
Greater Manchester	6007	79.4%	1554	20.6%	7561
Gwent	769	79.8%	195	20.2%	964
Hampshire	2036	70.6%	847	29.4%	2883
Hertfordshire	1204	77.0%	359	23.0%	1563
Humberside	1038	83.8%	201	16.2%	1239
Kent	1604	71.8%	630	28.2%	2234
Lancashire	3148	77.1%	936	22.9%	4084
Leicestershire	1026	77.3%	301	22.7%	1327
Lincolnshire	650	78.6%	177	21.4%	827
Merseyside	2373	77.1%	703	22.9%	3076
Metropolitan Police	7797	66.1%	4001	33.9%	11798
Norfolk	1118	79.1%	296	20.9%	1414
Northamptonshire	647	71.2%	262	28.8%	909
Northumbria	2208	66.1%	1130	33.9%	3338
North Wales	1036	78.8%	279	21.2%	1315
North Yorkshire	599	80.6%	144	19.4%	743
Nottinghamshire	1642	73.0%	608	27.0%	2250
South Wales	2254	73.6%	809	26.4%	3063
South Yorkshire	1764	74.4%	608	25.6%	2372
Staffordshire	1215	66.9%	602	33.1%	1817
Suffolk	1009	84.3%	188	15.7%	1197
Surrey	716	67.0%	352	33.0%	1068
Sussex	1272	73.8%	451	26.2%	1723
Thames Valley	1992	67.3%	968	32.7%	2960
Warwickshire	396	80.0%	99	20.0%	495
West Mercia	1201	76.9%	360	23.1%	1561
West Midlands	3819	70.8%	1574	29.2%	5393
West Yorkshire	3274	73.4%	1186	26.6%	4460
Wiltshire	626	76.6%	191	23.4%	817
Total	68601	73.9%	24178	26.1%	92779

Rape prosecutions by CPS Area:

Rape	2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Cymru Wales	150	54.3%	126	45.7%	276
Eastern	165	62.0%	101	38.0%	266
East Midlands	186	68.6%	85	31.4%	271
London	400	49.3%	411	50.7%	811
Merseyside & Cheshire	96	67.1%	47	32.9%	143
North East	108	50.5%	106	49.5%	214
North West	295	53.1%	261	46.9%	556
South East	187	57.0%	141	43.0%	328
South West	166	57.8%	121	42.2%	287
Thames and Chiltern	157	59.0%	109	41.0%	266
Wessex	90	40.7%	131	59.3%	221
West Midlands	263	66.1%	135	33.9%	398
Yorkshire & Humberside	318	63.7%	181	36.3%	499
Total	2581	56.9%	1955	43.1%	4536

Rape	Rape prosecutions by police force areas 2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	86	54.8%	71	45.2%	157
Bedfordshire	20	55.6%	16	44.4%	36
British Transport Police	0	0.0%	1	100.0%	1
Cambridgeshire	36	69.2%	16	30.8%	52
Cheshire	26	70.3%	11	29.7%	37
City of London Police	2	40.0%	3	60.0%	5
Cleveland	23	47.9%	25	52.1%	48
Cumbria	29	80.6%	7	19.4%	36
Derbyshire	50	69.4%	22	30.6%	72
Devon & Cornwall	59	60.2%	39	39.8%	98
Dorset	15	45.5%	18	54.5%	33
Durham	30	51.7%	28	48.3%	58
Dyfed-Powys	13	48.1%	14	51.9%	27
Essex	54	48.6%	57	51.4%	111
Gloucestershire	22	64.7%	12	35.3%	34
Greater Manchester	168	48.3%	180	51.7%	348
Gwent	32	68.1%	15	31.9%	47
Hampshire	50	38.5%	80	61.5%	130
Hertfordshire	26	47.3%	29	52.7%	55
Humberside	64	61.5%	40	38.5%	104
Kent	81	59.6%	55	40.4%	136
Lancashire	100	57.1%	75	42.9%	175
Leicestershire	32	64.0%	18	36.0%	50
Lincolnshire	24	72.7%	9	27.3%	33
Merseyside	68	66.0%	35	34.0%	103
Metropolitan Police	398	49.4%	407	50.6%	805
Norfolk	40	69.0%	18	31.0%	58
Northamptonshire	29	69.0%	13	31.0%	42
Northumbria	55	50.9%	53	49.1%	108
North Wales	47	50.5%	46	49.5%	93
North Yorkshire	31	62.0%	19	38.0%	50
Nottinghamshire	52	69.3%	23	30.7%	75
South Wales	59	53.6%	51	46.4%	110
South Yorkshire	71	62.3%	43	37.7%	114
Staffordshire	33	58.9%	23	41.1%	56
Suffolk	33	78.6%	9	21.4%	42
Surrey	28	57.1%	21	42.9%	49
Sussex	78	54.5%	65	45.5%	143
Thames Valley	112	62.9%	66	37.1%	178
Warwickshire	27	71.1%	11	28.9%	38
West Mercia	63	65.6%	33	34.4%	96
West Midlands	140	67.0%	69	33.0%	209
West Yorkshire	150	66.4%	76	33.6%	226
Wiltshire	25	43.1%	33	56.9%	58
Total	2581	56.9%	1955	43.1%	4536

Sexual offence prosecutions by CPS Area:

Sexual Offences	2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Cymru Wales	376	72.9%	140	27.1%	516
Eastern	525	80.9%	124	19.1%	649
East Midlands	552	80.2%	136	19.8%	688
London	1146	72.9%	426	27.1%	1572
Merseyside & Cheshire	432	85.0%	76	15.0%	508
North East	386	75.8%	123	24.2%	509
North West	750	76.7%	228	23.3%	978
South East	533	75.0%	178	25.0%	711
South West	467	81.1%	109	18.9%	576
Thames and Chiltern	474	77.2%	140	22.8%	614
Wessex	460	77.3%	135	22.7%	595
West Midlands	702	79.0%	187	21.0%	889
Yorkshire & Humberside	788	80.1%	196	19.9%	984
Total	7,591	77.5%	2,198	22.5%	9,789

Sexual Offences	Sexual offence prosecutions by police force areas 2014-2015				
	Convictions		Unsuccessful		Total
	Volume	%	Volume	%	
Avon & Somerset	220	78.3%	61	21.7%	281
Bedfordshire	62	76.5%	19	23.5%	81
British Transport Police	133	78.7%	36	21.3%	169
Cambridgeshire	94	79.0%	25	21.0%	119
Cheshire	159	87.8%	22	12.2%	181
City of London Police	9	52.9%	8	47.1%	17
Cleveland	111	84.7%	20	15.3%	131
Cumbria	86	89.6%	10	10.4%	96
Derbyshire	146	83.9%	28	16.1%	174
Devon & Cornwall	186	85.3%	32	14.7%	218
Dorset	78	72.9%	29	27.1%	107
Durham	82	72.6%	31	27.4%	113
Dyfed-Powys	49	81.7%	11	18.3%	60
Essex	174	79.5%	45	20.5%	219
Gloucestershire	60	78.9%	16	21.1%	76
Greater Manchester	414	74.9%	139	25.1%	553
Gwent	55	75.3%	18	24.7%	73
Hampshire	278	75.3%	91	24.7%	369
Hertfordshire	145	83.8%	28	16.2%	173
Humberside	150	81.5%	34	18.5%	184
Kent	237	81.7%	53	18.3%	290
Lancashire	240	75.5%	78	24.5%	318
Leicestershire	121	81.8%	27	18.2%	148
Lincolnshire	75	86.2%	12	13.8%	87
Merseyside	273	83.5%	54	16.5%	327
Metropolitan Police	1053	73.0%	390	27.0%	1443
Norfolk	160	83.3%	32	16.7%	192
Northamptonshire	95	74.8%	32	25.2%	127
Northumbria	188	72.6%	71	27.4%	259
North Wales	90	70.3%	38	29.7%	128
North Yorkshire	122	82.4%	26	17.6%	148
Nottinghamshire	111	75.0%	37	25.0%	148
South Wales	182	71.9%	71	28.1%	253
South Yorkshire	160	77.3%	47	22.7%	207
Staffordshire	139	81.3%	32	18.7%	171
Suffolk	98	82.4%	21	17.6%	119
Surrey	98	65.8%	51	34.2%	149
Sussex	196	73.1%	72	26.9%	268
Thames Valley	259	73.8%	92	26.2%	351
Warwickshire	47	81.0%	11	19.0%	58
West Mercia	188	85.8%	31	14.2%	219
West Midlands	326	74.4%	112	25.6%	438
West Yorkshire	342	79.0%	91	21.0%	433
Wiltshire	97	87.4%	14	12.6%	111
Total	7588	77.5%	2,198	22.5%	9786

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 abuse:

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:

The flag should be applied to any case where:

- Offences under S121 of the Anti-Social Behaviour, Crime and Policing Act 2014 are considered at pre-charge decision or are charged; and
- A breach of a Forced Marriage Protection Order under S120 of the Anti-Social Behaviour, Crime and Policing Act 2014 (S63CA Family Law Act 1996).

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

In addition, the flag should also be applied where any 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, either:

- to coerce a party/parties into marrying without their consent, which would be prosecuted under 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 would be prosecuted under the specific offence e.g. rape, sexual assault

The definition of forced marriage is: “A marriage without the consent of one or both parties and where duress is a factor”. Duress is: “whether the mind of the applicant has been overborne, howsoever that was caused”. Where forced marriage is within the family, and/or involves child abuse, and/or a young offender, then all appropriate flags must be applied.

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 and 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.

From April 2013:

Sections 57, 58 and 59 of the Sexual Offences Act 2003 were replaced by S59A SOA; and Sections 4(1), (2) and (3) of the Asylum and Immigration [Treatment of Claimants] Act 2004; were repealed and replaced by S4 (1A) (1B) (1C) A&IA.

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. The data are accurate only to the extent that the flag has been correctly applied; there may be a small number of cases where the use of the flag has been omitted.

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 th 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.
Prosecutions:	all defendants charged or summonsed whose case was completed in magistrates' or in the Crown Court during the period, including those proceeding to a trial or guilty plea, those discontinued and those which could not proceed.
<u>Contests inclusive of mixed pleas</u> Mixed Guilty/Not Guilty and Contest:	(a) The Defendant enters at least one guilty plea to a set of charges, and (b) a plea of not guilty to one or more charges, and (c) these pleas are not acceptable to the CPS, and (d) the matter proceeds to trial
<u>Contests exclusive of mixed pleas</u> Not Guilty and Contest:	(a) The Defendant enters only not guilty pleas, AND (b) a trial takes place
<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).

Legal terminology

Hearsay	<p>Section 116(1) Criminal Justice Act 2003. In criminal proceedings a statement not made in oral evidence in the proceedings is admissible as evidence of any matter stated if –</p> <ul style="list-style-type: none">(a) oral evidence given in the proceedings by the person who made the statement would be admissible as evidence of that matter,(b) the person who made the statement (the relevant person) is identified to the court's satisfaction, and(c) any of the five conditions mentioned in subsection (2) is satisfied.
Res gestae	<p>Any rule of law under which in criminal proceedings a statement is admissible as evidence of any matter stated if—</p> <ul style="list-style-type: none">(a) the statement was made by a person so emotionally overpowered by an event that the possibility of concoction or distortion can be disregarded,(b) the statement accompanied an act which can be properly evaluated as evidence only if considered in conjunction with the statement, or(c) the statement relates to a physical sensation or a mental state (such as intention or emotion).

Glossary of acronyms

BME	Black and Minority Ethnic
CEOP	Child Sexual Exploitation and On Line Protection Centre
CJA	Criminal Justice Act
CJS	Criminal Justice System
CPS	Crown Prosecution Service
CPSD	Crown Prosecution Service Direct
CQSM	Core Quality Standard Monitoring
CSA	Child Sexual Abuse
CSE	Child sexual exploitation
DCV	Direct Communication with Victims
DPP	Director of Public Prosecutions
DA	Domestic abuse
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 abuse Adviser
IQA	Individual Quality Assessment
ISVA	Independent Sexual Violence Adviser
JDA	Jury Directed Acquittals
MARAC	Multi Agency Risk Assessment Conference
MoJ	Ministry of Justice
PHA	Prevention of Harassment Act
PPT (ppt)	Percentage point
PPU	Public Protection Unit
RASSO	Rape and Serious Sexual Offences
SDVC	Specialist domestic abuse court
SOA	Sexual Offences Act
SV	Sexual violence
TSJ	Transforming Summary Justice
LSIP	Local scrutiny and involvement panels
WCU	Witness Care Unit
WSC	Women Specific Conditions
VAWG	Violence against Women and Girls
VPS	Victim Personal Statement
VRR	Victim's Right to Review

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